

**VILLAGE OF QUOGUE
ZONING BOARD OF APPEALS
WEDNESDAY, SEPTEMBER 10, 2025
3:00 P.M.**

Pursuant to §103-a of the New York State Public Officer's Law and Local Law No. 3 of 2022, this public hearing of the Zoning Board of Appeals was held as a hybrid meeting in a combination of both in-person and videoconference (i.e. ZOOM).

Members present in person: Brendan Ryan, Bruce Peiffer, and Alternate Member Richard Langan Jr.

Members present via ZOOM: Chairperson Pamela Chepiga, Geoff Judge

Member absent: Ed Tolley

Others present: Village Attorney Wayne Bruyn, Village Building Inspector William Nowak, Deputy Village Clerk Denise Michalowski, Daniel Gurskis, Irwin Messer, Kittric Motz, David Baris, Chris Weber, Jeanette Obser, Sarah Adams, Joy Flynn, Jeffrey Adams, Jacqueline O. Keber, Sheila Doscas

1. Ms. Chepiga took a roll call, and she then set the date of the next meeting to Wednesday, October 1, 2025, at 3 pm. Ms. Chepiga then designated Mr. Langan as a voting member in place of Mr. Tolley, who was unable to attend. She then asked for a motion to approve the minutes of the August 7, 2025, meeting.

MR. PEIFFER MADE A MOTION TO APPROVE THE MINUTES OF THE AUGUST 7, 2025 MEETING, AND MR. LANGAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2. The first matter on the agenda was the application of **JENNIFER A. MCLOGAN and DANIEL GURSKIS at 111 JESSUP AVENUE SCTM# 902-7-2-24** for variances to enable the Planning Board to approve the subdivision of a 39,988 sq.ft. parcel of land into two lots consisting of Lot 1 having 19,988 sq.ft. with two existing dwelling to remain and Lot 2 having 20,000 sq.ft. as follows: (1) §196-9 and §196-12B (Table of Dimensional Regulations) to allow Lot 1 to have a lot area of 19,988 sq.ft. where 20,000 sq.ft. is required; (2) §196-3 A & H, §196-9 and §196-13A to allow the two existing dwellings labelled "A" and "B" to remain on Lot 1 where only one dwelling is permitted; (3) §196-9 and §196-12B (Table of Dimensional Regulations) to allow the existing garage labelled "C" to have a new rear yard setback of 17' and an existing side yard setback of 2.3' where 25' is required; (4) §196-9 and §196-12B (Table of Dimensional Regulations) to allow dwelling "A" to remain on Lot 1 with an existing front yard setback of 9.7' where 40' is required and an existing side yard setback of 15.5' where 25' is required; (5) §196-9 and §196-12B (Table of Dimensional Regulations) to allow dwelling "B" to remain on Lot 1 with an existing side yard setback of 10.1' where 25' is required; (6) §196-9 and

§196-12B (Table of Dimensional Regulations) to allow the L.P. gas tanks adjacent to dwelling “B” to remain on Lot 1 with an existing side yard setback of 13.7’ where 25’ is required; (7) §196-9 and §196-48 to allow dwelling “A” to remain on Lot 1 with an existing height that exceeds 16’ in the required front and side yards; (8) §196-9 and §196-48 to allow dwelling “B” to remain on Lot #1 with an existing height that exceeds 16’ in the required side yard; and (9) all other necessary relief as set forth on survey submitted with the application, which parcel of land is located on the east side of Willow Lane and the west side of Jessup Avenue, approximately 438’ north of Village Lane in the A-5 Residence District.

Attorney Kittric Motz and applicant Daniel Gurskis were present at the meeting. Ms. Motz reviewed the application. She explained that the applicants propose to subdivide the lot into two parcels, with one of the parcels being 12 square feet short of meeting the minimum lot area. She added that they are requesting permission for the two existing historical houses and the garage to remain on Lot #1 after the proposed subdivision is completed. Ms. Motz said the other variance requests are necessary due to the preexisting locations of the existing improvements. She added that the two existing historical houses are contributing structures in the Historical District, and that the garage predates 1933. Ms. Motz explained that this application first went to the Planning Board for the subdivision, where they were advised to seek variance approvals first. Ms. Motz next reviewed the historical nature of the homes, information which is also available in the application. Ms. Motz noted that the proposed Lot #2 will be a fully conforming vacant residential lot, meeting the minimum width, street frontage, and minimum lot area required. She added that there is no adjoining lot area available for purchase to add square footage to either lot. She further added that the properties across the street are three substantially smaller lots: 114a Jessup, 116 & 118 Jessup, all of which are less than 12,000 square feet. Ms. Motz said that all of the current improvements, except for the patio, are listed on the Certificate of Occupancy, and that no GFA or lot coverage relief will be needed. Ms. Motz said that the location of the garage prevents any feasible alternate division of the property. Ms. Chepiga asked if one or both of the lots are proposed to be sold upon completion of the subdivision. Mr. Gurskis said that they plan to remain in the existing homes, and will possibly sell Lot #2. Ms. Motz said the only access to the new lot would be from Willow Lane. Mr. Peiffer asked if they had considered moving one of the houses to the other lot. Ms. Motz said that this is not a possibility, as the house might not withstand the move, and this would then affect the historical nature of the structures. Mr. Ryan asked if any of the nonconformities could be reduced. Ms. Motz said that the Health Department will likely require the purchase of Pine Barren Credits and the installation of two separate updated sanitary systems as a condition of maintaining the two existing residences. Mr. Peiffer asked if the applicant would agree to keep the façade of the property in its current historical nature. Mr. Gurskis said they have only made minimal interior changes, and would be agreeable to a Historical Façade Easement. Mr. Bruyn said this was also discussed at the Planning Board level, and this would mean that no alterations could be made to the façade without the approval of the Design Review Board. He added that the ZBA would also have to approve any expansion to the structures. Ms. Chepiga asked if any Board members had any further questions, and they did not. Ms. Chepiga asked if anyone from the public would like to be heard. Sarah Adams, owner of 8 Willow Lane, came forward and said she is not opposed to this variance, but she is

concerned about the possible construction on Lot #2 affecting the traffic and safety of Willow Lane. She also requested that, if possible, the driveway for Lot #2 could be located opposite her home. No one else came forward to speak. Ms. Chepiga asked for a motion to approve the requested variances subject to the submission of a Historic Façade Easement in a form acceptable to the Village Attorney and to be recorded in the Suffolk County Clerk's Office.

MR. RYAN MADE A MOTION TO APPROVE THE REQUESTED VARIANCES SUBJECT TO THE SUBMISSION OF A HISTORIC FACADE EASEMENT IN A FORM ACCEPTABLE TO THE VILLAGE ATTORNEY AND TO BE RECORDED IN THE SUFFOLK COUNTY CLERK'S OFFICE. MR. JUDGE SECONDED THE MOTION, AND THE MOTION WAS UNANIMOUSLY GRANTED.

3. The next matter on the agenda was the application of **CHRISTOPHER & JACQUELINE KEBER at 106 QUOGUE STREET SCTM# 902-10-1-7** to (A) remove a condition of a variance granted by decision, dated February 4, 1970, that provided that the premises containing 104,852 sq.ft. "shall never contain thereon more than one one-family main residence building, without the consent of the Board of Appeals" and/or to obtain the consent of the Board to permit the premises to be subdivided into two lots so that a second main residence may be erected thereon; and (B) in the event said condition is removed or such consent is granted, necessary variances to enable the Planning Board to approve the subdivision of the 104,852 sq.ft. parcel of land into two lots consisting of Lot A, a flagpole lot having 61,351 sq.ft. improved with an existing single-family dwelling with accessory buildings and structures, and Lot B having 43,501 sq.ft. improved with existing accessory buildings and structures, as follows: (1) §196-9 and §196-12B (Table of Dimensional Regulations) to allow the dwelling to remain on Lot A with an existing front yard setback of 56.6' measured from the southerly property line where 60' is required; (2) §196-9 and §196-12B (Table of Dimensional Regulations) to allow the existing brick steps (3 sets) along the southerly side of the dwelling to remain on Lot A with existing front yard setbacks of 53.2', 57.7 and 59.2' measured from the southerly property line where 60' is required; (3) §196-9 and §196-12B (Table of Dimensional Regulations) to allow an existing 5' brick walk leading from the driveway to the dwelling to remain on Lot A with existing front yard setbacks of 8.2', 27.7' and 38.1' measured from the southerly property line where 60' is required; (4) §196-9 and §196-12B (Table of Dimensional Regulations) to allow an existing generator to remain on Lot A with an existing side yard setback of 10.0' measured from the southeasterly property line where 25' is required; (5) §196-9 and §196-12B (Table of Dimensional Regulations) to allow an existing above-ground fuel oil tank and three above-ground propane tanks to remain on Lot A with existing side yard setbacks of 11.6' and 10.8', respectively, measured from the southeasterly property line where 25' is required; and (6) all other necessary relief as set forth on survey submitted with the application, which parcel of land is located on the northerly side of Quogue Street and the southerly side of Montauk Highway, approximately 1,110' east of Old Depot Road in the A-3 Residence District.

Attorney Kittric Motz and property owners Christopher and Jacqueline Keber were present for the application. Mr. Ryan noted that an email has been received from a neighbor, Mr. Wadelton, saying that he is unable to attend this meeting as he is ill, and is asking for this matter to be

postponed. Mr. Ryan added that the Board will hear the application and leave the matter open to the next meeting to give Mr. and Mrs. Wadelton the opportunity to be heard. Ms. Motz explained that they had first applied to the Planning Board for the subdivision, and it was discovered that there was a 1970 ZBA Decision that imposed a condition prohibiting a second main residence on the property. She added that the other variance requests are assuming they were allowed to proceed with the subdivision. Ms. Motz said that both lots would be conforming with regard to minimum lot area and lot coverage. Ms. Motz next reviewed the ownership history of the property as follows: The original lot of 106 Quogue Street was purchased by Mrs. Julia Wadelton in 1947 and conveyed to Francis Wadelton in 1950. As of 1947, there were two abutting parcels owned by members of the Culver family, and by 1964 Mr. Wadelton Jr. had acquired title to part of the Culver properties, and he already owned 106 Quogue Street. At this point everything merged because it was not held in single and separate ownership. In 1969, Mr. Wadelton Jr. wished to sell the 2.4-acre parcel, and he applied for Planning Board approval. This was denied because the two lots that were to be subdivided off were substandard and needed ZBA relief. The Planning Board requested a survey and a letter of his intentions for the two parcels, 96 & 104 Quogue Street. The survey from 1969 shows how he intended to divide the parcels. The Zoning Board granted partial relief to allow the carving off of the 2.4-acre parcel known as 106 Quogue Street to be sold. Mr. Wadelton proposed to have Lots 2 & 3 to become individual lots again, but the Board did not agree. The subdivision was granted on two conditions: the first being that it was never to contain more than one one-family main residence building (thus preventing further subdivision), the second condition was that they needed to have Planning Board approval within six months, which was obtained. The Kebbers acquired the property in 2019, and in 2025 they made an application to the Planning Board for the subdivision of the property to construct a home on the property for an aging family member who requires care. In researching how this lot was created, the restriction of further subdivision was discovered. The Planning Board application was then adjourned for the matter to be heard here by the Zoning Board. Before going to contract to purchase the property in 2019, the applicant's attorney, Jane Kratz, obtained a Covenant, Restrictions and Easement Report from Fidelity National Title, which did not reveal any restrictions on the subdivision of the property. Schedule B of the full title report has no mention of these restrictions, nor is it mentioned in the deeds. Ms. Motz said that the restrictions should be lifted. She explained that the restrictions should have originally been put upon the substandard lots instead of the 2.4-acre parcel, which has enough acreage to meet the requirements for two conforming lots. She added that this decision contemplated that a later owner of the property would come back to the Board for permission for subdivision. Ms. Motz referenced the minutes from 1970, which state that Mr. Wadelton was experiencing financial pressure and needed the proceeds from the sale of Lot #1, which led him to agree to these conditions. Ms. Motz noted that Mr. Wadelton came before the Board three times to seek permission to further subdivide the substandard property and was denied. She added that if the properties had been held in single and separate ownership, none of these proceedings would have been necessary, and the restrictions would not have been imposed. Ms. Motz emphasized that these ZBA restrictions were not required to be recorded, and therefore, these conditions do not appear in the chain of title. She said the applicants are bona fide purchasers of value and had no actual or constructive notice of the ZBA conditions. Ms. Motz said these legal reasons prevent these restrictions from being enforced. Ms. Motz next discussed the validity of restrictive covenants and reviewed similar relevant cases. Ms. Motz then reviewed the other requested variances. She spoke of the reasons why the southerly property line should

be designated as the front yard. Ms. Motz said the variance request to allow the propane tank to remain in the existing location would be temporary until the proposed addition is constructed. Ms. Motz next discussed the comments made by the Village Engineer. She noted that the land appendage discussed in the memo needs to remain to eliminate the need for further variances; therefore, the applicants would prefer to stay with the proposed layout. The oversized permitted pool house that was converted from a garage, which will remain, was discussed next. Ms. Motz reviewed the five-part test applicable to these requests. Ms. Motz noted that a letter has been received from Ms. Wadelton, and she has responded in writing. Mr. Bruyn asked what would happen to the existing driveway if the lot is created. Ms. Motz said that formal access to Lot B will be from Montauk Highway, and they would only allow access from 106 Quogue Street if the residence is occupied by a family member. She added that this will not be formal access. Mr. Bruyn asked if the restriction from 1970 was related to the overall density that the Board was trying to maintain. Ms. Chepiga asked if anyone else would like to be heard. Mr. Baris, of 7 Willow Lane, came forward to speak. Mr. Baris said he only recently became aware of this application and would be interested in reviewing the materials. He spoke of the importance of maintaining the Historic District and Quogue Street in particular. Joy Flynn from 23a Lamb Avenue came forward next. She said that she is opposed to this application because of the effect it could have on the environment. Ms. Flynn said she is also opposed to having a covenant overturned and discussed how not knowing about the covenant should not matter. Mr. Bruyn clarified that the restriction imposed in 1970 was by ZBA decision, not a recorded covenant. Ms. Motz referenced and submitted a document that says that it is permissible for a structure to be demolished even if it is a contributing structure to the Historic District. Ms. Chepiga asked if anyone else would like to be heard. No one came forward, and Ms. Chepiga asked for a motion to adjourn this matter.

MR. RYAN MADE A MOTION TO ADJOURN THIS MATTER TO THE NEXT MEETING. MR. PEIFFER SECONDED THE MOTION, AND THE MOTION WAS UNANIMOUSLY CARRIED.

3. The next matter on the agenda today was the application of DENISE CANTOR & DOMINGO PEREZ JR. at 4 LITTLE PINE LANE SCTM# 902-3-4-29 for variances as follows: (1) §196-12B (Table of Dimensional Regulations) to legalize the construction of an existing air conditioner condenser with a setback of 11.3' from the southerly side property line where 25' is required; (2) §196-12B (Table of Dimensional Regulations) to enable the construction of a new wood walkway that exceeds more than 4' in width with a setback of 21.4' from the southerly side property line where 25' is required; (3) §196-12B (Table of Dimensional Regulations) to enable the construction of a new wood pool deck with a setback of 21.3' from the southerly side property line where 25' is required; (4) §196-12B (Table of Dimensional Regulations) to legalize the construction of an 8' by 10' shed with a setback of 10.0' from the westerly rear property line where 25' is required; (5) §196-12B (Table of Dimensional Regulations) to enable the construction of new swimming pool equipment with a setback of 9.3' from the southerly side property line where 25' is required; and (6) all other necessary relief as set forth on survey, plans and specifications submitted with the application, on a nonconforming, 21,060 sq.ft. parcel of land located on the southwesterly corner of Old Depot Road and Little Pine Lane (a private road) in the A-5 Residence District known as 4 Little Pine Lane.

The applicant has requested an adjournment to the next meeting.

There being no more business, Ms. Chepiga adjourned the meeting.

Denise Michalowski
Deputy Village Clerk

Date