

**VILLAGE OF QUOGUE
ZONING BOARD OF APPEALS
WEDNESDAY, OCTOBER 1, 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: Chairperson Pamela Chepiga, Geoff Judge, Brendan Ryan, Bruce Peiffer, and Alternate Member Richard Langan Jr.

Member present via ZOOM: Ed Tolley

Others present: Village Attorney Wayne Bruyn, Village Building Inspector William Nowak, Deputy Village Clerk Denise Michalowski, Steve Caputo, Kittric Motz, Lee Wadelton, Francis B. Wadelton, Andrew Cirincione, Joan McGivern, David Baris, Jackie Keber, Christopher Keber, Jeanette Obser, Sarah Adams, and Aaron Slonim

1. Ms. Chepiga took a roll call, and she then set the date of the next meeting to Wednesday, November 12, 2025, at 3 pm. Ms. Chepiga noted that all members and alternate members were present at the meeting, with Mr. Tolley present via ZOOM. She then asked for a motion to approve the minutes of the September 10, 2025, meeting.

MR. PEIFFER MADE A MOTION TO APPROVE THE MINUTES OF THE SEPTEMBER 10, 2025, MEETING, AND MR. JUDGE SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2. The first matter on the agenda was the application of **210 DUNE ROAD LLC at 210 DUNE ROAD SCTM# 902-16-3-17** for variances from the provisions of (1) §196-12B as it references §196-13(A)(1) in order to temporarily maintain the existing nonconforming dwelling on the lot while a new second conforming dwelling is constructed; and (2) all other necessary relief as set forth on survey submitted with the application, which 132,241 sq.ft. parcel of land is located on the southerly side of Dune Road and northerly side of the Atlantic Ocean, approximately 5,158 east of Post Lane in the A-1 Residence District.

Attorney Kittric Motz and property owner Aaron Slonim were present for this application. Ms. Motz reviewed the application. She explained that the existing structures are to be demolished, and all new construction will be located north of the coastal erosion line and will be FEMA compliant. She continued that the applicant would like to maintain the old residence pending construction, so they can store their belongings and keep an eye on the construction process. Ms. Motz noted that similar relief had been previously granted to 158 Dune Road. Ms. Motz said that Mr. Nowak had suggested using the west side of the property for the demolition. She then distributed an aerial photo and a letter stating that utilizing the East side of the property for demolition would make more sense, as the ground is more level in this area. Ms. Motz said that

she has prepared a hold harmless and indemnification agreement, similar to the one executed for 158 Dune Road, and she submitted this agreement to Mr. Bruyn for his review. Ms. Motz said that they are requesting to keep the existing house in place for 18 months after the building permit for the new construction has been issued. Mr. Slonim said he is interviewing construction companies, and would like to start the project as soon as possible. He added that this project has already been approved by the Suffolk County Board of Health. Ms. Chepiga asked if anyone else in attendance would like to be heard. No one came forward, and she asked for a motion to grant this request.

MR. RYAN MADE A MOTION TO GRANT THE REQUEST TO MAINTAIN THE EXISTING NONCONFORMING DWELLING ON THE LOT WHILE A NEW CONFORMING SECOND DWELLING IS CONSTRUCTED FOR A PERIOD NO MORE THAN 18 MONTHS AFTER THE ISSUANCE OF A BUILDING PERMIT FOR THE NEW DWELLING. MR. PEIFFER SECONDED THE MOTION, AND THE MOTION WAS UNANIMOUSLY CARRIED.

3. The next matter on the agenda was the holdover 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.

Ms. Chepiga summarized that this matter was held open at the last meeting at the request of neighbors Mr. & Mrs. Wadelton, who were unable to attend the previous meeting, and who oppose this application. Attorney Kittric Motz and property owners Christopher and Jacqueline Keber were present for this application. Ms. Motz said that she has submitted a letter regarding the historical aspects of the property, saying that 106 Quogue Street is a noncontributing parcel to the Quogue Historical District. She added that even if it were a contributing structure, the owners could still be able to exercise their full right to alter or demolish the structure. Ms. Motz said that she has received Ms. McGivern's letter and will respond after Ms. McGivern has been given a chance to speak. Next, Ms. Motz cited additional relevant legal cases and provided the Board with copies of these cases. She said that the 1976 case of Allen v. Adami shows that the properties were not legally merged, as the owners were entitled to the benefit of the single and separate ownership relief provisions of the local code, even though the subject lots came into common ownership after the provision was enacted. Ms. Motz said that the Village Zoning Ordinance that was in effect at the time, and also presently, did not provide for the automatic merger of substandard parcels when they come into the hands of common ownership. Ms. Motz continued that since these were never legally merged for zoning purposes, this resulted in an error of law, which now warrants relief. Another case of no automatic merger Ms. Motz cited was Barretto v. Zoning Board of Appeals of the Village of Bayville. Ms. Motz next discussed the 1976 case of Conley v. the Brookhaven Zoning Board of Appeals. This case pertains to the standard of reconsidering removal of a condition should not be greater than that for its imposition, and practical difficulties. Lastly, Ms. Motz discussed the case of Hoffman v. Gunther, which states that the decision of the Zoning Board must stand on its own, without reference to the minutes of that meeting. Ms. McGivern, representing the Wadeltons of 96 Montauk Highway, spoke next. She said that her clients believe that the ZBA decision was clear in saying that the property should never contain more than a one-family residence. Ms. McGivern continued that the condition was a quid pro quo for allowing the property to have two structures despite being under an acre in size. She added that this was the condition regardless of the merger and was a compromise to allow three dwellings on three acres. Ms. McGivern continued that once a condition is set, it stands as a precedent. She added that ZBA decisions are to run with the land, even if they are not recorded. Ms. McGivern said she will review the cases that Ms. Motz presented today, but it does not appear that it should significantly change the circumstances that would warrant overruling the decision of the ZBA. She added that her clients are requesting that a six-foot solid fence be installed along the boundary of the properties, as opposed to evergreen plantings, which would block the sunlight. Mr. Bruyn said that a solid six-foot fence would not be conforming with Village code. Mr. Nowak said that an additional variance would be necessary for the transparency and height of the fence. Ms. McGivern said that her clients are opposed to having a second structure in their backyard. She asked for some time to review and respond to Ms. Motz's presentation. Ms. Chepiga said that Ms. McGivern could have until October 14th, 2025, to submit a letter, and then Ms. Motz would have until October 21 to respond. Mr. Peiffer asked who would be responsible for constructing the fence. Ms. McGivern said that the Kebers should be responsible for constructing the fence. Next, Ms. Motz submitted an aerial view of this area. She pointed out that the garage, which is currently on the property, will remain in its existing location. This would mean that a new house would have to be located more towards the area of 98 Montauk Highway and should not impede on the Wadelton's privacy. Ms. Motz added that there currently is adequate landscaping between the Wadelton and the Keber properties. Ms. Motz also said she disagrees with Ms. McGivern's

statements regarding precedent and that the cases presented today show that the restrictive condition should be removed. Ms. Motz said that the Kebers were bona fide purchasers of value and were not given notice of these conditions and therefore should not be bound by them. Ms. Chepiga asked if anyone else would like to be heard. No one came forward, and she asked for a motion to close the record and adjourn the matter for all purposes except for the two submissions due October 14th and 21st. Mr. Bruyn requested that copies of all legal cases cited today be submitted for the record.

MR. JUDGE MADE A MOTION TO CLOSE THE RECORD AND ADJOURN THIS MATTER FOR ALL PURPOSES EXCEPT FOR THE TWO REQUESTED SUBMISSIONS NOTED. THIS MOTION WAS SECONDED BY MR. RYAN, AND THEN THE MOTION WAS UNANIMOUSLY CARRIED.

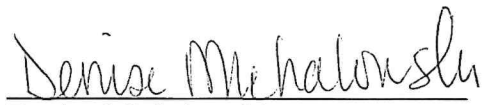
4. The last matter on the agenda today was the application of **DENISE CANTOR & DOMINGO PEREZ JR. at 4 LITTLE PINE LANE SCTM# 902-3-4-29** for variances as follows: (1) §196-12B (Table of Dimensional Regulations) to legalize the construction of an existing air conditioner condenser with a setback of 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 last matter to be discussed today was the holdover application of 4 Little Pine Lane. Steven Caputo was present at the meeting for the applicants. Mr. Caputo submitted the requested updated surveys and site plans to the Board, and noted that the site plans depict both existing and proposed conditions. Mr. Caputo added that the pool equipment has now been relocated to the southwest corner of the property, next to the shed, and it will be enclosed for noise reduction. Mr. Caputo explained that there is no other feasible location in which to move the condenser. He added that they have tried to move it to the northeast corner, but that would put it outside the manufacturer's recommended specifications, and it also needs to be a certain distance from the house. He thought that a hedge would be more effective for noise reduction than a fence. Mr. Caputo said the shed also cannot be moved because it is located equidistant between the drainage pool and the cesspool areas. Mr. Caputo added that if they start moving structures, it could interfere with the electrical, sewage, and sprinkler lines. Mr. Bruyn said that the new proposed location of the pool equipment would require that this application be readvertised. There was a discussion of possibly moving the condenser to the front yard, and this request would also need

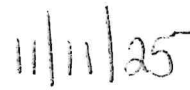
to be re-advertised. Mr. Caputo said that he will make the necessary changes and submit the information by October 20, 2025. Ms. Chepiga asked if anyone else would like to be heard. Hearing nothing, she asked for a motion to adjourn this matter.

MR. RYAN MADE A MOTION TO ADJOURN THIS APPLICATION TO THE NEXT MEETING. MR. JUDGE SECONDED THE MOTION, AND IT WAS UNANIMOUSLY CARRIED.

As there was no more business, Ms. Chepiga adjourned the meeting.



Denise Michalowski
Deputy Village Clerk



Date