

**Zoning Board of Appeals
May 10, 2024 - 11:00 a.m.
LTV Studios
75 Industrial Road,
Wainscott, NY 11975**

Those Present Were:

- John L. McGuirk, Chair
- James H. McMullan, Vice-Chair
- Philip O’Connell, Member
- Abigail FitzSimons, Alternate
- Shahab Karmely, Alternate
- Tim Hill, Village Attorney
- Bill Hajek, Village Planner
- Tom Preiato, Village Building Inspector
- Gabrielle McKay, Deputy Village Clerk
- Leonard Ackerman, Attorney on behalf of Lily Lane LP – 29 Lily Pond Lane
- Drew Bennett, Consulting Engineer on behalf of Lily Lane LP – 29 Lily Pond Lane
- Richard Warren, Agent on behalf of Traumhaus 1, LLC – 75 West End Road, Traumhaus 2, LLC, - 69 West End Road & Inc. Village of East Hampton – 79 West End Road
- Leonard Ackerman, Attorney on behalf of West End Partners II, LLC – 51 West End Road
- Steven Sanabria, Architect on behalf of West End Partners II, LLC – 51 West End Road
- Drew Bennett, Consulting Engineer on behalf of West End Partners II, LLC – 51 West End Road
- Thomas Cooper, Agent on behalf of David G. and Christina M. Siegel – 31 Church Street
- Samantha Malone, Attorney on behalf of Christopher Jaeger and Phoebe Simmer – 9 Route 114
- Trevor Darrell, Attorney on behalf of Caitlyn Ann MacDonald – 62 Dayton Lane
- Martha Reichert, Attorney on behalf of Huntting Hospitality LLC – 94 Main Street
- Blaine Fertitta, Property Owner of Huntting Hospitality LLC – 94 Main Street
- Paige Fertitta, Property Owner of Huntting Hospitality LLC – 94 Main Street
- Brent Feigenbaum, Property Owner of 102 Main Street
- Matthew Grinnell, Property Owner of 35 Huntting Lane
- Joan Denny, Property Owner of 34 Huntting Lane

Those Absent Were:

- Joseph B. Rose, Member
- Andrew Davis, Member

John McGuirk: Good morning, and welcome to the Village of East Hampton Zoning Board of Appeals meeting Friday, May 10th. Uh, again, like to thank LTV Studios for hosting us.

MINUTES

John McGuirk: We have the minutes of April 12th, 2024. May I have a motion?
James McMullan: Motion.

17290

Philip O'Connell: Second.
John McGuirk: Okay. All in favor?
Board in Unison: Aye.

DECISION ITEM

Jane Z. Forman and Edward N. Wolff – 122 Georgica Close Road – SCTM# 301-7-4-16

John McGuirk: We have seven determinations today, and the entire files are available at Village Hall. In the application of Jane Z. Forman and Edward N. Wolff, 122 Georgica Close Road, SCTM# 301-7-4-16 for Area Variances and a Wetlands Permit to allow certain presently existing accessory improvements and landscaping is granted except the trampoline-related variance and permit relief, which is denied. May I have a motion?

James McMullan: So moved.
John McGuirk: Second?
Philip O'Connell: Second.
John McGuirk: Gabby.
Gabrielle McKay: Mr. McGuirk.
John McGuirk: Yes.
Gabrielle McKay: Mr. McMullan.
James McMullan: Yes.
Gabrielle McKay: Mr. O'Connell.
Philip O'Connell: Yes.
Gabrielle McKay: Ms. FitzSimons.
Abigail FitzSimons: Yes.

DECISION ITEM

Susan P. Furlaud – 79 Hither Lane – SCTM# 301-5-1-2

John McGuirk: In the application of Susan P. Furlaud, 79 Hither Lane, SCTM# 301-5-1-2 for Area Variance relief to install/construct a generator is granted with conditions. May I have a motion?

James McMullan: So moved.
John McGuirk: Second.
Philip O'Connell: Second.
John McGuirk: Gabby, can you pull the Board, please?
Gabrielle McKay: Mr. McGuirk.
John McGuirk: Yes.
Gabrielle McKay: Mr. McMullan.
James McMullan: Yes.
Philip O'Connell: Mr. O'Connell.
Philip O'Connell: Yes.
Gabrielle McKay: Ms. FitzSimons.
Abigail FitzSimons: Yes.

DECISION ITEMLloyd Macklowe 2022 Trust Barbara Macklowe 2022 Trust – 6 Borden Lane –
SCTM# 301-8-15-3

John McGuirk: In the application of Lloyd Macklowe 2022 Trust Barbara Macklowe 2022 Trust, 6 Borden Lane, SCTM# 301-8-15-3 for an Area Variance to install a shed containing pool equipment within a required side yard setback is granted. May I have a motion?

James McMullan: So moved.

John McGuirk: Second.

Philip O'Connell: Second.

John McGuirk: Gabby, can you pull the board, please?

Gabrielle McKay: Mr. McGuirk.

John McGuirk: Yes.

Gabrielle McKay: Mr. McMullan.

James McMullan: Yes.

Gabrielle McKay: Mr. O'Connell.

Philip O'Connell: Yes.

Gabrielle McKay: Ms. Fitzsimmons.

Abigail FitzSimons: Yes.

DECISION ITEMAcacia Greene LLC – 8 Marina Lane – SCTM# 301-8-10-45

John McGuirk: In the application of Acacia Greene LLC, 8 Marina Lane, SCTM# 301-8-10-45 for a modification of the Original Determination is withdrawn. As for the applicant's request for an extension of time, it is granted. May I have a motion?

James McMullan: Motion.

Philip O'Connell: Second.

John McGuirk: Gabby.

Gabrielle McKay: Mr. McGuirk.

John McGuirk: Yes.

Gabrielle McKay: Mr. McMullan.

James McMullan: Yes.

Gabrielle McKay: Mr. O'Connell.

Philip O'Connell: Yes.

Gabrielle McKay: Ms. FitzSimons?

Abigail FitzSimons: Yes.

DECISION ITEM25 Cross Highway LLC – 25 Privet Lane – SCTM# 301-13-4-17

John McGuirk: All right. In the Application of 25 Cross Highway LLC, 25 Privet Lane, SCTM# 301-13-4-17 for Area Variances to legalize a patio located within front yard setbacks of the Subject Property is denied. May I have a motion?

17292

James McMullan: Motion.
Philip O'Connell: Second.
John McGuirk: All in favor? Oh, no. Gabby, poll the board, please.
Gabrielle McKay: Mr. McGuirk.
John McGuirk: Yes.
Gabrielle McKay: Mr. McMullan.
James McMullan: Yes.
Gabrielle McKay: Mr. O'Connell.
Philip O'Connell: Yes.

DECISION ITEM

Irene Tserkovny and Alex Gorbansky – 44 Dayton Lane – SCTM# 301-2-7-17

John McGuirk: In the application of Irene Tserkovny and Alex Gorbansky, 44 Dayton Lane, SCTM# 301-2-7-17 as amended for an Area Variance concerning the maximum allowable gross floor area is granted with conditions. May I have a motion?

Philip O'Connell: Motion.
John McGuirk: Second?
Shahab Karmely: Second.
John McGuirk: Gabby, pull the board, please.
Gabrielle McKay: Mr. McGuirk.
John McGuirk: Yes.
Gabrielle McKay: Mr. O'Connell.
Philip O'Connell: Yes
Gabrielle McKay: Ms. FitzSimons.
John McGuirk: Thank you.

DECISION ITEM

Mark K. Webb – 11 McGuirk Street – SCTM# 301-1-1-21

James McMullan: Okay. In the Application of Mark K. Webb, 11 McGuirk Street, SCTM# 301-1-1-21 for an Area Variance to legalize existing coverage at the Subject Property is granted with conditions. May I have a motion?

Abigail FitzSimons: This is the one I didn't sit on, but I reviewed the record and read the minutes and I'm able to vote.

Philip O'Connell: Motion.
James McMullan: Second?
Shahab Karmely: Second.
James McMullan: Gabby, can you pull the board?
Gabrielle McKay: Mr. McMullan.
James McMullan: Yes.
Gabrielle McKay: Mr. O'Connell.

Philip O'Connell: Yes.

Gabrielle McKay: Ms. FitzSimons.

Abigail FitzSimons: Yes.

ORIGINAL HEARING

Lily Lane LP – 29 Lily Pond Lane – SCTM# 301-13-13-12

John McGuirk: Okay. So, we're on to the hearings for today. Um, we have the first hearing of the day, Gabby.

Gabrielle McKay: Application of Lily Lane LP, SCTM#301-13-13-12, for Area Variances from Chapter 278, Zoning and Chapter 124, Preservation of Dunes and a Variance and Permit from Chapter 101, Coastal Erosion Hazard Areas, to construct additions onto an existing residence and make alterations to an existing residential cottage building, install a new sanitary system and stormwater drywells. A Coastal Erosion Hazard Area Permit and Variance is required in accordance with Section 101-9 to clear vegetation and make alterations to a residential cottage building located seaward of the Coastal Erosion Hazard Area line. Variances are required from Sections 278-2. B. (1) and 278-7. C (2) (d) [1] to make alterations to a residential cottage building and a 66-foot variance is required from Section 124-1 A. (2) to make alterations to the residential cottage building that is located 84 feet from the southerly edge of beach grass where the required setback from the southerly edge of beach grass is 150 feet. A Coastal Erosion Hazard Area Permit and Variance is required in accordance with Section 101-9 to clear vegetation, construct decks and walkways, construct a three-story addition, and construct a veranda all located seaward of the Coastal Erosion Hazard Area line. Variances of 19 feet, 25 feet and 26.2 feet are required to construct a three-story addition to the existing residence, a veranda and decks/walkways located 131 feet, 125 feet and 123.8 feet, respectively, from the southerly edge of beach grass where the required setbacks from the southerly edge of beach grass are 150 feet. A 54-foot variance is required to clear land 96 feet from the southerly edge of beach grass where no disturbance or clearing is permitted within 150 feet from the southerly edge of beach grass. A variance is required from Section 278-2 B. (1) to permit an addition to a legally preexisting third story where the maximum number of stories are two. The subject property is 140,295 square feet in area and is located at 29 Lily Pond Lane in Residence District R-180, FEMA Flood Zones VE (el.17) and AE (el. 10) and has frontage on the Atlantic Ocean Beach. This project is classified as a Type II Action in accordance with SEQR.

John McGuirk: Good morning, Mr. Ackerman.

Leonard Ackerman: Billy, do you want to say anything before I... Okay. Good morning. What a pleasure to see you all. See some new faces. Uh, I have here today as witnesses to answer any questions you have, Ben Haverall, who's the architect on the project, Rick Warren is here to answer any questions on environmental Andrew Bennett, our sanitary engineer who did the construction protocols, also here to answer any questions. Uh, this is a minimal expansion within a CEHA Zone. Um, on the first floor, we're pushing the kitchen out to the east. Um, there's no GFA issues here. It's only a question of coverage under Village policy, and we're well within, uh, precedent on that policy. Um, the second floor, we're adding a couple of hundred square feet, and on the third floor, which is pre-existing non-conforming, we're heading eight feet. There's

17294

substantial mitigation here, um, by putting in a new sanitary system which otherwise wouldn't be required. We're eliminating a cesspool that's on the Village property. We're also removing a, um, a pile that's on our property that services cable, which the Village has been after for some time to get off as an encroachment there. Um, we are, um, you know, seeking variances with respect to CEHA, as you know, also with respect to beach grass and expanding minimal coverage. Um, in the file, you'll, you'll find neighbor consents and support for this application. We'd like to answer any questions you may have from the Board.

John McGuirk: Any questions on this from the Board? I would just like, um, maybe Drew to go over some of the, uh, the protocol for...

Leonard Ackerman: Absolutely, sure. Drew.

John McGuirk: Construction protocol.

Drew Bennett: Good morning, Drew Bennett consulting engineer here on behalf of the applicant.

John McGuirk: You have to be sworn in, Drew.

Gabrielle McKay: Please raise your right hand and state your name and address for the record.

Drew Bennett: My name is Drew Bennett, doing business at 74 Montauk Highway, Suite 21, East Hampton, New York.

Gabrielle McKay: Thank you. Do you swear to tell the truth, the whole truth and nothing but the truth.

Drew Bennett: I do.

Gabrielle McKay: Thank you.

John McGuirk: Good morning.

Drew Bennett: Good morning, everyone. Nice to see everyone. So, I've, uh, worked with, uh, the team to put together a narrative to describe the construction of this particular project. And so, I'll sort of start from the beginning and work our way in. So, the property is located on the end of a long, uh, flag strip. And we are proposing not to allow parking on the flag strip that comes off of Lily Pond Lane, nor the driveway that comes off of Ocean Avenue. Um, there is an entry gate at the property line at the southern end of the flag strip. That gate will be taken off to protect it, and there's some tree limbs there that will be pruned back to allow construction vehicles in and trash removal, etc... We've identified four, uh, parking spaces for construction vehicles on existing pavement, four in front of the garage, four on the driveway that leads out to Ocean Avenue. Um, we anticipate 8 to 20 workers on this particular project. I should point out that the work is, uh, planned to be performed off season. And, um, we anticipate that the eight parking spaces that we've allotted is adequate most of the time. But there are surges that we might have up to 20 people working, and we will make...the contractor will make arrangements with the

Village to hopefully be able to park in, uh, overflow parking in the main beach parking area, probably Lot B. Um we propose to install a project limiting fence consisting of snow fence around the perimeter of it, of the work area. We also understand the concern about disturbance of the dune. So, the foundation excavation will be controlled with, um, steel sheeting will be driven around the excavation. It's a relatively small addition, uh, that will control the, you know, the creep of any excavation will be a very constrained area. Uh, and, of course, that's within the project limiting fence. Um, the foundation itself, um, will be friction piles with a, uh, poured concrete foundation on top of that to conform with FEMA. And, uh, we've elected to use helical piles rather than timber piles as the friction piles, which are, uh, quieter, um, and, uh, have been demonstrated to work quite well in this particular area. Particularly post Sandy, there's a lot of experience with helical piles. And so, um, they are less disruptive to the dune and they're less disruptive to the neighbors. Uh, we've also allotted areas for the dumpster and material lay down and so on and so forth. So, it's a tight site. There won't be a construction trailer. It's not that large of a job, and there's an existing garage that they can work out of, so, um, tight footprint. But we, um, have space for everything that we need to do for the construction. So, if there's any questions, I'm happy to answer them.

Philip O'Connell: I just had one question. Um, how long does the pile driving take with the helical piles? Is it two months? Is it a week?

Drew Bennett: Um, considering the size of the excavation, I would estimate it's probably a week's worth of work.

Philip O'Connell: Okay.

Drew Bennett: 7 to 10 days, probably.

Shahab Karmely: Um, are you making any provisions for hose down of the trucks that are dirty when they pull out of the construction site?

Drew Bennett: Uh, we aren't. We typically use, um, uh, large, uh, aggregate to knock mud off of the truck tires. I will say that the site is, uh, so constrained by the snow fence that there will be very little traffic off of the existing asphalt, you know, like the area for the foundation is very sandy, and it's literally right off of the edge of the driveway. So, it's a relatively... It's a pretty small project actually, so.

John McGuirk: Thanks, Drew. Thank you. Billy, you have any comments? Can I just have Billy up, Mr. Ackerman?

Leonard Ackerman: Oh, sure, sure. I'm just going to get my stuff off of here.

Bill Hajek: Good morning, Chairman, members of the Board. Billy Hajek for the Village of East Hampton. Um, I don't have a substantial amount of information to offer. Uh, other than I would just, um, opine that, you know, the house currently sits essentially on top of the Dune or the, you know, at the dune crest. Um, the area of the property that is seaward of the coastal erosion hazard area line, uh, is very well vegetated. I think the property owner has done a good job at

17296

maintaining, um, the native dune scape. There's very little, uh, landscaping or lawn area. Um, so they should be commended for that. And the removal of the utility pole that currently exists, um, I think is an aesthetic benefit that's lended to the project as well, because that, you know, this utility pole sitting on top of the dune removal of that is going to be beneficial for the Village. Um, and I appreciate their cooperation and making some adjustments to the construction protocol. Um, you know, other than that, I don't have any other comments other than also the, you know, the increase... I've advised the Board, or suggested to the Board that, you know, following the DEC's standards for expansion of pre-existing structures when the coastal erosion hazard area zone, you know, we've strived to limit them to 25%. In this case, the cumulative expansion of structures is ten, basically 11%, and there is no seaward migration of improvements. The proposed decking replaced patios that presently exist, they're actually being pulled back by a foot or two, so nothing is protruding closer to the beach. So, other than that, if you have any specific questions for me, I'll try to answer them.

John McGuirk: Board members? Thanks, Billy.

Bill Hajek: Thank you.

John McGuirk: Any other... Would anybody else like to speak on this in the audience? Okay. Um, motion to close the hearing?

Philip O'Connell: I'll make a motion to close.

Leonard Ackerman: Good. Thank you.

James McMullan: Second.

John McGuirk: All in favor?

Board in Unison: Aye.

John McGuirk: Okay. Thank you.

ORIGINAL HEARING

Traumhaus 1, LLC – 75 West End Road – SCTM# 301-15-5-11.1

Traumhaus 2, LLC – 69 West End Road – SCTM#301-15-5-10

Incorporated Village of East Hampton – 79 West End Road – SCTM#301-15-5-12.1

Gabrielle McKay: Application of Traumhaus 1, LLC, SCTM#301-15-5-11.1, Traumhaus 2, LLC, SCTM#301-15-5-10 and the Incorporated Village of East Hampton, SCTM#301-15-5-12.1, for Variances from Chapter 101, Coastal Erosion Hazard Areas, Chapter 278, Zoning and Chapter 124, Preservation of Dunes, to remove vegetation and to reconstruct an existing stone revetment. A Coastal Erosion Hazard Area Permit and variances are requested in accordance with Sections 101-9, 101-11 and 101-12 to reconstruct approximately 420 linear feet of stone revetment located seaward of the Coastal Erosion Hazard Area line. Variances are required from Section 124-1 A. (1) & (2) and Section 278-3 A. (7) to remove vegetation and reconstruct approximately 420 linear feet of stone revetment located seaward of the 15 foot contour line and

17297

partially seaward of the southerly edge of beach grass where no structures are permitted within 100 feet of the 15 foot contour line and no disturbance is permitted within 150 feet from the southerly edge of beach grass. Traumhaus 1, LLC is approximately 6.8 acres in size and located at 75 West End Road. Traumhaus 2, LLC is approximately 2.0 acres in size and is located at 69 West End Road. The Village of East Hampton property is approximately 0.63 acres in size and is located at 79 West End Road. All of the subject properties are located in Residence District R-160, adjoin the ocean beach and are located in FEMA Flood Zones VE (el. 19), Zone VE (el. 17) and Zone AE (el. 10). The project requires approval of the New York State Department of Environmental Conservation and the Town Trustees. This project is classified as an Unlisted Action in accordance with SEQR.

John McGuirk: Is the applicant present? Morning.

Richard Warren: Morning. How are you?

John McGuirk: So, Gabby, can you swear you in, yes.

Gabrielle McKay: Please raise your right hand and state your name and address for the record.

Richard Warren: Richard Warren. Interscience Research Associates, 36 Nugent Street, Southampton. New York.

Gabrielle McKay: Thank you. Do you swear to tell the truth, the whole truth and nothing but the truth?

Richard Warren: Yes.

Gabrielle McKay: Thank you.

John McGuirk: Good morning.

Richard Warren: Good morning. Um, I'm here on behalf of, uh, the applicants for the repair and replacement of an existing revetment. I have some boards and I just thought would be helpful to show. Um, so, as you heard, there's three applicants with respect to this, Traumhaus 1, which is 75 West End Road, which is the yellow parcel that you'll see on this drawing; Traumhaus 2, which is in a commonality of ownership, is the purple parcel; and the green parcel is the Village of East Hampton's access that they have that extends from West End Road down to the beach (Referring to Project Location Map 1 received January 11, 2024). Um, we have received signatures from the Mayor consenting to allow this to move forward. Um, this... (Turns to next page) These properties are in a relatively unique section of the beach frontage within the Village of East Hampton. Um, it's the only area east of Shinnecock Inlet that has groins and jetties that extend out into the Atlantic Ocean. You can see the three groins, and you can see that these properties are immediately west of the center groin that's there. Um, the narrow intervening area that's between the property of 75 and 85 West End Road, that's owned by the Village, provides access from West End Road for the public to get down. All these properties are... There's a revetment... Um, so there's a revetment that currently exists that extends from this

17298

corner here, all the way down through here and onto 85 West End Road. It's one uniform structure. (Turns to next page) Um, we've gone back to actually get some information relative to it. And these are the, um, plans when this revetment was actually constructed. Uh, these came from DEC records, and it was constructed in 1993, about 31 years ago. Um, you can see the Village parcel, which is the strip here. 75. You can just see this a little tail of a return here that is on the easterly property. And then you can see on 85, it extends down through there and there's a return on 85. The work that's been shown on the plans that we've submitted have been prepared by Steve Maresca, uh, structural engineer in Southampton, along with Lee Weisher from the Woods Hole Group, um, and he's a coastal expert and also a coastal engineer. Um, when the client purchased the property, there was some concern about understanding whether or not the revetment was in sufficient shape in order to, um, protect the property, as you've seen from the surveys that were submitted, the house is close to the crest of the dune on this piece of property, and we understand from the records that the revetment on 85 West End Road, the western section, the top of the revetment had been reconstructed because of some settling of the stone that had occurred here. Um, so this... Because of the position of this structure relative to the jetties that extend out, this revetment remains largely under sand, and there are periods when it does become exposed, and we happen to be there after Sandy. (Presents photographs to Board) I have. I have copies of all these to submit to you. So, this is... This is the revetment after Sandy. This is January 2013, and it's, um, one of the few times when it was, was actually exposed. And you can see from the top of the revetment, the top is collapsed back, the revetment got over washed and the top of the revetment has collapsed back, and the elevation is low. You can see the level of the beach and then the top of this is collapsed back and the exposed, um, dune bluff, it's behind it.

Philip O'Connell: Excuse me, is this 85 or is this...

Richard Warren: This is 2013.

Philip O'Connell: No. The, um, the address.

Richard Warren: This is 75.

Philip O'Connell: Okay, great. Thank you.

Richard Warren: So this is the applicant's, um, you are probably familiar with 85, because we've been before the Village a number of times over the years that we come in and we get permits to cover the dune, the revetment with sand and replant. That happens almost every year. They're a little bit further west in this, in this gap between the two jetties. This one doesn't get exposed as much because it's protected a little bit by the groin that's there. The erosional impact is really from east to west. Um, but it does get exposed during serious times. So, in order to have an understanding about what the condition was of at present, we had a, um, site inspection that was done with Village representatives. We got approval from the Building Department, and they went down they did some test excavations on the current property, didn't look like this at the time (referring to presented photograph after Hurricane Sandy), it was buried because after this happened, they covered it with sand, and it stayed largely covered with sand. But the condition is like this underneath. So, um, there was an excavation that was done with Steve Maresca and Dr.

Lee Weisher and representatives of the Village, um, and they did five separate test strips down to see what the condition was at that time. And Dr. Weisher found that the existing revetment is not an engineered structure. It's starting to pull apart, the rocks are separating and so that during serious storms, um, when it becomes exposed like this, it won't provide the same level of protection that the revetment is supposed to provide. Um, so they developed a plan that you have as part of the application in order to restore the revetment back to its existing state. When it was exposed, we had the surveyor locate the top elevations, bottom elevations, and the actual position of it so it would be reconstructed and in its current location. Um, so that's actually what the application is for. Um, as part of it, since it's on Village property as well, um, this applicant intends to reconstruct it at his cost on the Village property. And in doing so, they'll be in, in this the design of it, they've designed it so on the Village parcel, which is an access, the stones will be leveled in a way to create some stone steps should it ever become exposed. People will still be able to get up and down from the beach that's there. Um, we've provided you with all of the plans that are for this. You've got several reports from Lee Weisher, which was a summary of the observation that was done when they did the excavations, um, and then a construction methodology and then an assessment of the potential impacts of this. It remains largely buried. Um, but when it's needed, it's like conditions like this (referring to photograph taken after Hurricane Sandy), when you have some serious storm with the expected increase in frequency and storms that everyone's predicting, it's probably something that would make sense for this owner to have repaired. So, he's moving ahead to try to have this repaired. Um, it'll be essentially the same basic footprint, 423 linear feet occupied the same area that's there. It will be located no further seaward than the existing revetment. The rock from the existing revetment would be reused, um, as much as practically possible. It will include the placement of stone to create steps, as I said, on the Village property. It's going to tie into the end of the revetment on 85 West End Road. So, it's been designed so this way those two will marry back into the same structure. And one, one... There's always a concern about shore hardening structures, what it does to neighboring properties, well, with the erosion happening from east to west, if this is not repaired, the revetment that's on 85 could get flanked because there's this collapsed down that end of the revetment is... If this end of the revetment at 85 would be over, over in that location, further to the west as this drops down, if this were to happen behind it, then that revetment could actually collapse down too. So, um, this is a logical, um, repair and improvement to it. The plan is to only do 50ft at a time. So this way, at no time would this property ever become exposed. So there's a limited window of time when you can do this. You can't do it during the summer because obviously people are on the beach and also there's limitations for piping plovers and least terns, so that takes out between April 1st and August 31st. And you're not about to start this work on August 31st, because that's hurricane season. So, the actual logical window for doing this is probably sometime mid-November to probably February 1st, maybe mid-January. So, the timing for this is that that's the intended time to do this. Um...

Philip O'Connell: Will you be able to do the project in one winter?

Richard Warren: Yes, one winter. The plan is doing one winter. Um, we've been working with, um, Bistran, Pat Bistran, in terms of scheduling it. Um, the last time uh, revetment work was done, there was a, there was an arrangement to use the Village beach access to get down and store equipment at the Apaquogue Beach, um, Apaquogue Road. Um, we did this, a very similar project to this, which we got approval from the Village for at 199 Lily Pond Lane, where they

17300

rebuilt the revetment, had the same kind of problem overtopped, collapsed back. It's now been reconstructed, and it's buried underneath the dune right now. They figure it's 12 to 16 weeks to construct. Um, so we've provided you with, um, some substantial documentation that addresses the standards for the Coastal Erosion Permit as well as the protection of dune permit. I don't know if you want me to go through that or not.

John McGuirk: I think we've read it.

Richard Warren: It's all in writing, I figured. I see you've got a pretty long agenda here, so.

John McGuirk: Did you talk to the Town Trustees on this?

Richard Warren: Town Trustees, yes. We've been to the Town Trustees, and they are ready to approve it. There's an application pending before them. They're ready to approve it, but they want to be the last ones.

John McGuirk: Okay, any questions?

Abigail FitzSimons: Sorry, one question. It sounds like this is one revetment, three owners are here today, but the single revetment is... there's another owner that is part of the same structure?

Richard Warren: Yeah. She, uh, 85 West End Road has the revetment. Let's go back to that first one. 85 West End Road is this parcel here (Pointing at Map received _____). So that would be right here, you can just barely see it in this aerial photograph, but it's right there. It ends just beyond the house. And then this is Georgica, will flow into Georgia...

Abigail FitzSimons: And does was the owner of 85 West End approached for this project or...

Richard Warren: They're aware of it. We actually do work for 85 as well. So, they're aware of this project. We've talked with them, and they actually encouraged that this to be done.

Abigail FitzSimons: I guess I'm just wondering why you treat it in different sections and why you don't treat the entire revetment.

Richard Warren: Oh, their revetment does not need to be replaced because they actually did work to it some years ago. So, they actually improved it when the back collapsed. This, this, the former owner of this property back at the time never did anything when this happened. So, now we're just bringing it up so the entire structure will be uniform.

Abigail FitzSimons: Okay.

John McGuirk: Any other questions? Motion to close the hearing?

James McMullan: So moved.

John McGuirk: Second?

Abigail FitzSimons: Second.

John McGuirk: Thank you. Oh hold on motion not to close the hearing. Go ahead.

Bill Hajek: Sorry, uh, Billy Hajek for the Village of East Hampton. I'll be very quick. Um, I just have a couple of recommended, um, conditions to the to the approval, if the Board is willing to grant approval for this. I was at the site when they conducted their test excavations, and the surveyor obtained the, you know, the toe of the revetment and the peak or the ridge of the revetment. So, it's appreciated and, you know, we want to make sure that there's no landward or seaward, rather migration of the structure. Um, and I have communicated with the potential contractor, Patrick Bistran, but we don't know... What I... So my bottom line is, what I'd like to ask the Board to consider is requiring a pre-construction site meeting, you know, with Village officials and the contractor who actually performs the work prior to commencement so that everybody is aware what the constraints are, what the work requirements are, the protocols are in place, um, the, you know, the knowledge of the permits, because while it's anticipated that, you know, Patrick Bistran is going to be the contractor, if something should change between now and then, we want to make sure that the contractor is well aware of what all the limitations are, and also that the Department of Public Works is aware of the, you know, the access route and the storage of materials. Then, 48 hours prior to start of work, we would ask to be notified so that we're well aware when the actual work is going to occur. Um, and just a bit of background, really quickly, the Keck parcel, which is about 50ft wide, as Mr. Warren indicated, when the revetments were constructed in the early 90s, um, the Village actually had requested that the applicant at the time build the revetment on the Keck parcel, because you didn't want to create a gap like the last thing you want is a 50-foot-wide gap between two revetments. So, there is an agreement that when work occurs to the revetment that, you know, they're required to do the work to the Village revetment as well. Um, and I... My understanding is that the Town Trustees are going to require, or as a condition of their approval, um, that uh, when, if the revetment becomes uncovered, that, um, there be a mechanism in place to mandate the recovering of it with sand and, you know, revegetation and I think it'd be appropriate for the Village to require the same, you know, to have the same requirement.

John McGuirk: I think we have a requirement down the beach.

Bill Hajek: Yes.

John McGuirk: On another revetment like that.

Bill Hajek: So, those are my, my comments. If you have questions, I can answer them.

Philip O'Connell: I have one question. So, since the revetment dropped or collapsed as the word was used, do we know what the previous height was, so that we don't go above that? Or are we going to the collapsed height?

Bill Hajek: No, I believe it's I don't... Rich.

17302

Richard Warren: No, we're actually going to increase it back to the original height, so it matches what's at 85 West End Road. So, so actually those rocks fell backwards. It's a weight supported structure.

Philip O'Connell: So, you have that elevation number from the previous plans?

Richard Warren: Yes. And we agree with everything that Billy's just said. So, we have no issue with any of that.

John McGuirk: We have it in the minutes and so we can build that into the determination? (Asking Village Attorney Tim Hill) Okay. Uh, anyone else like to speak on this in the audience? Okay. Motion to close the hearing?

James McMullan: So moved.

John McGuirk: Second?

Shahab Karmely: Second.

John McGuirk: All in favor?

Board in Unison: Aye.

James McMullan: I am recusing myself from this application.

John McGuirk: Thanks, Jimmy.

ORIGINAL HEARING

West End Partners II, LLC – 51 West End Road – SCTM# 301-15-5-6

Gabrielle McKay: Application of West End Partners II, LLC, SCTM#301-15-5-6, for a Permit and Variance from Chapter 101, Coastal Erosion Hazard Areas, Variances from Chapter 278, Zoning, and a Wetlands Permit in accordance with Chapter 163, Freshwater Wetlands, to legalize the reconstruction of an existing residence, construct a swimming pool, generator, construct patios and retaining walls, a parking area and install landscaping. A Coastal Erosion Hazard Area Permit and Variance is required in accordance with Section 101-9 to legalize the reconstruction of a residence, with modifications, that is located seaward of the Coastal Erosion Hazard Area line and to reconstruct with modifications a swimming pool, generator, sanitary system, multiple patios and retaining walls all located seaward of the Coastal Erosion Hazard Area line. Variances of 7.7 feet and 8.6 feet are required from Section 278-3 A. (4) (a) to reconstruct a residence located 26.3 feet and 25.4 feet from the side yard lot lines where the required side yard setbacks are 34 feet. Variances of approximately 12.8 feet are required from Section 278-3 A. (5) (b) to construct four A/C condenser units located approximately 7.2 feet from a side yard lot line where the required side yard setbacks are 20 feet. A 19.9-foot variance is required from Section 278-3 A. (5) (b) to construct a patio and stairway 0.1 feet from a side yard lot line where the required side yard setbacks are 20 feet. A 10.2-foot variance is required

from Section 278-3 A. (5) (c) to reconstruct a swimming pool 29.8 feet from a side yard lot line where the required side yard setback is 40 feet. A Wetlands Permit is required in accordance with Sections 163-3 and 163-7 and variances of 50 feet from Section 278-3 A. (8) to construct a parking area, walkways and retaining walls, the nearest of which is 100 feet from wetlands where the required wetland setback is 150 feet and a 34-foot variance to clear land and landscape 91 feet from wetlands where the minimum required setback for clearing and landscaping activities is 125 feet. The subject property is 63,915 square feet in area and is located at 51 West End Road in Residence District R-160. The property adjoins the ocean beach and is located in FEMA Flood Zones VE (el. 17) and Zone AE (el. 10). This project is classified as a Type II Action in accordance with SEQR.

John McGuirk: Good morning, Mr. Ackerman.

Leonard Ackerman: Hi, good morning. Uh, I have here the architect from Fleetwood, McMullan and Steve Sanabria. Uh, Drew could speak to construction protocol if you have any questions. And Rich Warren is here to answer any questions on environmental. Um, this is a CEHA compliance, essentially application. Uh, we're going to make the house CEHA compliant and as part of some, um, cleanup, we're going to fix the pool. We're going to do some landscaping. There's been significant mitigation here, we've reduced roof coverage. Uh, there are no height variances. A new sanitary system is being installed. Uh, the pool, which is in an environmentally sensitive areas, being rehabilitated. Um, also, the driving and the parking areas that, um, do not have, uh, permeable materials are being renovated. And we're most importantly, um, in the landscape planning, we're replacing approximately 4300ft² of previous non-native grass with native vegetation and that's reflected in the landscape plan. I think all those mitigation measures are, uh, favorable in this application. If you have any questions, you know, I have the team here ready.

John McGuirk: Maybe Steve can go through the construction protocol. Yeah. And anybody speak up if you have any questions.

Steven Sanabria: Hello. I'm Steven Sanabria.

Gabrielle McKay: Please raise your right hand and state your name and address for the record.

Steven Sanabria: Steven Sanabria, 251 Pantigo Road, East Hampton.

Gabrielle McKay: Do you swear to tell the truth, the whole truth and nothing but the truth?

Steven Sanabria: I do.

Gabrielle McKay: Thank you.

Steven Sanabria: Um, so, um, I guess your question is about the construction of the new...

John McGuirk: Construction protocol and...

17304

Steven Sanabria: The protocol itself, or?

John McGuirk: And you're going to put this obviously on pilings and...

Steven Sanabria: Yeah, so what we're doing, we're proposing to do is, um, the protocol Drew Bennett can speak on, but the construction methodology, I can answer any questions. So, we're proposing to put the house now on a FEMA compliant foundation which has our pile cap at elevation 17. And, um, we have two, uh, two feet of freeboard. So, the top of the pile cap will be at 19. And then we build up from there our foundation. Um, to do that there's a standard, um, eight inch poured concrete foundation. And then we have a wood frame for the first floor. We're not changing any of the footprint. Um, and that's about it.

John McGuirk: And the neighbor to the east, I believe, had concerns with the pitch of the roof?

Steven Sanabria: Um, it was the height of the roof. Um, in working with the, um, counsel and with the neighbor, we were able to, we were able to come to an agreement as to the height of the proposed roof. We will be 4.5in higher than the existing previous roof, which we have an elevation certificate for. So, we will match that, and we will get, um, an elevation certificate to verify that that ridge will be at that height.

John McGuirk: Okay.

Leonard Ackerman: There should be a letter from the neighbor.

John McGuirk: Yeah, we have it. Thank you.

Philip O'Connell: So how do we solve for the problem that actually got us here, which was the contractor kind of going off on our own?

Steven Sanabria: So, during, during the course of construction, you know, um, it was found out that the foundation and the framing had become too deteriorated to kind of keep. And so that kind of led us to the fact that we had to replace it, and it was just not feasible to keep the existing structure, the existing foundation, the existing framing. So we had to repair or replace that foundation. And in doing so, we wanted to make it FEMA compliant as well. We're required to know because of that. So, we're... Because of that, we're changing it all to a FEMA compliant pile cap with helical piles and so on.

Philip O'Connell: I understand that my concern is you have a contractor who went off program already. How do we solve for this going through in the future, so we don't have that issue?

Steven Sanabria: We're verifying heights of... We're going to have the surveyor verify the height of the ridge to make sure that that height is compliant. We're verifying the height of the first floor. So all of that and, you know, we'll be watching over the project.

Leonard Ackerman: Let me address here. Um...

Philip O'Connell: You understand my concern?

Leonard Ackerman: Of course I do. I recommended to the client that we hire a construction manager who's worked on several very high-level homes on the ocean here. We have an extensive construction protocol. There's going to be a policeman on board here to make sure this gets done right in a special way. Yeah.

John McGuirk: And Drew, can you just go over the construction protocol on this real quick? Thanks. Thank you.

Drew Bennett: Uh. Good morning. Drew, consulting engineer again on behalf of the applicant. So this construction protocol is very similar.

Gabrielle McKay: I just want to remind you that you're still under oath.

Drew Bennett: Yes, I understand, thank you.

John McGuirk: Thank you. Gabby.

Drew Bennett: Deja vu, right? Um, so this is a very similar property that we discussed, uh, to the one that we discussed earlier in the morning. Um, the primary difference is that, um, this is a house that's in an existing situation or an existing location. So it's going to be located vertically up. So, um, there is project limiting fence already installed on the property. And um, the contractor is described a sequence of events on how the work will proceed from here. Uh, there is quite a bit of work that needs to be done, both in terms of, uh, raising the house, excavating underneath the house for helical piles, which we just, um, mentioned the benefits of those, as well as pouring a new concrete foundation on top of that. So, um, uh, they won't have an opportunity to use steel sheeting underneath the house because the house is directly above it. So, they are going to evaluate, uh, the need for various types of shoring once the house is up and they can see how stable the soil is. There are a number of methods available, mostly timber type shoring, which is very commonly used in streets, basically. Um, so that should be a very manageable situation. Again, the parking is on the property, there's no parking on West End Road. Uh, project limiting fence around the perimeter. Um, are there anything specific that I can answer?

Philip O'Connell: I do have a question. So, obviously you're seaward of the CEHA line. Um, concerned about the stabilization of the dune and destabilizing it when you lift the house and dig.

Drew Bennett: Right. So, uh, you're familiar with house lifting. So, there's house... There's basically lift pits that go around the perimeter of the house. Uh, that will be laid out in detail once the house mover is on board. The house mover is, uh, Guy Davis, who's highly experienced. And the lift pits range in four by four, maybe six by six at the largest and they're very close to the house perimeter. So, they're not out. I would say they certainly don't extend out more than eight feet from the existing footprint of the house. And based on where the house is positioned right now, that would not be...

17306

Philip O'Connell: Do you anticipate that in conjunction with the shoring underneath? You shouldn't have an issue with it?

Drew Bennett: I'm confident that there won't be an issue.

John McGuirk: Okay. Thank you, Drew. Billy, any comments? Okay. Um. Any anybody in the audience? Okay. Motion to close the hearing?

Philip O'Connell: I'll make a motion.

John McGuirk: Second?

Shahab Karmely: Second.

Leonard Ackerman: Thank you very much.

John McGuirk: Thank you, Mr. Ackerman.

ORIGINAL HEARING

David G. and Christina M. Siegel – 31 Church Street – SCTM# 301-2-6-28.1

Gabrielle McKay: Application of David G. and Christina M. Siegel, SCTM#301-2-6-28.1, for an Area Variance from Chapter 278, Zoning, to construct a single-family residence and entry stoop. An 11.3-foot variance is required from Section 278-3 A. (3) (a) to construct a residence and entry covered stoop, the nearest being proposed 18.7 feet from the front yard lot line where the required front yard setback is 30 feet. The subject property is 10,000 square feet in area and is located at 31 Church Street in Residence District R-40. This project is classified as a Type II Action in accordance with SEQR.

John McGuirk: Good morning. Is the applicant here?

Thomas Cooper: Hi, my name is Thomas Cooper.

John McGuirk: Good morning, Thomas. Can Gabby swear you in?

Gabrielle McKay: Please raise your right hand and state your name and address for the record.

Thomas Cooper: My name is Thomas Cooper, 106 Newtown Lane, East Hampton.

Gabrielle McKay: Thank you. Do you swear to tell the truth, the whole truth and nothing but the truth?

Thomas Cooper: Yes.

Gabrielle McKay: Thank you.

Thomas Cooper: How are we doing?

John McGuirk: Good morning.

Thomas Cooper: So, we're proposing to construct a new structure at 31 Church Street. And, um, currently, the structure sits... It's about 294ft² um, that's non-conforming. Um, and it's also about 18.2ft non-conforming on the front yard setback. And we're looking to actually, um, make it more conforming. I think you guys also have some letters from the neighbors, or at least one neighbor that's in favor of the project. Um, we are tearing down the structure that's currently there. We are going to make a new structure, which I believe is in keeping with every Village, um, small structure. It's a 2000 square foot house. The roof lines are low. There's nothing ostentatious about it in any way. It's a very small, quaint little Village house that we're building. We're proposing to make it a lot more conforming. Um, anytime I've seen these Boards, you know, I've been before them, or I've even sat on this Board. Um, I found that some of the criteria really are two big things, right? One is that is: this project in keeping with the Village? Is there anything that's going to hurt the Village's appeal? And I feel the answer strongly is no. This is a great Village house. And the other one is, is this self-inflicting a little bit. And we just... We misinterpreted the code a little bit when we looked at this. There's a code 270-8.3 that we read that we felt that that kind of... That's how we built it out. So, when we designed the house, we wanted that front entry. We just built it towards that code and that's what we thought we were doing. We just misinterpreted it. And that's how it kind of happened about. But it's... Still, this is the look of the house is what these the client really is going for and I think it matches the rest of the Village.

John McGuirk: Any questions? Know anybody in the audience like to speak? I'll make a motion to close the hearing?

Philip O'Connell: I'll make a motion.

John McGuirk: Second?

Shahab Karmely: Second.

John McGuirk: All in favor?

Board in Unison: Aye.

John McGuirk: Thank you.

ORIGINAL HEARING

Christopher Jaeger and Phoebe Simmer – 9 Route 114 – SCTM# 301-2-3-10

Gabrielle McKay: Application of Christopher Jaeger and Phoebe Simmer, SCTM#301-2-3-10, for Area Variances from Chapter 278, Zoning, to construct a pool house. Variances of 15 feet and 16 feet are requested from Section 278-3 (A) (5) (c) to construct a pool house and cellar bilco door 5 feet from the rear yard lot line and 4 feet from the side yard lot line where the required rear and side yard setbacks are 20 feet. The subject property is 10,235 square feet in

17308

area and is located at 9 Route 114 in Residence District R-40. This project is classified as a Type II Action in accordance with SEQR.

John McGuirk: Good morning.

Samantha Malone: Good morning. Um, my name is Samantha Malone. I'm here on behalf of Tarbert and Lester um, for the applicant.

John McGuirk: Please proceed.

Samantha Malone: Okay.

John McGuirk: I believe Samantha is an attorney.

Samantha Malone: Yes. Um, as the Board knows, this project has been, uh, presented twice previously. The first time the Board approved a conversion of the garage into a pool house, um, in its current location and size. The second time, the Board denied an application to rebuild and the current location and size. Um, so this time around, the owner is proposing to rebuild the structure 50ft² smaller, um, as a conforming sized pool house. And the owner is also offering to rebuild the um structure in a more conforming location. So, we are aware that one neighbor wrote a letter in opposition of this application. Um, we have another letter that another neighbor wrote in support. Um, but what's important for the Board to know is that the applicant denies ever using the structure for any use not permitted by the code. Um, also, if the neighbor in opposition is concerned with the structure being used as habitable space, um, our position is that if the rebuilt structure is smaller in size, that it's less likely to be used in a non-complying manner, um, because the applicant is requesting variances to locate the structure further from the property line and make it smaller, we're not aware of any detriment. Um, and we respectfully request that the Board approve the application.

John McGuirk: Thank you. Um any comments?

Philip O'Connell: Just that they've made it more conforming.

John McGuirk: Okay. And can we have a condition that it gets, uh, if the Building Inspector can come in once a year? Okay. Is that all right? Thank you. Um, anybody in the audience would like to speak? Okay. Motion to close the hearing?

James McMullan: I'll make the motion.

John McGuirk: Second, please?

Abigail FitzSimons: Second.

John McGuirk: All in favor?

Board in Unison: Aye.

17309

Samantha Malone: Thank you.

CONTINUED HEARING

Caitlyn Ann MacDonald – 62 Dayton Lane – SCTM# 301-2-7-20

John McGuirk: We have, uh, continued hearings. Trevor?

Trevor Darrell: Good morning, Mr. Chairman, members of the Board. Here on behalf of Ms. MacDonald, 62 Dayton Lane. Um, hopefully all the members have seen the amended, um, survey slash site plan that we had submitted after the last hearing date. Where after the hearing, the architect and the applicant were both present and heard the concerns of the Board, I think mainly focused on the proposed accessory GFA request, which was to add a new pool house. Um, that request has been removed. Um, so the proposed, uh, pool house component of it is struck from the request. And if you see the proposed pool equipment is now to be shown in the existing pre-existing non-conforming garage. So, we're not looking to increase the accessory GFA at any structure. So, the application is amended to be just the principal structure GFA, which the Board had, uh, indicated in the last date, which I believe was that we are lifting the house and putting it back down. So visually from the street, you won't see the proposed, um, renovation on the rear of the house.

John McGuirk: Board members?

James McMullan: Uh, I appreciate the applicant, uh, listening to our last comments. Um, and from there, I really don't have a problem with this.

John McGuirk: Good. Okay. Thank you. Uh, anybody in the audience like to speak on this? Okay. Motion to close the hearing?

James McMullan: So moved.

John McGuirk: Second?

Philip O'Connell: Second.

John McGuirk: All in favor?

Board in Unison: Aye.

John McGuirk: Thank you.

CONTINUED HEARING

Huntting Hospitality LLC – 94 Main Street – SCTM# 301-3-8-1

John McGuirk: And we have the continuation of the Huntting Hospitality, LLC.

17310

Martha Reichert: Hello, members of the Board. My name is Martha Reichert. Twomey, Latham, Shea, Kelley, Dubin and Quartararo, 33 West Second Street, Riverhead, New York, for the applicants Hunting Hospitality, LLC. I'm joined here today by my co-counsel, Ed Burke Jr. I also have our historic preservation specialist who authored the construction protocol, Mr. Joel Snodgrass here. And I also have Paige and Blaine Fertitta of Hunting Hospitality, LLC here as well. At the last hearing, the Board decided to do site visits, which they did. Um, and one of the comments that came out of that was a desire to see a revised landscaping plan, which incorporated revisions to a prior covenanted landscape plan around the existing parking lot. Um, that decision predates my client's ownership, but one of the things that we can see now is that that planting plan is about 20 years old, the vegetation is mature, and it no longer actually provides the screening that was intended.

John McGuirk: Martha, I don't believe we could find the landscaping plan either in the in the Village files.

Martha Reichert: Um, yeah. No, we found it. It's... I think it's an old Whitmore's plan. Um, but the point is, the vegetation has grown, it's matured and so, at the street level, it's become pretty sparse. And also because of the shading of all the trees on Huntting Lane, um, you know, we revised the plan to supplement all along the Huntting Lane parking lot area. Um, and the Village Planner, Mr. Hajek, has reviewed it, he provided comments, and so, the revised plans that were received last Friday reflect Billy's comments on some plant species. But the end result will be, um, to fill in all along Huntting and to provide greater, um, screening from the street, but also to add some additional vegetation along the other parts of the parking lot perimeter to create sort of a cohesiveness aesthetically, with the landscape plan going then into the vegetative buffer that's part of the transitional yard, um, that's part of this actual application.

John McGuirk: Any comments? No. Okay. Um, Billy, would you like to just tell us, um, the landscaping plan? Let Billy talk for a minute, Martha.

Bill Hajek: Good morning, Chairman, members of the Board. Billy Hajek for the Village. The original or prior version of the landscape plan relied on, um, well, it was a lot of native, you know, they relied heavily on native species, which, um, is good, but it may not have provided the benefit of providing really good screening. So, to shield the parking area... So, my suggestion was to add, uh, false holly or osmanthus, which has become a really popular plant, grows very well in shade areas, shade tolerant areas, it's deer tolerant. And um, I think it would do a really fine job at... What the goal I think of the Board is, is to try to really shield or screen the, the parking area. Um, and so the plan has been revised to that regard and I think it looks fine. Um, I did review the revised construction protocol as well, um, that was prepared by Mr. Snodgrass, and I think it addresses the Board's prior concerns and my comments. So, I have no further...

John McGuirk: I don't know if this is a question for you or Tim, but can we build some kind of maintenance, so this doesn't get what it's become now? Some kind of maintenance protocol?

Bill Hajek: I think you could, um, you know, the approval, if whatever determination the Board renders, um, could be conditioned upon continually maintaining the screening around the parking

lot. So, if anything should die off or become too thin, it's required to be replaced to be in keeping with the general spirit of that plan.

Shahab Karmely: Excuse me. Sorry. Excuse my ignorance, because I wasn't here for the previous one. But, uh, does the Village or the Board have a trained arborist that has looked at this vegetation plan under recommendation, list of plants. Do we have an arborist that has signed off on that? Looked at it?

Bill Hajek: No, we have not.

Shahab Karmely: I would probably think that would not be a bad idea because I do a lot of planting myself along Main Street, I live there. And depending on soil, depending on the year, depending on, uh, what fungus is running around, it changes from time to time. I like your recommendation for the plants because they have worked for me. But maybe you want to have an arborist look at it, and I would definitely say condition should be that it's inspected and it's upon them to maintain it on a regular basis because plants do die off some. Yeah, yeah.

Bill Hajek: That's up to the Board, you know.

Martha Reichert: Thank you. Um, I'd like to add that we have... So, the prior planting plan around the parking lot was covenanted by the prior owner. Um, and we are more than happy to covenant to this landscape plan as well. It was designed by a landscape architect. Um, and also, we have had, uh, certified arborist on site to advise us on different things. They've reviewed our planting plan. Um, and we're also working conjunction... That was that was Mr. Gaines of C.W. Arborists, which is why now our large elm is undergoing treatment for Dutch Elms. And we are also working with Jackson Dodds, um, for that maintenance plan. So, I think that, um, you know, if the Board wants a, you know, does the Village even have an arborist on retainer or?

Bill Hajek: Um. No, we don't. Obviously not.

Martha Reichert: All right. Um.

Shahab Karmely: But if you have a landscape architect and all of them have arborists, if they've signed off on it. That's fine.

Martha Reichert: Yes. This this is... This was....

Shahab Karmely: Gone through the PH soil analysis and you've done... Which sounds like you have.

Martha Reichert: Correct. Uh, the landscape arborist.... Uh, landscape arborist, pardon me. A landscape architect uh, reviewed and designed this. We have been working with McLean Associates, but it was... They have an internal landscape architect who designed this plan. And again, uh, they spoke with Billy. And so, it's, you know, it's been heavily reviewed, and we will covenant to it.

17312

John McGuirk: We don't really want to see the parking area. We want this to not... You can see right underneath it now; it hasn't been maintained. Um, you know, we don't want to see the cars. We want to clean it up. We want this fence to have the sound attenuation in it. It doesn't have it all the way in it. We walked it the other day, you and I, Billy and I. It doesn't... I don't think this side of it has any of this. I think you have styrofoam in there?

Martha Reichert: That's what the original decision says. But I think that is part of this, right, we can... We'll be using better sound attenuation material for the proposed fence. So, if the Board would like to see the existing double stockade fence with that styrofoam insert, which is what was required by the original decision, we can certainly...

John McGuirk: We want whatever's better. And I don't know what that is. Billy, any comments on that?

Bill Hajek: Yeah. The, um, I'm not a sound expert, I'll caveat that, but my understanding is that the styrofoam material is...they've kind of shied away from using the styrofoam, and now what they're using is more of a fabric material that comes in a roll. Uh, there's an industry, I don't want to... It's a specific brand called Lv1 that a lot of people use, it's manufactured locally. We don't have to require the use of the Lv1 material, but you can require an equivalent, which, um, has a pretty high value reduction of decibel levels. So, you can... You know styrofoam is not really the way to go anymore, which 20 years ago, that's what they were using.

Shahab Karmely: I just want to add to that, because we have similar conditions in our construction sites, styrofoam is completely out. It just disintegrates and goes away. The felt is a great solution and often what we've done is we've combined the actual... You can only disperse for sound so much because it's open, right? It's dispersing the sound waves, and a combination of that with vegetation works very well. Aesthetically also, there should be a required component of when this is visible to combine it with the right vegetation and then you have a reduction in the sound impact, but you also have a reduction in visual impact. Because no matter what you do with these fences, the fences that are not pretty, you know, but the felts definitely the way to go. It's not the styrofoam.

Bill Hajek: Well, with the double row fencing and the material sandwiched in between and the planting plan that they've submitted, I think it's going to do a pretty good job at mitigating.

John McGuirk: Thank you. Anyone in the audience like to speak? You done, Martha, or?

Martha Reichert: I'm done. But I would like to give the opportunity for Paige and Blaine Fertitta to just come up and introduce themselves to the Board.

Blaine Fertitta: Hi, everyone. I'm Blaine.

Paige Fertitta: I'm Paige Fertitta. Good morning.

Gabrielle McKay: I guess I'll have one of you say your name and then the other in a row. Um, please raise your right hand and state your name and address for the record.

Paige Fertitta: Paige Fertitta.

Blaine Fertitta: Blaine Fertitta.

Gabrielle McKay: Do you swear to tell the truth, the whole truth and nothing but the truth?

Paige Fertitta: Yes.

Blaine Fertitta: Yes.

Gabrielle McKay: Thank you.

Paige Fertitta: Good morning. As you'll see and hear in my voice, I am terrible at standing up and speaking to people. Even if it's seven people. Um. I avoided it at all costs. But this property, the Hunting Inn is important, um, to us as a family. I know we are a big, large casino, restaurant, hotel company. This property we saw in the beginning as a little gift, a little gem that came when we purchased The Palm. Since then, Blaine and I have spent countless hours, trips up here. We've gotten to know the community. The Hunting Inn itself is special. We care about it. We care about the community, its home, its history, and its neighbors. Which is why we hope we can all come to terms with... we are in here for the long haul and we want to protect it, preserve it, its history, its character, its guests, and again, its neighbors and community. Um, I understand the concerns. We all do. And, um, hopefully with Martha's help, Eddie's help and every...your help, um, everybody that's gotten involved on this project with us, we can, um, do what's right by the Hunting Inn. We have, as you can imagine with the historical and old property, it's been a can of worms that every time we turn around, we're ready to address it. It's had countless years of neglect that we've learned about since we've gotten involved, and we continue at this moment to make it as good a property as it can be, preserve its integrity and, um, see it be something that the entire community and its neighbors can enjoy and be proud of. I'm hopeful. Hopefully we are an addition to the community, and we see our...

Blaine Fertitta: A good addition.

Paige Fertitta: A very... Yes, a great addition to all.

John McGuirk: Okay. Thank you, you did well. Thank you. Um, any other neighbors like to speak?

Gabrielle McKay: Please raise your right hand and state your name and address for the record.

Brent Feigenbaum: I'm Brent Feigenbaum at 102 Main Street East Hampton.

Gabrielle McKay: Do you swear to tell the truth, the whole truth and nothing but the truth?

Brent Feigenbaum: I do.

17314

John McGuirk: Good afternoon, Brett.

Brent Feigenbaum: Good afternoon and thank you. I'm speaking. I'm reading something from Frank Morgan, my partner. He couldn't be here today, but he asked me to read this. So, thank you for the opportunity to speak again on the issue of the proposed hot tub and swimming pool at the Hunting Inn, to state the obvious, as the immediate adjacent neighbors and those most affected by this proposal, we remain opposed to the application for a hot tub and pool. Our objection is based on the threat it poses to our quiet enjoyment of our residents. In addition, we would hope that the Board will listen to the many neighbors and community members who have written to object to this proposal. I doubt that any other application has received such widespread opposition. At the outset, I simply do not understand the basis to approve this request. The Inn and swimming pool hot tub would not be permitted to be built today or operated on this site under the current rules. Obviously, the Inn exists and is permitted as a non-conforming use, but the swimming pool and hot tub are not pre-existing. Why in the world would you permit an addition of a pool in a hot tub now, if they would not be permitted under current rules? I simply do not understand the logic here. We are particularly distressed that there seems to be a double standard here. When we took on the project of restoring 102 Main Street, we were aware of the restrictions that would apply. We undertook it and by way of example, one of the one of the issues was windows. The shutters were rotten, many of them, and there was no replacements available. We didn't run to Home Depot for the replacements. We had to have custom made the shutters to keep with the appearance of the house. When the contractor said the house had no insulation and we would have to take off the outside shingles and replace them with new ones, we said no. We knew that many of the original and century old shingles were on the house, so we did not remove them. When it came to the windows, we needed to replace some of the windows. Bob Hefner said that we would not... It would not be acceptable to use Anderson or Marvin Windows as the mullions were too wide. He pointed us to a Vermont craftsman at three times the cost. That was 52 windows we had replaced. We installed them at considerable cost. And I note that now that the Hunting Inn is recently replacing windows, and the contractor confirmed that they're Marvin windows that are being used. So, there's been sort of two sides. We're not sure why the Inn doesn't have to follow the same rules that everybody else has to follow in the neighborhood. Although we had swimming pools at our prior homes in East Hampton, we decided a pool on Historic Main Street, even at the rear of our house, was not in keeping with the historic home. In short, we have played by the rules, and we are sorry to see that our neighbor does not plan to do so. We believe everyone should be treated equally. The Inn has revised its application several times in an attempt to appear reasonable. We are all aware of the tactic of asking for the moon and knowing you won't get it. Did anyone ever think nine cabanas on the side lawn of the inn facing Main Street would be approved? We should not be fooled by this device. The central issue of the pool and hot tub remain the most uncertain potential for noise and other disturbances. A comment at the last hearing was that the effect that a pool is a common amenity at a hotel, we can all agree to that. However, that really is not the test here. The question is whether a pool is a natural addition to the historic country inn in the Village of East Hampton, it is not. The out-of-state owners of the Hunting Inn were well aware of the restrictions that applied to the Inn when they bought it. There could be no expectation that they would receive relief from those restrictions. Indeed, the historic designations and other restrictions would point to the fact that exceptions would not be made. Furthermore, an already overbuilt property should not be extended further. There is no imperative to grant the permission

requested. One of the many reasons cited against the proposal is the precedent it will set for other inns and B&Bs along Main Street. There is no doubt that these other establishments are watching this application with interest. The applicant has frequently cited the Baker House as a reason for their application should be approved. Although the pool was approved decades ago and under different rules, it is completely invisible from Main Street. If this application is approved, I am not sure how the Board could turn down future pool requests from other inns and B&Bs. It seems this would then have commercial pools up and down Main Street, which would clearly change the nature of the Village, our neighborhood and the enjoyment of the residents. If one views this as a balancing of interest, the equities are clear. On the one hand, we have a non-conforming, overbuilt commercial establishment in several historic residential districts that has survived very well without a pool and hot tub. Their request is simply a nice thing to have, but it is no way essential. On the other hand, there are more than 50 neighbors and concerned citizens who oppose it. In particular, you have a neighbor most affected opposing it and asking that you protect the quiet enjoyment of our residential property. On that scale, the concerns of the neighbors should clearly outweigh the desire of the Inn. We simply want the quiet enjoyment of our property, which we bargain for, and which is promised to us in the Village Comprehensive Plan. We are looking for the Board, for this Board to ensure that we have that right.

John McGuirk: Thank you.

Brent Feigenbaum: Thank you. And we... I think the landscaping you've done is wonderful. The improvements they've made has been phenomenal. It's really beautiful. But....

John McGuirk: You're addressing the Board, or are you addressing...

Drew Bennett: No, I just want to say that I think that they have done a tremendous job with the landscaping so far and the improvements to the property, but it's just the pool is the issue. So, thank you.

John McGuirk: Good morning.

Matthew Grinnell: Do you need to swear me in?

Gabrielle McKay: Yes. Please raise your right hand and state your name and address for the record.

Matthew Grinnell: Matthew Grinnell, 35 Huntting Lane.

Gabrielle McKay: Thank you. Do you swear to tell the truth, the whole truth and nothing but the truth?

Matthew Grinnell: I do. Okay. Um, I'm a full-time resident of the Village at 35 Huntting Lane. Have owned a house in the Village for over 20 years and have, um, you know, experience of living next to an inn for all of that time. The first house that we owned was 9 Mill Hill Lane, uh, which is immediately adjacent to what used to be called the Maidstone Arms. And in fact, uh, shares a gate with the property. And many years ago, when we first bought the house and the first few years that we were there, it was great to be a neighbor of the inn. Uh, and we were there

17316

frequently. However, uh, ownership changed and, and, uh, our experience changed dramatically and for the worse. The new owner ignored Village laws and regulations repeatedly, aggressively. So much so that we were calling the police, uh, so frequently. My wife became, uh, on a first name basis with Captain Mike Tracy. The Village ultimately sued the new owners. We joined that suit, and eventually we gave up. It was so unpleasant that we sold the house. And fortunately, we sold it to the new owner of the inn. And we were grateful that she did buy the house, because we weren't sure that anybody else would do so, given the experience that we were going through. Um, that's a horrible fact pattern. And in fact, it continued because after we sold the house, uh, another immediate neighbor called us and said, gee, uh, how did you get that person to buy your house? Could you convince them to buy our house? And I'm not sure that took place. The new owner eventually bought a third house. That fact pattern is terrible, and I worry that in granting this application, you're setting up a neighbor for a terrible experience like that or other neighbors like that. And I wouldn't want that to happen to anybody else. Um, I'm also not very good at standing up and speaking in front of people, so bear with me. Um, I think the Board is rightly concerned with some activity that may be happening at another end at The Hedges. And, uh, given some of the concern that's been expressed about that activity, I would ask that you show the same concern for the neighbors of the Hunting Inn with respect to Hunting Lane itself. You're all aware that there's already too much traffic, too much chaos and too much risk, right? At the Inn itself and at that intersection, particularly during the summer. Um, the Jitney and the Ambassador are great. But as you're all aware, notwithstanding the parking signs that prohibit parking on Hunting Lane, people continuously park on Hunting Lane. They park on Main Street. Um, and I think, candidly, it's quite dangerous. Um, if you were going to grant this, you're only going to make the Inn, which is a wonderful property, that much more attractive, that much more compelling, and drive that much more traffic there at precisely the wrong time of year. July and August, as we all know, have too much traffic as it is particularly right there. It's just going to become worse. Um. So, I think what would be interesting is if the new owners really want to become part of the community, they might consider what can they do off season? What can they do to change that dynamic and really not only improve their own business, but make the Village the year-round experience that we're all hoping it becomes? Many of you have done great work to improve that. Um, but think about ways that they might do that. Could you have a teacher's happy hour every Friday in January, February, March? Could you reconfigure, uh, the area behind the bar, kind of to the right of the entrance there to so that you could host banquets for high school athletic teams? What could you do to really improve things for the community? I'm sure other folks would have other ideas, but I think you get you get the picture. Um, I want the end to be successful. Uh, I'm a regular patron of the Inn. I enjoy going there. I'm happy also with the, uh, the landscaping that they've done. Um, it's been successful, really, since it was built. There's no reason it can't continue to be successful. But it's never had a pool. It doesn't need one to be successful. It's not permitted. And to allow this to go ahead would be detrimental to the neighbors. I think it would be detrimental to the Village. It'd be detrimental to the long-term vision that I think many of us share about how to change and improve the Village. So thank you for your time. Thank you for hearing me out.

John McGuirk: Thank you, Matthew. Good morning...afternoon.

Gabrielle McKay: Please raise your right hand and state your name and address for the record.

Joan Denny: Joan Denny, 24 Huntting Lane.

Gabrielle McKay: Do you swear to tell the truth, the whole truth and nothing but the truth?

Joan Denny: I do.

Gabrielle McKay: Thank you.

Joan Denny: Thank you. I'm the messenger again.

John McGuirk: Okay. We're going to listen.

Joan Denny: Good morning, Chairman McGuirk and members of the Board. I'd like to read a speech on behalf of Lisa Dortch, as she could not be here today due to scheduling conflicts. Chairman McGuirk and members of the Board, thank you for allowing Joan Denny to speak on my behalf today. I was here for last month's scheduled and canceled meeting on this matter but have commitments that I could not change this month, my apologies. I'm speaking today on behalf of many residents who simply do not understand your process as a Board and are bewildered by certain Board member comments regarding this variance application and the continued consideration of potentially granting an application that is in opposition to our Village Code. With all due respect, and I mean that sincerely, we're wondering what aspects of the Village Code you are being guarded by in your ongoing considering of a pool and spa at the Huntting Inn? Given this ongoing consideration, I have no choice but to reiterate the ongoing consideration... Oh, I'm sorry, excuse me. Reiterate the code as it relates to your governance of this matter. Section 278-7C variances, Section 2, area variances, in A it states, in making its determination, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted. Question: what is the benefit to the applicant? Other than the ADA aspects of their application, you have not been provided with any need for proof of need or subsequent benefit tied to the addition of pool and spa. The Inn is thriving. It has existed as an inn since 1875. Since that time, it has been bought and sold several times as a viable business. What is their need for a pool and spa? Where is the proof and that of that need? Section A of 282-7C goes on to say, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. It is clear that the granting of this variance will have a detrimental impact on the surrounding residential neighborhood, as all of the neighbors have expressed to you. Why is that not clear to this Board? The paragraph continues and states, in making such determination, the Board of Appeals shall also consider on whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by grant of the variance. Certainly, the sounds and light from a pool and hot tub will change the character of the neighborhood and be a detriment to nearby properties, as well as to historic districts. I think you need to ask yourselves if you would want these additions to a commercial structure next to your home. The paragraph continues and states, in making such determination, the Board of Appeals shall also consider three whether the requested area variance is substantial. The actual dimensions involved may not be substantial, though greater than they should be, but changing. An antique inn located in two historic districts to a venue with resort like components is indeed substantial. The paragraph further states. In

17318

making such determination, the Board of Appeals shall also consider number four whether the proposed variance will have an adverse effect or impact on the physical or environmental or environmental conditions in the neighborhood or district. Of course, this variance will have an adverse effect in impact on the physical and environmental conditions in the neighborhood and to historic districts. Antique inns in the Village of East Hampton, albeit one, do not have pools or hot tubs. The paragraph further states, in making such determination, the Board of Appeals shall also consider, number five, whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals? Of course, the alleged difficulty was self-created. The Laundry Group bought the property with full awareness of its classification as a pre-existing non-conforming property in two historic districts. In fact, they have advertised it as such in their website. Section 2-B of this same section 278-7 states the Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community, there's that community reference again. It's mentioned again because those who wrote the code wanted you to care about the community in your decision making. So, they repeat it over and over and over again. I think we all know the minimum variance in this case would be the allowance of the ADA compliant improvements. To suggest otherwise is disingenuous. Section 2-D of this same section states additional provisions related to applications for the extension, expansion, or alteration of a non-conforming use or the buildings of structures related to a non-conforming use. A pool is a structure, so what I'm about to read also applies. Finally, and most importantly, more important than all of the rest of our code as it relates to this particular variance, the code states in number 3 of this Section, D, no variance, I repeat, no variance shall be granted to permit the introduction of any outdoor use, including outdoor dining, to a pre-existing nonconforming commercial use in a residential district, or to permit the expansion or extension of any such outdoor use. Subsequently, there can be no way a pool or spa, both of which introduce and or expand outdoor use, to this pre-existing nonconforming commercial use located in a residential district can be permitted by this Board, if the Board is ruling in accordance with our Village Code. I want to make it very clear that all I have stated herein exists in the code under area variance, not use variance, and the Board has indicated this is an area variance. Given the Village Code, many are respectfully asking how can the pool and spa aspects of this variance still be under consideration by this Board? We would greatly appreciate an answer. If we can't rely upon our Village Code and Zoning Board to protect our rights in a community zoned with the intention of protecting, among other things, the value of our property, why do we have a Zoning Board at all? And why would any homeowner invest the amount of money required to live in the Village of East Hampton? I thank you for your time today.

John McGuirk: Thank you Joan.

Matthew Grinnell: Can I add something please.

John McGuirk: You're still under oath, thank you.

Matthew Grinnell: Um, I just wanted to tell you, notwithstanding the experience that we had living next to the Maidstone Arms, we sold the house. And for about a year we didn't own a house. And we looked from Montauk to Southampton to find another house because we love the

East End. Um, and after lots of looking in neighborhoods and at specific houses, um, we chose to go back into this beautiful Village of East Hampton. We chose very specifically to come back here and buy a home here that we love. We chose it not least because it's beautiful and wonderful and a great place to live and own a home, but because of the protections afforded by this Board and the other Boards and the other, other governance structures in the Village that are different and are unique and are special to this Village. It'd be incredibly disappointing to have chosen specifically to be in the Village, specifically to be in the Hunting Lane Historic District, which has additional protections on top of those from the Village and from the Town. And I would also note that we put the house before we sold it, we worked with Mr. Hefner, to put it into the Main Street Historic District, because we care for the Village, and it wasn't previously in, um, and because we wanted to contribute to the Village. So please, maintain those protections and evidence them to other people who will come and invest time and money in the Village, as Joan just said, thank you.

John McGuirk: Thank you. Martha.

Martha Reichert: Thank you. Martha Reichard again for the applicant. Um, I think that, you know, one of the things throughout this process, right, and we've been at these hearings now for several years, is that I do believe this application has been reviewed and changed and altered, all in response to the neighbors, um, concerns, and also how to make this as conforming as possible to make those variances the least amount possible. And if you look at what was originally submitted, we needed multiple transitional yard variances and coverage variances. Through this review process we only now need a coverage variance. Um, all of the improvements, including the swimming pool and its associated patio, meet the transitional yard setbacks. They are conforming with respect to the setbacks, which are intentionally designed to protect the neighbors' quality of life in terms of light, air, noise, etc... Um, and the pool itself is comparable, if not smaller than almost all of the other pools in the neighborhood and in fact, every single historic residence in the Hunting Lane Historic District is improved with the swimming pool. If this were to be a residence again, it would have none of the sort of protected features that this application will bring to this particular swimming pool, which, again, are all designed to address neighbor concerns, right? We meet the 50-foot transitional yard setback. We have augmented the vegetative buffer that is required from 20ft to 50ft wide. We are adding sound attenuating fencing. We have covenanted the hours of operation. The pool will be covered, it will not have outdoor illumination. And because that pool area is closed in the evening, right, that addresses some of the concerns that we've heard from the neighbors of how can this be enforced, right? Um, and I think the fact that the pool will have a retractable cover when it closes for its hours of operation, and including the spa, um, is meant to really take that head on. And again, we've covenanted to it, and we want to be, again, good stewards of the inn and also good neighbors. Um, you know, in looking at the variance standards, very early on in this application, we addressed, I'll backtrack a little bit, we addressed that aspect of the Village Code that does not allow the introduction of a new outdoor use, right. And one of the things that we looked at in terms of how that section would be interpreted is, you know, if we were proposing a recreational facility or a swim club, right, but this is not a new outdoor use, this is rather an accessory use to the Inn. And in terms of legal precedent, we have cited to the case by the Honorable Martha Luft in Hedges Inn versus Village of East Hampton, in which, um, Justice Luft said that pre-existing non-conforming uses are entitled to their accessory uses. So, with respect to the variances that

17320

we seek here, it is a lot coverage variance. It is the minimum amount necessary. We have removed several terraced patios that were non-conforming and were areas of congregation very close to Mr. Morgan and Mr. Feigenbaum's, uh, pre-existing non-conforming garage that they have on their property that's one foot from the property line, and I believe it may have an apartment, right. So, I think that in some ways we've addressed something that has...that is legally pre-existing and generates...has the potential to generate noise, right? It's got a seating area, that will be gone. Um, you know, with respect to the visibility of Main Street, this Board actually asked us to dial back some of our landscaping to preserve that open view, because the physical location of the pool is set back enough that it will not be visible from Main Street and it won't be visible from Hunting Lane either, because the building shields it. Um, and all of that is in keeping with the Main Street and the Hunting Lane Historic District design guidelines, which allow historic structures to have modern amenities. The Village has never found that, you know, adding a modern amenity, like a swimming pool to a historic structure takes away from its historic qualities or attributes. And that's in the Village's design guidelines and Bob Hefner has told this board or the Design Review Board over and over again that throughout the years. Um, to address some of the comments that were made about the windows that received a certificate of appropriateness from the Design Review Board.

John McGuirk: That has nothing to do with us, so.

Martha Reichert: I know I just, but I did want to address it.

John McGuirk: That's not our...

Martha Reichert: And, uh, you know, I've... I won't be a beat a dead horse. I've, I've gone through the variance standards with you several times. Um, and, and uh, but I did just want to sort of address the fact that we are only seeking a lot coverage variance at this point.

John McGuirk: Thank you. Billy, can you tell us the next steps here, please?

Bill Hajek: Good afternoon, Chairman, members of the Board, Billy Hajek for the Village. Uh, if the Board has determined that you have all the materials that you need or all the information that you need to make a decision the next step would, for the Board to... It is still a type... I'm sorry. It's still an unlisted action in accordance with SEQRA. The applicant has submitted the EAF Part One. The Board would have to prepare an EAF Part Two and make a SEQRA Declaration in connection with the decision, or determination. So, I could prepare a draft for the Board for the next meeting, or at your will, whichever you prefer.

John McGuirk: Board members?

Philip O'Connell: I think that's good. Is it appropriate to close the public hearing at this point?

John McGuirk: I think we have to keep the public... Do we do the SEQRA first, or?

Bill Hajek: Uh, well, you would adopt the SEQRA determination as part of your decision. Typically that's how it's done.

John McGuirk: So, we leave the hearing open until... Okay.

Shahab Karmely: Mr. Chairman, would it be possible to ask that gentleman, uh, I forget your name, a question?

John McGuirk: Matthew?

Shahab Karmely: I'm just curious when you...

John McGuirk: You got to come to the podium, please. Sorry. Just state your name again just so Gabby...

Matthew Grinnell: Matthew Grinnell.

Shahab Karmely: So, I live on Main Street myself. I live at the garden property, 127. Um, and of course, like all of us, we've been to the Inn many times, always with good memories. It was very rundown, and we all know the condition. I'm curious the interactions that you're having with this owner and the police department. What was the name?

Shahab Karmely: Sorry, the... To date, I've had no interaction with...

Shahab Karmely: Oh, so would you be referring to...

Matthew Grinnell: It was all at the Maidstone Arms. Giving some context to my experience with new owners at an inn and just having...

Shahab Karmely: So, nothing to do with them?

Matthew Grinnell: No. I've never met them before.

Shahab Karmely: Okay. And, uh, and now that you've moved back, which is very nice to have somebody who's so involved with you back here, are you near the inn or are you.

Matthew Grinnell: Yeah, 35 Huntting Lane.

Shahab Karmely: Oh, you are.... You're on 35. So, you moved back to...

Matthew Grinnell: Yes. And again, we chose to be close, although not immediately.

John McGuirk: Thank you, thank you. Okay, so we'll leave the hearing open. Uh, Billy, you'll do a draft SEQRA. Okay. We're going to go into Executive Session for some legal pending matters. A motion to make, a motion to close. Okay, so I'll make a motion that we go into executive session.

James McMullan: Motion.

17322

John McGuirk: Second?

Philip O'Connell: Second.

John McGuirk: All in favor?

Board in Unison: Aye.

John McGuirk: We were just in executive session; no business was conducted. Um, so do we make a motion to close the executive session? No. Okay. All right, so I make a motion to close today's hearing.

James McMullan: So moved.

John McGuirk: Second?

Shahab Karmely: Second.

John McGuirk: All in favor?

Board in Unison: Aye.

John McGuirk: Thank you all. Have a nice weekend. Happy Mother's Day.

FILED
VILLAGE OF EAST HAMPTON, NY
DATE: 6/24/24
TIME: 9:22AM

Gabriell McKay

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Incorporated Village of East Hampton will hold a public meeting at the LTV Studios, 75 Industrial Road, Wainscott, New York, on Friday, May 10, 2024, at 11:00 a.m. on the following applications and to conduct such other business as may come before the Board: The applications can be viewed on the Village's website easthamptonvillage.org by clicking on the "Public Board Meetings" tab.

Application of Traumhaus 1, LLC, SCTM#301-15-5-11.1, Traumhaus 2, LLC, SCTM#301-15-5-10 and the Incorporated Village of East Hampton, SCTM#301-15-5-12.1, for Variances from Chapter 101, Coastal Erosion Hazard Areas, Chapter 278, Zoning and Chapter 124, Preservation of Dunes, to remove vegetation and to reconstruct an existing stone revetment. A Coastal Erosion Hazard Area Permit and variances are requested in accordance with Sections 101-9, 101-11 and 101-12 to reconstruct approximately 420 linear feet of stone revetment located seaward of the Coastal Erosion Hazard Area line. Variances are required from Section 124-1 A. (1) & (2) and Section 278-3 A. (7) to remove vegetation and reconstruct approximately 420 linear feet of stone revetment located seaward of the 15 foot contour

line and partially seaward of the southerly edge of beach grass where no structures are permitted within 100 feet of the 15 foot contour line and no disturbance is permitted within 150 feet from the southerly edge of beach grass. Traumhaus 1, LLC is approximately 6.8 acres in size and located at 75 West End Road. Traumhaus 2, LLC is approximately 2.0 acres in size and is located at 69 West End Road. The Village of East Hampton property is approximately 0.63 acres in size and is located at 79 West End Road. All of the subject properties are located in Residence District R-160, adjoin the ocean beach and are located in FEMA Flood Zones VE (el. 19), Zone VE (el. 17) and Zone AE (el. 10). The project requires approval of the New York State Department of Environmental Conservation and the Town Trustees. This project is classified as an Unlisted Action in accordance with SEQR. Application of West End Partners II, LLC, SCTM#301-15-5-6, for a Permit and Variance from Chapter 101, Coastal Erosion Hazard Areas, Variances from Chapter 278, Zoning, and a Wetlands Permit in accordance with Chapter 163, Freshwater Wetlands, to legalize the reconstruction of an existing residence, construct a swimming pool, generator, construct patios and retaining walls, a parking area and install landscaping. A Coast-

al Erosion Hazard Area Permit and Variance is required in accordance with Section 101-9 to legalize the reconstruction of a residence, with modifications, that is located seaward of the Coastal Erosion Hazard Area line and to reconstruct with modifications a swimming pool, generator, sanitary system, multiple patios and retaining walls all located seaward of the Coastal Erosion Hazard Area line. Variances of 7.7 feet and 8.6 feet are required from Section 278-3 A. (4) (a) to reconstruct a residence located 26.3 feet and 25.4 feet from the side yard lot lines where the required side yard setbacks are 34 feet. Variances of approximately 12.8 feet are required from Section 278-3 A. (5) (b) to construct four A/C condenser units located approximately 7.2 feet from a side yard lot line where the required side yard setbacks are 20 feet. A 19.9-foot variance is required from Section 278-3 A. (5) (b) to construct a patio and stairway 0.1 feet from a side yard lot line where the required side yard setbacks are 20 feet. A 10.2-foot variance is required from Section 278-3 A. (5) (c) to reconstruct a swimming pool 29.8 feet from a side yard lot line where the required side yard setback is 40 feet. A Wetlands Permit is required in accordance with Sections 163-3 and 163-7 and variances of 50 feet from Section 278-3 A.

(8) to construct a parking area, walkways and retaining walls, the nearest of which is 100 feet from wetlands where the required wetland setback is 150 feet and a 34-foot variance to clear land and landscape 91 feet from wetlands where the minimum required setback for clearing and landscaping activities is 125 feet. The subject property is 63,915 square feet in area and is located at 51 West End Road in Residence District R-160. The property adjoins the ocean beach and is located in FEMA Flood Zones VE (el. 17) and Zone AE (el. 10). This project is classified as a Type II Action in accordance with SEQR. Application of David G. and Christina M. Siegel, SCTM#301-2-6-28.1, for an Area Variances from Chapter 278, Zoning, to construct a single-family residence and entry stoop. An 11.3-foot variance is required from Section 278-3 A. (3) (a) to construct a residence and entry covered stoop, the nearest being proposed 18.7 feet from the front yard lot line where the required front yard setback is 30 feet. The subject property is 10,000 square

feet in area and is located at 31 Church Street in Residence District R-40. This project is classified as a Type II Action in accordance with SEQR.

Application of Christopher Jaeger and Phoebe Simmer, SCTM#301-2-3-10, for Area Variances from Chapter 278, Zoning, to construct a pool house. Variances of 15 feet and 16 feet are requested from Section 278-3 (A) (5) (c) to construct a pool house and cellar bilco door 5 feet from the rear yard lot line and 4 feet from the side yard lot line where the required rear and side yard setbacks are 20 feet. The subject property is 10,235 square feet in area and is located at 9 Route 114 in Residence District R-40. This project is classified as a Type II Action in accordance with SEQR.

Said Zoning Board of Appeals will at said time and place hear all persons who wish to be heard in connection with the applications. Interested parties may be heard in person, by agent, or by attorney.

Dated: April 19, 2024
By Order of John L. McGuirk III, Chairman
Zoning Board of Appeals
inc. Village of East Hampton
42-2/249

100

100

100

100

100