

Zoning Board of Appeals
September 11, 2020
11:00 a.m.
via Video-Conferencing and
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Those present were:

Lysbeth A. Marigold, Chair
Philip O'Connell, Vice Chair
John L. McGuirk III, Member
Lawrence A. Hillel, Member
Craig R. Humphrey, Member
Christopher A. Minardi, Alternate Member
Elizabeth Baldwin, Village Attorney
Billy Hajek, Village Planner
Christopher Eng, Design Professional on behalf of Justin G. and Elizabeth P.
Sautter
Brian DeSesa, Attorney on behalf of David and Michele Kuhl and
Gary M. Kravetz and Mariel Creo-Kravetz
Anthony Vermandois, Architect on behalf of David and Michele Kuhl
Gary M. Kravetz and Mariel Creo-Kravetz, Applicants
Trevor Darrell, Attorney on behalf of 7 Davids Lane LLC
Melissa Dedovich, Agent on behalf of Fulling Mill Farm LLC
Leonard I. Ackerman, Neighbor of Fulling Mill Farm LLC and attorney on
behalf of Summerhouse30 LLC
Jody Gambino, LTV Moderator
Pamela J. Bennett, Deputy Clerk

September 11, 2001 Remembrance

Ms. Marigold: Good morning ladies and gentlemen. Let us start by calling this zoom meeting of East Hampton Village Zoning Board to order on a date that we will never forget in America and I think we should just honor those that were lost on September 11th of 2001.

CLOSE HEARING

James D. Danella – 49 La Forest Lane – SCTM #301-12-6-7

Ms. Marigold: We have no minutes this time so we will begin by closing the hearing of the James D. Danella application at 49 La Forest Lane. Do I have a motion to accept to close the hearing?

Mr. Hillel: Motion.

Ms. Marigold: Second?

Mr. McGuirk: Second.

Ms. Marigold: All in favor?

Mr. Hillel: Aye.

Mr. Humphrey: Aye.

Ms. Marigold: And now we have three out of the five determinations. I will read the names and addresses, it was written by our Village Attorney, after which Ms. Bennett will poll the Board, and if anybody would like more information, the complete application is on file at Village Hall.

DETERMINATION

James D. Danella – 49 La Forest Lane – SCTM #301-12-6-7

Ms. Marigold: I will start with James D. Danella at 49 La Forest Lane who applied for alterations and to construct an addition. That has been granted.

Ms. Bennett: Ms. Marigold?

Ms. Marigold: Yes.

Ms. Bennett: Mr. O'Connell?

Mr. O'Connell: Yes.

Ms. Bennett: Mr. McGuirk?

Mr. McGuirk: Yes.

Ms. Bennett: Mr. Hillel?

Mr. Hillel: Yes.

Ms. Bennett: Mr. Humphrey?

Mr. Humphrey: Yes.

DETERMINATION

Westend Trust – 200 Georgica Road – SCTM #301-12-6-16

Ms. Marigold: Next, we have the Westend Trust at 200 Georgica Road. They applied for a generator and an inground propane tank, that too has been granted.

Ms. Bennett: Ms. Marigold?

Ms. Marigold: Yes.

Ms. Bennett: Mr. O'Connell?

Mr. O'Connell: Yes.

Ms. Bennett: Mr. McGuirk?

Mr. McGuirk: Yes.

Ms. Bennett: Mr. Hillel?

Mr. Hillel: Yes.

Ms. Bennett: Mr. Humphrey?

Mr. Humphrey: Yes.

DETERMINATION
Calvin Klein and Marcy Klein – 69 West End Road –
SCTM #301-15-5-10

Ms. Marigold: And now we have Calvin Klein and Marcy Klein, 69 West End Road, to construct a residence between the ocean and the pond front on a lot and that has been granted.

Ms. Bennett: Ms. Marigold?

Ms. Marigold: Yes.

Ms. Bennett: Mr. O'Connell?

Mr. O'Connell: Yes.

Ms. Bennett: Mr. McGuirk?

Mr. McGuirk: Yes.

Ms. Bennett: Mr. Hillel?

Mr. Hillel: Yes.

Ms. Bennett: Mr. Humphrey?

Mr. Humphrey: Yes.

AMENDED DETERMINATION
128 LPL LLC – 128 Lily Pond Lane – SCTM #301-13-7-8.1

Ms. Marigold: We have an amended resolution from August 14, 2020, there were one or two little glitches in it, at 128 Lily Pond Lane, so there will be an amended determination about the ridge and the gable height and the amount of inches. That has been granted.

Ms. Bennett: Ms. Marigold?

Ms. Marigold: Yes.

Ms. Bennett: Mr. O'Connell?

Mr. O'Connell: Yes.

Ms. Bennett: Mr. Hillel?

Mr. Hillel: Yes.

Ms. Bennett: Mr. Humphrey?

Mr. Humphrey: Yes.

Ms. Bennett: Mr. Minardi?

Mr. Minardi: Yes.

A D J O U R N M E N T S

Donald R. Mullen Jr. – 67 Cross Highway – SCTM #301-5-2-12

c/o The Maidstone – Premises of Lexington Lounge LLC –

207 Main Street – SCTM #301-8-7-30.4

Eric and Lori Blatstein – 211 Lily Pond Lane – SCTM #301-15-4-12

Ms. Marigold: We have three requests for adjournments and the next meeting will be October 9, 2020, we have a request from Donald R. Mullen Jr. at 67 Cross Highway, for c/o The Maidstone, Premises of Lexington Lounge LLC, 207 Main Street, and finally Eric and Lori Blatstein at 211 Lily Pond Lane. Do I have a motion to accept the adjournments?

Mr. Hillel: Motion.

Mr. Humphrey: Second.

Mr. O'Connell: Second.

Ms. Marigold: All in favor?

Mr. Humphrey: Aye.

Mr. McGuirk: Aye.

ORIGINAL HEARING
Justin G. and Elizabeth P. Sautter – 3 Georgica Road –
SCTM #301-8-12-5.10

Ms. Marigold: And now we are going to start the new hearings. The first one is the application of Justin G. and Elizabeth P. Sautter, 3 Georgica Road. Ms. Bennett, will you please read the notice.

Ms. Bennett: Application of Justin G. and Elizabeth P. Sautter, SCTM#301-8-12-5.10, for Area Variances from Chapter 278, Zoning, to construct a detached garage with an attached pool house/cabana structure. A 2-foot 8-inch variance is requested from Section 278-3.D.(6)(c) to construct a garage with a height of 22 feet 4 inches when the maximum permitted height of a garage is 20 feet. A 20-foot variance is required from Section 278-3.A.(5)(c) to construct a pool house/cabana building 20 feet from the rear yard lot line where the required setback is 40 feet, and any other relief necessary. The subject property is 43,806 square feet in size and is located at 3 Georgica Road in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR.

Ms. Marigold: Is the applicant present?

Mr. Eng: I am. Can you hear me?

Ms. Bennett: Yes.

Mr. Eng: Hi, Christopher Eng, 93 Main Street, West Sayville, the design professional for the owner. We are proposing a combination of garage and pool cabana on this property. The height is due to the fact that we are, the cabana, we are trying to keep the cabana at the same level as the pool so in order to get just a regular ceiling height in the cabana, we are actually raising the roof a little bit to accommodate that. The side yard setback of 20 feet instead of 40 feet, we really do not have space to move it in another location to get that 40-foot setback. We feel that what we are proposing here is not going to change the nature or character of the neighborhood and we do not see that we can actually feasibly obtain this structure without an area variance from the Village. We do not feel that the variance is substantial and we do not think it will have an adverse or physical effect, negative effect onto the environmental conditions, and we do not think that the variance was self-inflicted.

Mr. McGuirk: What is the pool height?

Mr. Eng: The grade from the existing driveway to the pool is probably about five feet.

Mr. McGuirk: Okay.

Ms. Marigold: Is there anything up, you have windows up on the roof. Are you having storage up there or is there...

Mr. Eng: It is only going to be storage up there, the garage is actually not going to have a ceiling in it. The windows are for aesthetic only so both owners own Jeeps so they are looking for a higher ceiling in there so they can put a, like a lift to pull the roof off their Jeeps but there is not going to be attic space above that.

Mr. Humphrey: You are asking for four inches above the required, the acceptable height in that building.

Mr. Eng: Correct.

Mr. O'Connell: Is there anybody from the public that wants to make a comment?

Mr. Gambino: Right now there are no callers on the line.

Mr. O'Connell: Sorry Craig for...

Ms. Marigold: Craig, the permitted height is 20 feet...

Mr. Humphrey: They are asking for four inches more, why do they need four inches more?

Ms. Marigold: No, they are asking for two feet, eight inches...

Mr. Humphrey: I am sorry, yes, you are right, okay, I am reading my notes wrong. Why?

Mr. Eng: We are actually doing a combination of the pool house and the cabana so we are trying to make up the height difference from the driveway

to the height of the paving at the pool so with that the ceiling height in the cabana is going to be eight feet and it drops down about five feet in the garage and because of that height difference that we are trying to make up from the driveway to the height of the pool, that is the reason why we are asking for the extra height.

Mr. McGuirk: If you have been in there, the pool is elevated, it makes sense looking at it and listening to what you are telling us.

Mr. O'Connell: May I speak?

Ms. Marigold: Yes Phil.

Mr. O'Connell: So on the survey you called out the Town regulations as opposed to the Village regulations, you did not put on the survey the pool setback envelope, you did not put the accessory setback envelope, assuming the scale is correct, if you separate the cabana and the garage, you have room in the northwest corner where you can put the garage in an appropriate spot and not have to get a variance. In addition, by doing that, you can put the cabana so it can meet the setback. Again, that is provided that the scale, the one to 30 is correct on the survey that you provided. You are asking for a 50 percent variance going from 40 feet to 20 feet, I find that substantial. There is no reason for a two foot plus height variance, it is not defensible in this case even though the pool is raised five feet. You have plenty of other options, it is definitely not the minimum variance required to accomplish what you are looking for being both a garage and a pool house. It might be the minimum, you might have to look at it a little different as to separating the two out.

Mr. Eng: That is correct. If we did separate the two structures, we would not need an area variance from the Board, that is correct.

Mr. Hillel: Why would you need an area variance, there is plenty of room.

Mr. Eng: No, I am sorry, when I say area variance, the side yard setback, I am sorry.

Mr. Hillel: Yes, but you can put it in different places.

Mr. Eng: You are correct...

Mr. Hillel: Why not put the garage, let us see, south of the pool?

Mr. O'Connell: I think, Larry, we are saying the same thing, there are plenty of other options. Obviously, we can only evaluate the application that is in front of us, I do not know if anybody else has any comments or we should close the hearing and vote.

Mr. Humphrey: Phil, I have repeatedly asked them why they cannot separate the two, the garage and the pool house, and they just stick with this is what they want and I agree with you, I think we should separate the two.

Ms. Marigold: All right, I hope you are listening to all of this. I think we should close the hearing, let you go back to your clients and talk to them and see what they want to do.

Mr. O'Connell: I make a motion to close the hearing.

Mr. Eng: Would that be, when you say close the hearing, is that equivalent to an adjournment?

Mr. O'Connell: No, it is a denial, it would probably be a denial or if enough people approve it, it will be an approval.

Mr. Eng: Oh, I see, okay.

Mr. O'Connell: I make a motion to close the hearing.

Ms. Marigold: So moved.

Mr. O'Connell: Do you want to poll the Board?

Ms. Bennett: Was there a second?

Ms. Marigold: Is there a second?

Mr. McGuirk: I thought Lys just seconded.

Mr. Humphrey: I will second it.

Ms. Marigold: What about...

Mr. O'Connell: Do you want to go around, Lys, to see who is in favor, who is not?

Ms. Marigold: Well, okay Phil, are you in favor or not?

Mr. O'Connell: I am not in favor of approving this.

Ms. Marigold: Craig?

Mr. Humphrey: No, I am not in favor because of the precedence that it sets and especially since you can separate the garage and the pool house without any difficulty.

Ms. Marigold: Larry, I think we know your answer too.

Mr. Hillel: Yes, I think they could avoid the variances.

Ms. Marigold: Well we have our three...

Mr. McGuirk: There you go.

Ms. Marigold: So, I am going to close this hearing, we have a second, all in favor?

Mr. McGuirk: Aye.

Mr. Hillel: Aye.

Mr. Humphrey: Aye.

Mr. Eng: Thank you.

Ms. Marigold: Thank you.

ORIGINAL HEARING
David Kuhl Revocable Trust and Michele Kuhl Revocable Trust –
4 Lockwood Lane – SCTM #301-13-10-16

Ms. Marigold: The next one is the David Kuhl Revocable Trust and Michele Kuhl Revocable Trust, 4 Lockwood Lane, Ms. Bennett, please read the notice.

Ms. Bennett: Application of David Kuhl Revocable Trust and Michele Kuhl Revocable Trust, SCTM#301-13-10-16, for Area Variances from Chapter 278, Zoning, to construct a pool house and pool equipment. Variances of 9.1 feet and 13 feet are required from Section 278-3.A.(5)(c) to construct a pool house and swimming pool equipment 30.9 feet and 27 feet from the rear yard lot line where the required setbacks are 40 feet. An 8-inch variance is requested from Section 278-3.D.(6) to permit a pool house to be 14 feet 8 inches in height where the maximum height for a pool house is 14 feet, and any other relief necessary. The subject property is 43,632 square feet in size and is located at 4 Lockwood Lane in Residence District R-160. This property is located within the Ocean Avenue Historic District and is subject to Design Review Board approval. This project is classified as a Type II Action in accordance with SEQR.

Ms. Marigold: Is the applicant present?

Mr. DeSesa: Yes, good morning Members of the Board, Brian DeSesa of the Adam Miller Group, 2462 Main Street, Suite 7, Bridgehampton, New York, attorney for the applicant. So, we are here for the property located at 4 Lockwood Lane. Before we get into the reasons, I think history is important here, this structure that is being proposed was constructed in 1999, received a variance from this Zoning Board of Appeals in 2001 to have the structure located where we are proposing and the relief we are requesting today. The applicant acquired the property approximately two years ago, filed permits, went before the Architectural Review Board for a renovation/addition on the property, hired a local architect, hired a local contractor. The local contractor in doing demo and site work, took down the pool house that we were proposing to remain in the same spot so it was an interpretation from the Building Inspector that even though there was a variance granted by this Board in 2001 for the structure as we are proposing it today, since we were going to re-build that structure in the like, kind place, a new variance would be necessary so I think that part of history is important

that this structure that we are proposing here has existed on the site since 2001 which was permitted by variance and had a certificate of compliance.

Mr. Hillel: But when you are starting anew, you can avoid the variance, can you not?

Mr. DeSesa: I cannot because of the following. So, when the project was designed, the renovation of the house, the pool, and the pool house contemplated the structures remaining in the same places. The owner was told by the builder that they would be able to re-build this in the like, kind place so the house, the pool, and the pool house were all set up dimensionally based on what was approved and what was there. So, if it was a blank slate, I would agree with you that we could have redesigned based on that, but the design, and I do have the architect Anthony Vermandois here, the design and the permits for the house were done so with the volume of this pool house being situated in the current location. The lot is a corner lot so it has two front yards, it fronts on two streets so this area is heavily wooded as to where the proposed building would be put back as well as screened. My position is that it would not create an undesirable change to the community or neighborhood in granting the relief because the Board has previously granted the relief to have this building here in 2001 and we would be merely putting back what was previously there. The benefit to the applicant cannot be achieved by any other means because the design of the house, the renovation, and the rebuild all work from the position that these were the setbacks that were permitted by that variance, these were where the buildings were allowed to be constructed, and this is how it would be...[inaudible]. So, the location of the house was fixed, the location of the pool was changed to be between the house and the pool house where the pool house would be fixed. So, the applicant does not have any other means than seeking an area variance since that was the setup, he was told that that would be able to be accomplished based on local professionals in which he hired to accomplish this project.

Mr. Hillel: But why did you do it before you did it?

Mr. DeSesa: I am sorry, I did not understand what...

Mr. Hillel: Why did you not ask for the variances before you built it?

Mr. DeSesa: We did not build this. So, the pool house was there...

Mr. Hillel: No what I am saying, when you renovated this and the Building Inspector told you you needed a variance, why did you not ask for a variance before you went so far.

Mr. DeSesa: So, timing-wise, that is what, if I was not clear, let me clarify. The applicant hired a local contractor to do the work. The local contractor said since you already had a certificate of compliance and you had a previous variance for the building, that the building could be taken down and rebuilt in place. So, the building went down prior to the conversation with the Building Inspector saying that now it is a new building, you need a new variance. So, the applicant relied on the contractor saying it could come down and be re-built in the same location.

Mr. Hillel: But you had a Building Inspector, he gave his comment, right?

Mr. DeSesa: After the building had come down.

Mr. Hillel: But nobody checked with him before, right?

Mr. DeSesa: My understanding is that the builder did not.

Ms. Marigold: You learned a lesson that when things are taken down...

Mr. DeSesa: If they would have known that, they would not have taken the building down and we would not have to be here, that is part of the difficulty here for the applicant.

Mr. O'Connell: Brian, I have two questions. Brian, is this variance, is the only difference being added to this variance is an additional eight inches in height?

Mr. DeSesa: That is correct.

Mr. O'Connell: Beth, I have a question for you. I thought variances ran with the land.

Ms. Baldwin: They do but it depends upon if the Board conditioned on specific plans.

Mr. O'Connell: Okay. So, if the Board conditioned on specific plans and they rebuild to the exact set of plans, then the variance would run with the land, correct?

Ms. Baldwin: I would think so.

Mr. O'Connell: So really what we are looking for here is an eight inch variance to comply with FEMA, which the FEMA laws have changed since the original variance was granted, so I see this as obviously it seems to have been a mistake, they are not looking to gain, it does not seem like they are looking to gain anything additional other than the eight inch variance to comply with the new FEMA law. What is the total height of the building, Anthony or Brian?

Mr. DeSesa: Fourteen feet eight inches.

Mr. O'Connell: So, it is a lot lower than other buildings that were built at the time and I think it still comes in under what our Code has for height even increasing the eight inches to comply with FEMA. This is something I would be in favor of, I do not know how the rest of the Board feels.

Mr. Hajek: Can I just make one point, it is Billy Hajek here. I am just reading over the variance that was previously granted...

Ms. Baldwin: You are breaking up Billy.

Mr. Hajek: I am sorry?

Mr. DeSesa: I cannot hear you.

Mr. Hajek: Can you guys hear me now?

Mr. McGuirk: Yes.

Mr. Hajek: So the variance that was granted in 2002 I believe was for the shed that is attached to the pool house. The pool house did exist but it is not clear to me, unless there is a variance that I do not have on record, the variance that was granted was for the attached shed to the pool house, not for the actual pool house.

Mr. DeSesa: So the pool house was built, the pool house was constructed prior, in conformance at the time of the setback, then a shed was added which all makes it part of the same structure, it is not a separate detached shed, so the shed is attached to the pool house, so the building itself, they differentiated in the decision, they singled that out and said that was an as built. The prior owner, not my owner, as well as the generator...

Mr. Hajek: But the pool house was not, that could be why the Building Inspector said, the variance that runs with the land is for the shed, not necessarily for the pool house but that might just be splitting hairs.

Ms. Marigold: John?

Mr. McGuirk: I am good.

Ms. Marigold: You are good?

Mr. McGuirk: Yes.

Ms. Marigold: I do not see...[inaudible]...him.

Mr. Hillel: Me, Larry?

Ms. Marigold: Yes.

Mr. Hillel: I will accept it.

Ms. Marigold: And I am good with it so is there a motion to close the hearing?

Mr. McGuirk: So moved.

Mr. O'Connell: I make a motion.

Ms. Marigold: Second?

Mr. Hillel: Second.

Ms. Marigold: All in favor?

Mr. McGuirk: Aye.

Mr. Humphrey: Aye.

ORIGINAL HEARING
Gary M. Kravetz and Mariel Creo-Kravetz – 2 Baiting Hollow Road –
SCTM #301-8-10-29.3

Ms. Marigold: Then we have Gary M. Kravetz and Mariel Creo-Kravetz at 2 Baiting Hollow Road. Ms. Bennett please read the notice.

Ms. Bennett: Application of Gary M. Kravetz and Mariel Creo-Kravetz, SCTM#301-8-10-29.3, for Variances from Chapter 278, Zoning, to construct a single-family residence and accessory improvements. A 603 square foot variance is requested from Section 278-3. A.(13)(a) to construct a single-family residence containing 7,590 square feet of gross floor area where the maximum permitted gross floor area is 6,987 square feet. A 941 square foot variance is requested from Section 278-3.A.(9)(a) to allow 13,699 square feet of coverage where the maximum permitted coverage is 12,758 square feet. The subject property is 68,385 square feet in area and is located at 2 Baiting Hollow Road in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR.

Ms. Marigold: Is the applicant present?

Mr. DeSesa: Good morning Members of the Board, Brian DeSesa, 2462 Main Street, Suite 7, Bridgehampton, New York, attorney for the applicants, the owners are on as well, as well as the architects. The property is located on the corner of Buckskill Road and Baiting Hollow Road, the existing lot contains a dilapidated two-story house, tennis court, and has been, in talking to the neighbors, been an eyesore to that area of the neighborhood for some time. I did obtain, as of this morning, which I will forward over, a letter in support of the application from the Mendez family who owned the adjoining property to the south so I will forward that to the Board separate from that. I would like to address first the gross floor area request and then the lot coverage request. The lot being uniquely configured having two front yards, it would be difficult to site a detached garage so the garage being attached to the dwelling here counts toward the total gross floor area and specifically the garage is 678 square feet. In addition to that, we have three rooms. There is a great room and foyer and a staircase that exceed 15 feet in ceiling height

thus driving a double count in terms of the gross floor area. Those three rooms totaling a footprint of 742 square feet. So the intent of the gross floor area is to correlate massing of a house to the property size. So what I would submit to the Board here is that the house, even of itself is not that of a massing issue for the lot because when you take into consideration the double height areas of 742 square feet and the fact that we are attaching the garage versus detaching the garage and adding additional buildings, the garage being 678 square feet, you come to almost 1,400 square feet of area that I would submit to the Board is inclusive of the house but does not add to the massing of the house. The applicants would also be willing to condition that the garage would never be converted into living space. The design is that we are trying to minimize the amount of buildings on the lot and that is why the garage was included there so the applicants would support a covenant or restriction being filed against the property promising that the garage would never be turned into living space at a later date, and it is also nice because now you are not having a separate detached garage which would be somewhat of a challenge to site based on the two front yards of the property. The existing house contains a tennis court if you drove by which sits approximately 32 feet from the southern lot line and forward of the existing house toward Baiting Hollow Road. That tennis court is proposed to be removed, replaced to the back area of the property, the tennis court does not in and of itself need relief but is important I think for the Board to understand the terms of the site plan and how it is being developed. That tennis court is proposed to be sunk and screened and in addition in talking to the Mendez family attorney, we have agreed to move the tennis court 10 feet to the north which I would submit on a revised site plan to this Board so that tennis court will be moved ten feet further north and be sunken as well as additional screening on the property. The lot coverage variance obviously is in total of 941 square feet which for this size of a lot I would submit is not noticeable, it would not create any detriment to the neighborhood. In fact, point four of your test, the impact to the neighborhood, specific to the environmental impacts would be positive on this project, you are getting a new septic system, new drainage, new plantings, the applicant proposes to remove existing structures that are outside of the property line onto the Village line, new screening clearing up a blighted house, if you will, to the neighborhood which would correlate to factor one as to whether or not the granting of this variance would create a detriment to the neighborhood. I would submit not, it is actually a positive. It is going to clean up a corner of the Village and of this street. We do not view the variance request as substantial when viewed in light of the attached garage, the double height

ceilings at this point and although it is somewhat driven in terms of the pool patios, is where that lot coverage most of it can be cited to. Any questions from the Board so far?

Mr. Hillel: Well Kent in his memo says that the pool house is over the GFA and the stone wall is on Village right-of-way.

Mr. DeSesa: The pool house was reduced in size to 250 square feet to comply, there was a revised plan submitted approximately six weeks ago and the stone wall is proposed to be removed. We did not construct that, the applicants acquired that, so we would remove anything not on the applicant's property because that is on the Village property.

Mr. Hillel: Okay.

Ms. Marigold: When the architect designed the house, did he know about the Village Code and the double height counting for twice the amount of square feet?

Mr. DeSesa: He did know about that and then he, so there were two parts, the double height we were planning for when we were then trying to figure out the garage versus having another building we attached the garage so the garage in and of itself is 678 square feet which could be attributable to, we are over by 603 square feet, so the garage in and of itself if it were removed and then a separate structure was put up, would be an alternative but with two front yards and siting that, it was a practical challenge for the applicants and the property and aesthetically they believe having a single structure would actually set up and view as less massing for people driving on either Buckskill or Baiting Hollow.

Ms. Marigold: It is a very large garage. How many cars?

Mr. DeSesa: Is Chuck on the line?

Unknown Voice: Two-car garage.

Mr. DeSesa: It is an oversize two-car garage.

Mr. O'Connell: You were talking about, Brian, before the garage going into the GFA and the double height going into the GFA and it is your feeling that

it does not add to the massing. The Zoning Code was specifically designed to address that because it does go to the massing otherwise you could wind up with an extremely large floor plan with ceilings that are 15 feet or higher and it changes the mass. I feel like you hired a competent architect, it is basically a brand-new build, they could design something that complies with the Zoning Code. If you detach the garage, the height of the garage drops off so that reduces some of the mass also. I feel like on these new builds, the Code is there, you have a competent architect, you can design to the Code. I think it is an overreach to do a new build and not design to the Code.

Ms. Marigold: It is a large house too. I mean we all know what that corner is like, I had a friend that lived on Buckskill and those are all fairly small houses on Buckskill and this house is going to be probably prominent from Montauk Highway, it is eight bedrooms and nine baths I believe, is that true? Is that so?

Mr. DeSesa: I believe there are six bedrooms but the way the Health Department calculates it that is why you are seeing the eight number but I will confirm that for you.

Ms. Marigold: Okay because I mean that is, by anybody's standards, a large house so when it comes in 603 feet over the GFA on a new build, we find that very hard to accept. John?

Mr. McGuirk: I agree with everything Phil said and I agree with everything you have said. I mean I think they should be able to get this to fit on the property.

Ms. Marigold: Larry, you have comment?

Mr. Hillel: I am in agreement, I am in agreement that they do not need variance for the new construction.

Ms. Marigold: Okay, back to Phil.

Mr. O'Connell: Yes, I think it is new construction, you can design to fit.

Ms. Marigold: Phil, are you closing the hearing or...

Mr. O'Connell: Yes, I make a motion to close the hearing.

Mr. Kravetz: Can I say something? Can I possibly say something?

Mr. O'Connell: Yes.

Mr. Kravetz: Thank you everyone for your time obviously, I appreciate it this morning. We understand the size of the house but we also see it, we changed the address from 7 Buckskill Road to 2 Baiting Hollow as soon as we acquired the property out of bankruptcy several years ago. Our goal obviously is to beautify the corner and to create a beautiful home for our family. I really appreciate the Board's time here but I take a little bit of issue with all due respect in terms of the sizing and the scale of the house. If you look at the neighbors up and down Baiting Hollow Road, all of the houses are substantially bigger and growing bigger as we go. So, I appreciate the zoning, I appreciate the building architect and our goal was to build something that was beautiful and done with size appropriate for the scope and size of the site and to do the right thing by the Board. I would really request respectfully that the Board reconsider their position with respect to making us go back and revise or revise the variances on the double heights because that is really what we are trying, what we are talking about here. I really do not want to have to separate the garage, I think that changes, as Brian said, the perspective of the house and how it sits on the plan. Of course, we are not going to use it for living conditions and as Brian said, we would be more than happy to stipulate to that.

Mr. DeSesa: Could we have an adjournment to the next meeting and we can have a discussion and see if there are alternatives that we can present to the Board.

Mr. O'Connell: You know I think you can resubmit an application but what is in front of us right now, the issue that the Board has is that you should be able, you are doing new construction, you should be able, with a competent architect, design to the Code. There is no reason to exceed the Code. You are talking about, even if you were at the Code of 6,987 square feet, that does not include your lower level where you can pick up another 3,000 square feet of living space fairly easily, I think that the house is, regardless of whether it is scaled for the neighborhood or not, I think the primary issue is that there is a Code to build to when you do a new home, the Appeals Board is really for relief when you get some obscure result when you apply the Zoning Code to a particular property because we all know if you apply across the Board there will be some properties that it will not fit. Here, if

you apply it correctly to this property, you can still get a nice sized home, a garage, everything that you need.

Ms. Marigold: We are not picking on you, the East Hampton Village Zoning Board takes the same stance that as a new build try as hard as you can to get to our Code which is what we use as our guideline.

Mr. McGuirk: He is looking to, he is asking us if we would not close the hearing and keep it open and normally we have done that. Why would we not? Let them come back if they can find something different.

Ms. Marigold: Okay. Phil, is that all right with you?

Mr. O'Connell: I think we should evaluate the applications that are in front of us and not trade back and forth.

Mr. Hillel: Also, it is an oversized two-car garage, you could save GFA and reduce it to a normal two-car garage, there is a lot of ways you can do it without changing the major construction.

Mr. DeSesa: That is what I was thinking and that is why I was seeking an opportunity for us to have those conversations off line with the client.

Mr. O'Connell: My feeling is if you cannot design to the Code, you will wind up most likely with the same result.

Ms. Marigold: Well since this has been a new way of doing things, I think we will adjourn this once since you have asked.

Mr. DeSesa: Thank you.

Mr. Kravetz: Thank you.

Ms. Marigold: Do I have a motion to adjourn?

Mr. McGuirk: So moved.

Mr. Hillel: Motion.

Ms. Marigold: Okay.

Mr. DeSesa: I appreciate it, have a good day.

Mr. Kravetz: Thank you.

ORIGINAL HEARING
7 Davids Lane LLC – 7 Davids Lane – SCTM #301-3-9-2

Ms. Marigold: Then we have 7 Davids Lane LLC, 7 Davids Lane.

Mr. Hillel: Lys, I cannot hear you too well. I heard you better before.

Ms. Marigold: I know, something just happened, I am looking at my computer, 7 Davids Lane LLC at 7 Davids Lane, is that better?

Mr. McGuirk: Much better.

Ms. Marigold: Please read the application Ms. Bennett.

Ms. Bennett: Sure. Application of 7 Davids Lane LLC, SCTM#301-3-9-2, for Variances from Chapter 278, Zoning, to make alterations and construct additions to the single-family residence and to make alterations to a second building containing habitable space where one residence is permitted on this lot. A 434 square foot variance is requested from Section 278-3.A.(13)(a) to make alterations and construct additions to a residence totaling 3,014 square feet in gross floor area where the maximum permitted gross floor area is 2,580 square feet. A variance is required from Section 278-7.C.(2)(d)[1] to make alterations to a building containing a second residential use, which is deemed a nonconforming use, on a parcel of land that is permitted one single family residence. Variances of 16.8 feet and 18.2 feet are required from Section 278-3.A.(4)(a) to make alterations to a preexisting nonconforming building located 2.1 feet from the side yard lot line and 3.8 feet from the rear yard lot line where the required side yard setback is 18.9 feet and the required rear yard setback is 22 feet, and any other relief required. The subject property is 15,803 square feet in area and is located at 7 Davids Lane in Residence Districts R-80 and R-40. This project is classified as a Type II Action in accordance with SEQR.

Ms. Marigold: Is the applicant present?

Mr. Darrell: Hi, good morning, Trevor Darrell, Chairwoman and Members of the Board, Trevor Darrell, 10 Gingerbread Lane, East Hampton, New York for the applicant. As Pam just read, this variance application is for two separate variances from my looking at it. The first I would like to address would be the existing cottage that has been preexisting nonconforming secondary structure that is on the property and just so the Board is clear, there is no, because I know you have had a bunch of these recently, there is no proposal to actually amend or change that habitable space in that existing accessory structure. This application, and I went over it when we first were submitting this to the Village, I cannot remember if it was Kenny or Kent, but basically the opinion of the Building Department was if we were going to swap out from two garage doors, which is what is there now which are smaller, to one single garage door, it is a change to the structure which will require approval from this Board. So when we are dealing with that accessory nonconforming structure, what the applicant is seeking to do, she is a single woman, 74 years old, she is the only one parking her car in that existing garage, and she wants to be able to drive it in with some convenience as opposed to having to squeak in through the much smaller existing two doors, if that makes sense.

Ms. Marigold: Yes.

Mr. Darrell: There are no other proposed changes to the interior of that garage or the layout or the housing or the expanding of the habitable space in that unit.

Ms. Marigold: I think the garage doors were made for model T's or something.

Mr. Darrell: Exactly so the point of that variance still recognizing this Board has ruled on that cottage in the past, the prior owner had asked to expand the habitable space we understand that that is not what is being proposed here, this is really a more user-friendly door to be installed in the cottage. So then turning to the second variance, which is the gross floor area variance, which is on the main structure, and as I said before, Ms. Kallop, the owner, is 74 years old and there currently is no bedroom on the first floor so the applicant is seeking to install a bedroom on the first floor and is somewhat, not complicated, but I think if I remember a few meetings back there was some conversation about we are seeking a variance so we have to start at the permissible level. The property currently sits as nonconforming

because it has an additional 176 square feet of GFA over what would be permitted. So, what we are asking the Board actually to approve is an additional 258 square feet over what is already existing but when you add it on to what is existing, the variance that needs to be approved is for the 434 if that makes sense. So, while it looks like it is a 434 square foot variance, what we are seeking to actually increase the existing GFA is only by 258 square feet.

Mr. Hillel: Is there any second floor on top of this new bedroom?

Mr. Darrell: A second floor on top of the new bedroom? Yes.

Mr. Hillel: Why would that be needed if the key thing is, is a first-floor bedroom for an older woman, why have a second floor and you can reduce the square foot variance.

Mr. Darrell: I am misspeaking then, it is not habitable space above the bedroom.

Mr. Hillel: Right, I mean why have the second floor if the key thing is, is the first-floor bedroom for an older woman not to have to go upstairs.

Mr. Darrell: It is not, it is roof deck over the bedroom, it is not habitable space.

Mr. Hillel: Okay, if it is not habitable space, okay.

Mr. McGuirk: She is going to lift this house, right Trevor?

Mr. Darrell: Yes, right, so that is part of the application. That house currently sits in a nonconforming location from side yard and front yard setbacks. So the proposal is to actually pick up this house and move it interior to the property so that it actually conforms to front yard and rear yard setbacks and where the proposed bedroom is going is actually right now patio space with trellises so what you see there as you drive by, what we are basically doing is closing it in to convert it to a bedroom.

Ms. Marigold: As you drive by, it looks like it is habitable space anyway from the street.

Mr. Darrell: Correct. We are not changing the actual, what would be the façade but we would be conforming it to setbacks.

Ms. Marigold: This is quite the project.

Mr. McGuirk: The fact that she is undertaking this project, keeping the old house that is there and going to lift it and move it, I think it is great, I am all for it.

Ms. Marigold: Phil, what do you say? Phil? Phil? All right, we will go to Larry.

Mr. Hillel: Yes, I have no problem.

Ms. Marigold: Okay and Craig?

Mr. Humphrey: This is fine, she is moving into a better space, so I have no objection.

Mr. O'Connell: Sorry, I was muted before. I think it is great that they are re-constructing it and moving it into a conforming location. Obviously, I see no issue with the garage either, just replacing two doors with one door. I think it is the minimum necessary to get what they are looking for and it is going to be, it is going to fit in with the neighborhood.

Ms. Marigold: Do we have a caller or anything, do we have anybody else who would like to be heard on this?

Mr. Gambino: There are no callers on the line.

Ms. Marigold: Okay so we can actually close this hearing.

Mr. O'Connell: I make a motion to close.

Mr. Hillel: I second.

Ms. Marigold: All in favor?

Mr. McGuirk: Aye.

Mr. Hillel: Aye.

Mr. Humphrey: Aye.

ORIGINAL HEARING

Fulling Mill Farm LLC – 10 Briar Patch Road – SCTM #301-12-4-15.3

Ms. Marigold: We have Fulling Mill Farm LLC at 10 Briar Patch Road, I think John you said you...

Mr. McGuirk: Yes, I am not going to be on this one.

Ms. Marigold: Chris, are you going to step in?

Mr. Minardi: Yes, sure.

Ms. Marigold: Okay. Ms. Bennett would you please read the notice.

Ms. Bennett: Sure. Application of Fulling Mill Farm LLC, SCTM#301-12-4-15.3, for a Variance from Chapter 278, Zoning, to allow an accessory playing court to exist on property without a principal building. A Variance is requested from Section 278-1.A. to permit the continued existence of an accessory playing court on a property without a principal building. The subject property is 81,762 square feet in area and is located at 10 Briar Patch Road in Residence District R-160. This project is classified as a Type II Action in accordance with SEQR.

Ms. Marigold: Is the applicant present?

Ms. Dedovich: Hi, this is Melissa Dedovich, Peconic Environmental Associates, I am here on behalf of the applicant. How this started is actually my clients own the property also next door is Toni and Seth Bernstein, they are the principles of the Fulling Mill LLC and they have a 3.25-acre property next door, when they purchased that property, they also purchased the subject property which at the time had an existing residence which has a C. of O. from 1999 but nothing has been really, no maintenance on that property since probably 1999. There is a family of racoons living there, it is falling apart, there was another barn that used to be on the property that has collapsed and there was at one point a swimming pool that was becoming a mosquito ditch that was removed as well. In 2018, the clients built a

basketball court there thinking that in the future they were going to do a guest house. Long story short, the clients decided after talking to a couple of architects that the existing residence was really too much in disrepair so they were thinking in the future of putting a guest house there but they are not prepared to do so at the time. So I went to go meet with the members of the Building Department and I asked what do we need to do to get a demolition permit here and they said well actually you have to get a variance or you could just knock it down like everybody else does and then ask for forgiveness afterwards and I said no, that is not how we roll. So, they recommended that we file for this, I know in Southampton Town and East Hampton Town they do allow you to have an accessory structure if you can show contiguous ownership between the lots or some relationship between the two lots. Again, the LLC that owns this property are the same principles that own the property next door. It is a rather large lot, it is 1.9 acres, it is already served by a 25 foot scenic easement off of Briar Patch Road and that is what we are asking, and like I said there is a family of racoons living there, we really would just like to take it down, it is a safety issue now, there is grass growing out of the gutters, and it is just not safe to keep there anymore.

Mr. O'Connell: If there is nobody from the public I would like to speak. Is there anybody from the public? No? So, I would like to note that this is well within the pool and playing court envelope which is a big deal if we are going to approve something like this, I would be in favor of removing that house which God only knows what could happen to it if it continues to...[inaudible].

Ms. Marigold: It is a beautiful piece of property, and I think it would be a real asset to the Village to have it open and clear the way it is going to be because the old derelict, the only thing I have is 1999 you are making it sound like it is 1899, that it is falling apart in 21 years is pretty scary, but it will certainly look better without it and I hope that some day that we, in the Village, so you will not have to come before us but not yet. John?

Mr. McGuirk: I am not on this one.

Ms. Marigold: Of course. Chris?

Mr. Minardi: Yes, I have no problem with this. We have allowed these courts or swimming pools or tennis courts to be allowed on properties before so it is fine with me.

Ms. Marigold: Larry?

Mr. Hillel: I am okay with it.

Ms. Marigold: Okay, so we have a quorum on that. Is there a motion to close this hearing?

Mr. O'Connell: I have one more question. Beth, do we have to put something in the determination that it can stay as long as it is held in the same beneficial ownership but if it no longer becomes the same beneficial ownership, they have to remove the court? I cannot hear you.

Ms. Baldwin: You do not have to, that is part of a Code in East Hampton Town but that is not a requirement in the Village.

Mr. O'Connell: Okay. I make a motion to close the hearing...

Mr. Ackerman: You have the public, you have not asked if there is anyone from the public who wants to speak.

Mr. O'Connell: I did before I went.

Mr. Ackerman: Oh, okay, well could I speak?

Mr. O'Connell: Yes.

Mr. Ackerman: Lys, I just want to point out to you. I do not object to this but I just want to point out that this is a very historical structure. This was the home of the pony farm that used to be on the corner of Georgica Road and Montauk Highway and this is where the ponies were kept in the 60's and 70's and into the 80's. I would just suggest, Melissa I do not object to this obviously, but I think Bob Hefner should look at this building, there might be something here in this building that we may want to maintain if they are going to destroy it, he really should take a look at it. This is a very old historic structure.

Ms. Marigold: Okay.

Ms. Dedovich: I actually, and Pam can share, I did share some pictures, it may have been historic at one point which I am not aware of but if you look at the pictures of the property, somebody put sliding glass doors in the back, there was different work done in the building, I mean it was definitely renovated sometime, again, probably why the 1999 C. of O. is there, and again nobody, there was no issue when the existing barn that was there that probably was the timber barn that you are talking about collapsed and had to be removed. So, I do not think this particular building is of any historic significance, there was a pool attached to it, and the shed that is on the one side of the house is actually the pool equipment and the filter and everything too. So, I am not sure if that is actually, if it was actually part of the pony farm itself.

Mr. Ackerman: Well it may or may not be but...

Mr. McGuirk: I am not sitting on this application, Len, I am just saying that the gentleman that ran the pony farm was Willard Nichols, actually my cousin worked for Willard Nichols, they took the ponies down every day from Fulling Mill Farms down to the corner of the highway, she can tell you whether that was the pony barn or not.

Mr. Ackerman: We are trying to preserve as many old structures in the Village as we can. Lys, can I just comment about another application now that we are done with this. I wanted to ask Billy with respect, I know Beth probably was not able to finish Conard but because we are getting into the planting season on Conard, would it be possible for Conard to get started on the plantings so we do not wait another two months before the written determination goes down?

Mr. Hajek: I do not know if we should be talking about that, I think the Board is still discussing an application, right?

Ms. Marigold: Yes.

Mr. Ackerman: I thought you closed the record, I thought you were all done.

Ms. Dedovich: I am still here.

Ms. Marigold: I think we should close this hearing but look into whether there is any historic value because that certainly answers why a house from 1999 would be in such disrepair.

Ms. Dedovich: This is actually part of the two-lot subdivision of Sondra Phelan and the house next door that the Bernsteins did purchase was one of the first landmark timber house restorations if you may recall and we worked very closely with Bob on that.

Ms. Marigold: He probably then has looked at the other structure at the same time. All right so there is a motion to close the hearing?

Mr. Hillel: Motion.

Mr. Minardi: Second.

Ms. Marigold: All in favor?

Mr. Hillel: Aye.

Mr. O'Connell: Aye.

Mr. Humphrey: Aye.

Ms. Dedovich: Thank you very much.

Ms. Marigold: Okay, thank you.

APPLICATION WITHDRAWN
Booke Georgica LLC – 82 Apaquogue Road – SCTM #301-12-5-8

Ms. Marigold: We have an application that has been withdrawn without prejudice, Booke Georgica LLC at 82 Apaquogue Road, do I have a motion to accept that.

Mr. O'Connell: Motion.

Ms. Marigold: All in favor?

Mr. Hillel: Aye.

Mr. Humphrey: Aye.

Ms. Marigold: Is there anything else?

Mr. O'Connell: No, motion to close the meeting.

Summerhouse30 LLC – 30 West End Road – SCTM #301-15-3-8

Mr. Ackerman: Can I ask the question about Conard?

Ms. Marigold: I think you better do it off line.

Mr. Ackerman: Off line?

Ms. Marigold: Off line. Call Beth and Billy.

Mr. Ackerman: Oh okay.

Mr. O'Connell: It is not on the agenda.

Mr. Ackerman: It was on the agenda for a determination. If it is on the agenda, why cannot I ask a question about it.

Ms. Marigold: Which one is it?

Mr. Ackerman: Summerhouse30 LLC.

Ms. Marigold: Oh Summerhouse30, okay.

Mr. Ackerman: That is what I am talking about.

Mr. Hajek: You want to do the plantings, Len, is that what you are...

Mr. Ackerman: Ed is asking if I could inquire of you, I do not mean to rush Beth, she needs the time to finish it, I understand, but because of the planting season I thought it would be a reasonable request to allow them to get started with the planting so he does not have to wait another month.

Mr. Hajek: I do not know if that is a decision I can make, putting in the revegetation if he wanted to do that.

Mr. Ackerman: Well that is what he is talking about, I guess, revegetation.

Mr. Hajek: Yes, I think that would be, he is establishing plantings, native plantings.

Mr. Ackerman: We will go off the record and we will talk about it with Beth. Thank you very much.

Ms. Marigold: Thank you. The meeting is closed.

continued on next page

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 Emergency Services Building, One Cedar Street, East Hampton, New York, on Friday, September 11, 2020 at 11:00 a.m., or via video-conferencing if necessary, on the following applications and to conduct such other business as may come before the Board. If you would like to participate in the Zoom meeting, contact pbennett@easthamptonvillage.org. The applications can be viewed on the Village's website easthamptonvillage.org by clicking on the "Alerts" tab.

Application of Justin G. and Elizabeth P. Sautter, SCTM#301-8-12-5.10, for Area Variances from Chapter 278, Zoning, to construct a detached garage with an attached pool house/cabana structure. A 2-foot 8-inch variance is requested from Section 278-3.D.(6)(c) to construct a garage with a height of 22 feet 4 inches when the maximum permitted height of a garage is 20 feet. A 20-foot variance is required from Section 278-3.A.(5)(c) to construct a pool house/cabana building 20 feet from the rear yard lot line where the required setback is 40 feet, and any other relief necessary. The subject property is 43,806 square feet in size and is located at 3 Georgica Road in Residence District R-80. This project is classified as a Type II Action in accordance with SEQOR. Application of David Kuhl Revocable Trust and

Michele Kuhl Revocable Trust, SCTM#301-13-10-16, for Area Variances from Chapter 278, Zoning, to construct a pool house and pool equipment. Variances of 9.1 feet and 13 feet are requested from Section 278-3.A.(5)(c) to construct a pool house and swimming pool equipment 30.9 feet and 27 feet from the rear yard lot line where the required setbacks are 40 feet. An 8-inch variance is requested from Section 278-3.D.(6) to permit a pool house to be 14 feet 8 inches in height where the maximum height for a pool house is 14 feet, and any other relief necessary. The subject property is 43,632 square feet in size and is located at 4 Lockwood Lane in Residence District R-160. This property is located within the Ocean Avenue Historic District and is subject to Design Review Board approval. This project is classified as a Type II Action in accordance with SEQOR. Application of Gary M. Kravetz & Mariel Creo-Kravetz, SCTM#301-8-10-29.3, for Variances from Chapter 278, Zoning, to construct a single-family residence and accessory improvements. A 603 square foot variance is requested from Section 278-3. A.(13)(a) to construct a single-family residence containing 7,590 square feet of gross floor area where the maximum permitted gross floor area is 6,987 square feet. A 941 square foot variance is requested from Section 278-3.A.(9)(a) to allow 13,699 square feet of coverage where the maximum permitted coverage is 12,758 square feet. The subject property is 68,385 square feet in area and is

located at 2 Baiting Hollow Road in Residence District R-80. This project is classified as a Type II Action in accordance with SEQOR. Application of 7 Davids Lane LLC, SCTM#301-3-9-2, for Variances from Chapter 278, Zoning, to make alterations and construct additions to the single-family residence and to make alterations to a second building containing habitable space where one residence is permitted on this lot. A 434 square foot variance is requested from Section 278-3.A.(13)(a) to make alterations and construct additions to a residence totaling 3,014 square feet in gross floor area where the maximum permitted gross floor area is 2,580 square feet. A variance is required from Section 278-7.C.(2)(d)[1] to make alterations to a building containing a second residential use, which is deemed a nonconforming use, on a parcel of land that is permitted one single family residence. Variances of 16.8 feet and 18.2 feet are required from Section 278-3.A.(4)(a) to make alterations to a preexisting nonconforming building located 2.1 feet from the side yard lot line and 3.8 feet from the rear yard lot line where the required side yard setback is 18.9 feet and the required rear yard setback is 22 feet, and any other relief required. The subject property is 15,803 square feet in area and is located at 7 Davids Lane in Residence Districts R-80 and R-40. This project is classified as a Type II Action in accordance with SEQOR. Application of Fulling Mill Farm LLC, SCTM#301-12-4-15.3, for

a Variance from Chapter 278, Zoning, to allow an accessory playing court to exist on property without a principal building. A Variance is requested from Section 278-1.A. to permit the continued existence of an accessory playing court on a property without a principal building. The subject property is 81,762 square feet in area and is located at 10 Briar Patch Road in Residence District R-160. This project is classified as a Type II Action in accordance with SEQOR. 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: August 21, 2020 By Order of Lysbeth A. Marigold, Chair Zoning Board of Appeals, Inc. Village of East Hampton 7-2

FILED
VILLAGE OF EAST HAMPTON, NY
DATE: October 13, 2020
TIME: 9:00 a.m.



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