

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

John L. McGuirk III, Chairman
James H. McMullan, Vice Chairman
Craig R. Humphrey, Member
Philip O'Connell, Member
Joseph Rose, Member
Andrew Baris, Alternate Member
Elizabeth Baldwin, Village Attorney
Billy Hajek, Village Planner
Laurie Wiltshire, Land Planning Services on behalf of Brian Bigos
Ed Krug, Agent on behalf of Emre G. and Linda Gunalp
Maria Vann, Executive Director, East Hampton Historical Society, Neighbor
of the Gunalps
Brian DeSesa, Attorney on behalf of JABR LLC
David Lerner, Applicant, JABR LLC
Drew Bennett, Engineer on behalf of Maidstone Club
Jody Gambino, LTV Moderator
Pamela J. Bennett, Village Clerk

Mr. McGuirk: Welcome to the Zoning Board meeting of Friday, December 11, 2020.

1. **Minutes**

Mr. McGuirk: First we have the minutes from November 13, 2020, do I hear a motion?

Mr. McMullan: I will make a motion to accept.

Mr. Rose: Second.

Mr. McGuirk: All in favor?

Mr. Humphrey: Aye.

Mr. O'Connell: Aye.

Mr. Rose: Aye.

Mr. McGuirk: Next on the agenda we have the determinations, and Jim McMullan, since I recused myself from the first one, Jim McMullan will read the first determination.

DETERMINATION

Frederick A. Terry, Jr. – 97 Briar Patch Road – SCTM #301-12-4-18.1

Mr. Rose: Jim, if I could just, this is Joe Rose, just want to state for the record that the attorney for the applicant has represented me in a personal matter in the past, not currently on any matter, and I see no conflict but I just wanted to state it for the record.

Mr. McMullan: Thank you Joe, appreciate that. In the application of Frederick A. Terry, Jr., 97 Briar Patch Road, Suffolk County Tax Map #301-12-4-18.1, to legalize accessory improvements and landscaping is approved.

Ms. Bennett: Mr. McMullan?

Mr. McMullan: Yes.

Ms. Bennett: Mr. O'Connell?

Mr. O'Connell: Yes.

Ms. Bennett: Mr. Humphrey?

Mr. Humphrey: Yes.

Ms. Bennett: Mr. Rose?

Mr. Rose: Yes.

Ms. Bennett: Mr. Baris?

Mr. Baris: Yes.

DETERMINATION

7 West End Road LLC – 7 West End Road – SCTM #301-15-4-7

Mr. McMullan: Okay, I will read the next determination. In the application of 7 West End Road LLC, 7 West End Road, Suffolk County Tax Map #301-15-4-7, to make alterations to a legally preexisting nonconforming building and decking is approved.

Ms. Bennett: Mr. McGuirk?

Mr. McGuirk: Yes.

Ms. Bennett: Mr. McMullan?

Mr. McMullan: Yes.

Ms. Bennett: Mr. O'Connell?

Mr. O'Connell: Yes.

Ms. Bennett: Mr. Humphrey?

Mr. Humphrey: Yes.

Ms. Bennett: Mr. Rose?

Mr. Rose: Abstain.

ADJOURNMENTS

64 WE Acquisition LLC – 64 West End Road – SCTM #301-15-5-3
Gary M. Kravetz and Mariel Creo-Kravetz – 2 Baiting Hollow Road –
SCTM 301-8-10-29.3
c/o The Maidstone – Premises of Lexington Lounge LLC – 207 Main
Street – SCTM #301-8-7-30.4

Mr. McGuirk: We have three adjournments to January 8, 2021, we have 64 WE Acquisition LLC, we have Gary M. Kravetz, 2 Baiting Hollow Road,

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and we have c/o The Maidstone, Premises of Lexington Lounge LLC, 207 Main Street. We do not need a motion or anything on that, right Pam?

Ms. Bennett: Beth, motion? Do you want them to do a motion?

Mr. McGuirk: Do we need one?

Mr. O'Connell: Yes. I will make a motion.

Mr. McGuirk: Second?

Mr. McMullan: I will second.

Mr. McGuirk: All in favor?

Mr. Humphrey: Aye.

Mr. Rose: Aye.

Mr. McGuirk: Thank you.

ORIGINAL HEARING
Brian Bigos – 20 Stratton Square – SCTM #301-1-5-17

Mr. McGuirk: So now we have new hearings, Ms. Bennett?

Ms. Bennett: Application of Brian Bigos, SCTM#301-1-5-17, for Area Variances from Chapter 278, Zoning, to construct a patio and install a liquid propane (LP) tank. A 3.5 foot variance is requested from Section 278-3.A.(5) to construct a patio 7.5 feet from the rear yard lot line where the required setback is 10 feet. A 7 foot variance is requested from Section 278-3.A.(5) to install a liquid propane tank 3 feet from the side yard lot line where the required setback is 10 feet. A variance is requested from Section 278-3.A.(9) to permit 2,604 square feet of coverage where a prior zoning board determination granted a variance allowing 2,547 square feet of coverage. The maximum permitted coverage allowed by zoning is 2,269 square feet. The subject property is 8,846 square feet in lot area and is located at 20 Stratton Square in Residence District R-40. This project is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: Do we have the applicant?

Ms. Wiltshire: Yes, it is Laurie Wiltshire on behalf of Brian Bigos.

Mr. McGuirk: Laurie, we have a new, we have to swear you in now, that is what we are doing.

Ms. Wiltshire: Yes.

Ms. Bennett: State your name and address for the record.

Ms. Wiltshire: Laurie Wiltshire, 231 Pantigo Road, East Hampton New York 11937.

Ms. Bennett: Do you swear to tell the truth, the whole truth, and nothing but the truth?

Ms. Wiltshire: I do.

Ms. Bennett: Thank you.

Mr. McGuirk: Thanks Laurie.

Ms. Wiltshire: So, the application is for variances to construct a 12 by 14 square foot stone paver pool patio and to install a 100-gallon propane tank for the pool heater. A rear yard setback variance of 3.5 feet is required to install the patio 7.5 feet from the rear yard and a 7-foot side yard setback variance is required for a propane tank 3 feet from the easterly side yard and a 57-foot variance is required for an additional 75-foot variance is required to permit 2,604 square feet of coverage where 2,547 square feet of coverage was previously approved. So, in this instance, the total lot coverage variance would be 335 square feet. That is from what is legal to what we are requesting today, so a 335-foot total lot coverage variance. As you recall, in 2018 a rear yard variance was granted for the 12 by 20-foot pool and the variance was granted to allow the initial coverage variance. The variance requested today are due to the location of the preexisting, nonconforming residence, the approved pool location, and the size of the lot. Granting the requested variances to perform this work will not create an undesirable change to the character of the neighborhood or a detriment to nearby properties. The proposed stone paver patio will only be 168 square feet and

the approval of that patio will prevent dirt and clippings from getting into the pool also giving a proper footing for chaise lounges. The proposed tank is a small 100-gallon tank only two feet in diameter and is needed to heat the pool, it is also tucked away on the southeast side of the property near vegetation and fencing. This parcel is rather unique in that it abuts a vacant drainage area owned by the Village to the southeast where the propane tank is and a commercial parking lot to the southwest which is where the patio is proposed. There are hedges and fencing on all sides of this property and most particularly on the westerly side where the only neighbor to this property resides. On this side there is a 6-foot stockade fence and a hedge. The granting of these variances is in keeping with the character of the neighborhood and will have no adverse impact on neighboring parcels at all. Because this lot is severely undersized at 8,846 square feet in an R-40 zoning district, there are no conforming locations for the patio and there is no other way to achieve the benefit sought other than the requested variances. The Bigos family took care to request a very small pool paver patio and just situated as far as practicable from the rear yard line and no closer to that line than the swimming pool itself which was already granted relief. While some of the requested variances appear substantial, this is due to the location of the improvements and the small lot size and should not preclude the variances requested. There will also be no adverse impacts on the environment or physical conditions of the neighborhood, there are no nearby wetlands or other protective natural features and the proposed project itself is environmentally benign. Given the location of the existing improvements on the property and the very small size of the lot, the alleged difficulty is not self-created and there is no alternative method to obtain the benefit sought herein without granting the requested relief. The variances requested are the minimum necessary and the granting will have no detrimental impacts on the neighborhood.

Mr. McGuirk: Billy or Beth, I believe we cannot give the variance for the tank, right, it is not in our jurisdiction? The propane tank?

Mr. Hajek: The propane tank does not comply with the New York State Building Code so the applicant would be required to get a variance from the New York State Building Code to position it 3 feet off the property line but the Building Department takes the position that they have to meet zoning setbacks as well so there I guess the applicant is seeking a zoning variance from the Zoning Board for the tank but in addition to which you would,

ultimately, they would have to obtain a variance from the New York State Building Code.

Ms. Wiltshire: I have a question for you, Billy. On the paperwork we have been able to obtain it seems that you need a variance from the State if the tank is over 125 gallons and this is only 100 gallons.

Mr. Hajek: Okay, I am going off of the turndown letter that was prepared by the Building Department so maybe they were not aware of how big or small the tank was when you...

Ms. Wiltshire: We did not see that letter, I have not seen that letter, so unfortunately, I have not had the opportunity to respond to it but I do believe there are two tanks in the field right now and that maybe their objection, one of them will be removed?

Mr. Hajek: I do not know about that. I had email communications with your office so had seemed to concede that they needed a State variance...

Ms. Wiltshire: Then we looked into it and sent a subsequent email that it was only a 100-gallon tank.

Mr. Hajek: Oh, okay, then we would have to circle back with the Building Department but regardless, what I am trying to say here is the request is to the Zoning Board for a variance because the Building Department says it has to meet the zoning setbacks.

Ms. Wiltshire: Correct so it is just a side yard setback variance from the Zoning Board.

Mr. Hajek: Yes.

Mr. McMullan: Is it, can I ask a question, is that something that they need to, if they have to go and get a permit from the State, is that something they need to obtain before we act on this?

Ms. Baldwin: I am looking at the letter from Kent Howie, August 25, 2020, and it says the proposed LP tank does not meet the minimum, this is the turndown letter, minimum side yard setback but it cites the Fire Code, it does not cite the Village Code.

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Mr. McMullan: Okay.

Mr. Rose: May I ask a question. Beth, in terms of what is the Code requirements for its exact location whether it is 100 feet or 120 feet? Are there any Fire or Building Code...

Ms. Baldwin: I would have to ask Kenny about that but he is not saying that, their turndown letter does not say that it is not meeting Village Code, it is saying that it does not meet the Fire Code.

Mr. McMullan: That it does not meet State Fire Code.

Ms. Baldwin: Right. He is not citing a specific Village Code that you would need a variance from is what I am saying.

Ms. Wiltshire: But if we have to meet the side yard setback, we do not.

Mr. Hajek: In the past they have taken the position that they have to meet accessory structure setbacks and here it would be 10 feet.

Mr. McGuirk: Okay, we need to clarify that obviously. Any neighbors wish to be heard on this application before we talk about it? Jim McMullan, do you want to take us away on this?

Mr. McMullan: I did get some history on this application also and it appears that back in mid-2018 the applicant did apply for a patio along with the pool, if I am not mistaken, and maybe it did say at some point it was, the drawings were amended, I am not sure because I was not sitting on the Board then, but it appears that the Board was not in favor of a patio as well as the pool, and I kind of stand by that decision even though the Code has changed over time and maybe the square footages that are allowed have changed. I still feel that we should stick to what was determined a little over two years ago. I do not know if anyone else has anything to add to that.

Mr. Humphrey: Jim, I have a question. Craig Humphrey.

Mr. McMullan: Yes.

Mr. Humphrey: You are talking about the patio that is basically the slabs that have been added one by one like a checkerboard?

Mr. McMullan: Correct, it says they are 12 by 14 checkerboard, yes.

Mr. Humphrey: Well that confirms, I talked to a renter of the house and he was helping the owner of the place to take all of those things off and that might have been in June of 2018 so this has been here, gone, and back, right?

Mr. McMullan: Applying again for it, yes.

Mr. Humphrey: Thanks for your research.

Mr. McMullan: Sure. Does anybody else have anything to add?

Mr. McGuirk: It was from September 14, 2018 was the determination on this.

Mr. Humphrey: And that was turned down?

Mr. McGuirk: It was turned down.

Mr. Humphrey: Okay.

Mr. Rose: Specifically, I think the application was dealt with and addressed by this Board two years ago on this very issue and the condition for the approval of the swimming pool was the removal of the proposed patio deck.

Mr. McMullan: Yes.

Mr. O'Connell: I also agree that we should stand by the prior Board's determination, and regardless of the propane tank, I assume it is going to be aboveground, there is a conforming location where it could be located.

Mr. Rose: It certainly seems that way barring any Code constraint, I think we would need more information in order, at least I would...

Mr. McGuirk: The propane tank is going underneath the ground, right Laurie?

Ms. Wiltshire: No, it is above ground.

Mr. McGuirk: I would not be in favor of the propane tank above ground so is there anybody else who would like to be heard?

Mr. McMullan: That is all I have.

Mr. McGuirk: We can close the hearing now, right Pam?

Ms. Bennett: Yes.

Mr. O'Connell: Motion to close.

Mr. Rose: Second it.

Mr. McGuirk: All in favor?

Mr. Humphrey: Aye.

Mr. McMullan: Aye.

Mr. Rose: Aye.

Mr. O'Connell: Aye.

ORIGINAL HEARING

Emre G. and Linda Gunalp – 149 Main Street – SCTM #301-8-3-18

Mr. McGuirk: We will move onto the next hearing.

Ms. Bennett: Application of Emre G. and Linda Gunalp, SCTM#301-8-3-18, for Area Variances from Chapter 278, Zoning, to construct pool equipment, A/C condenser units, outdoor shower and generator. An 18.2 foot variance is requested from Section 278-3.A.(5)(c) to construct swimming pool equipment 1.8 feet from the side yard lot line where the required setback is 20 feet. Variances of 8 feet and 7.8 feet are requested from Section 278-3.A.(5)(b) to install two A/C condenser units 2 feet and 2.2 feet from the side yard lot line where the required setbacks are 10 feet. Variances of 5.1 feet and 5.8 feet are requested from Section 278-3.A.(5)(b) to construct an outdoor shower 4.9 feet and 4.2 feet from the side and rear yard lot lines where the required setbacks are 10 feet. Variances of 21 feet and 4.7 feet are requested from Sections 278-3.A.(5)(a) and (b) to construct a

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generator 14 feet from the front yard lot line and 5.3 feet from the side yard lot line where the required front yard setback is 35 feet and the required side yard setback is 10 feet, and any other relief necessary. The subject property is 16,111 square feet in area and is located at 149 Main Street with frontage on Dayton Lane. This property is located in Residence District R-80 and the project is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: Is the applicant present?

Mr. Krug: Yes.

Ms. Bennett: Let me swear you in.

Mr. Krug: Yes.

Mr. McGuirk: Go ahead Pam.

Ms. Bennett: State your name and address.

Mr. Krug: Ed Krug, 39 Isle of Wight Road, East Hampton, New York 11937.

Ms. Bennett: Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Krug: I do.

Ms. Bennett: Thank you.

Mr. Krug: The applicant is also on the line. If they choose to speak, do they need to be sworn in as well?

Ms. Bennett: Yes.

Mr. Krug: Do we...

Ms. Bennett: We can do it before they speak.

Mr. Krug: Okay, great. Good morning everybody, thank you for hearing this, so, yes, as Pam said, we are really looking for setback relief for an

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outdoor shower, for a generator, for some air conditioning condensers, and some pool equipment. This is a really interesting project, it is an historic house, adjacent to the Historic District, my partner and I who are working on this project for the Gunalps, the client is very interested in doing a very sort of modest and very respectful renovation of this house, maintaining the current footprint and the look and feel of the historic structure that was there and that includes providing some very much needed maintenance to a historic barn that is on the property as well so I think our intentions and the clients' intentions all along have really been to be neighborly and respectful and to, at the same time, make this a workable house for a young family at the same time. It is a very constrained lot in many ways. One of the things we have added here was a swimming pool, which is really the only thing that sort of changes the coverage issue in particular, but the pool equipment location was really a kind of major consideration for us here. The best conforming location for the pool equipment would actually be much closer to the 19 Dayton Lane side of the house. There is very little room on the pool side itself which is the side toward Main Street. It would really need to go, tucked all the way into the farthest corner toward 19 Dayton Lane at the very edge of the pool setback. It is some distance from the pool which is slightly problematic but it would be much closer to the neighbor. So, in attempting to be neighborly about locating both that pool equipment and the air conditioning compressors and the generator as well, we tried to tuck them as much as possible into a sliver of space that adjoins the 1770 House property. We have talked to people at 1770, they do not have any objections to it, it is a tiny sliver of yard that is really not utilized particularly so we feel that we really have done the neighborly thing here by attempting to tuck all of that into and out of the way corner that does not really impact any residences directly. The shower location is in the, I guess that would be the south, northeast corner of the property on that side of the barn would be fenced in. Again, I have discussed the specific plans with Ms. Covelle, the general manager of the 1770 House, it would be fenced in with soundproof fencing, it is really meant to be just a shower for washing off after the beach, feet, and that kind of thing. So that is really the extent of our application is for setback relaxation on those particular items. So, I would be happy to answer any other questions that you have about what we were intending to do.

Mr. McGuirk: Thanks. We do have two letters from the neighbors adjacent to the property and I believe the one neighbor is really with the curb cut and I just want to be very clear here, the ZBA has no jurisdiction over the curb

cut, I believe it would be the Department of Public Works that issues the curb cut so I do not think his issue is with us on that particular part of the letter that he wrote. Joe, do you want to start this off? Joe Rose?

Mr. Rose: I have a question about the, why is the, I do not understand why the shower is needed in that location, if it is just a thing to rinse off feet, why is there a need for a structure in the setback area so close to the property line and my question about the pool equipment and generator is recognizing that a fully conforming location would be better for some of the other properties. What about pulling, what is the constraint about pulling the equipment tighter to the house, away from the property line, and tighter to the house.

Mr. Krug: Okay, starting with the shower question, I think the idea was that it could be tucked into that corner, it is a little bit of a traffic problem, there is a very sort of narrow passage between the barn and the house, there is another location where that shower might have gone is on the western side of the barn and it just felt sort of tight there to put it into a conforming, that is one possible conforming location but it felt like it was a little bit tight. So, it felt like that was a little underutilized corner of the property and because of the existing hedging between the Historical Society and this property, our plans to put fencing between 1770 House and this little pocket of property, it felt as though it was sort of best location for it all around. In terms of the pool equipment, of course that requires a 20-foot setback so really, we could, the house is at 22 feet I believe so pulling it closer to the house from the northern side is really not an option until you get all the way out toward the 19 Dayton Lane side of the property. Potentially the compressors could be pulled closer but our feeling was, again, it would be advantageous for creating a nicer space for the homeowner to have a little bit of a side yard there to kind of pull them back, if the pool equipment were to be pulled back, it felt like one comprehensive area for all of that gear was appropriate. Does that make sense?

Mr. Rose: I understand. Then is the generator to be fully above ground and on a base?

Mr. Krug: That was the plan, yes.

Mr. McGuirk: Phil, do you have any questions?

Mr. O'Connell: I see the proposed pool on the survey so you are going to put the pool in a conforming location and it is going to be kind of diagonal on one side, is that correct?

Mr. Krug: Right, that is to meet setback.

Mr. O'Connell: Okay, so we are not going to be looking at a variance request for that.

Mr. Krug: No, but there is very little room there with the patio and the setback requirements to put the pool equipment on that side besides which it would be unsightly to have it right in the middle of that yard and patio area.

Mr. Humphrey: But you are in the setback.

Mr. Krug: Pardon me?

Mr. Humphrey: Is the generator and all this in the setback now?

Mr. McGuirk: Yes.

Mr. Krug: Yes.

Mr. McGuirk: Jimmy, do you have any comments?

Mr. McMullan: The only thing I can say, one thing I have about the proposed shower is I saw on the drawing it had a freestanding shower unit, I am assuming there is some type of surround that is going around that? Is that plantings or is it, you are not just going to shower and go in the yard next to the 1770 House.

Mr. Krug: Yes, this is not going to be that kind of showering but yes, there is a six-foot fence, soundproofing material, okay, two layers of stockade that goes there plus it is going to be hedged in on the interior side as well, so planted and fenced.

Mr. McMullan: When it comes to the condensing units, I see where Joe is coming from being very close to the property line, I do not know if you can maybe move them a little closer to the house but also on that side, on the

other side of that property line, there is really nothing there for the 1770 House so it is really just the road so I do not have a problem with that stuff.

Mr. Krug: Okay.

Mr. McGuirk: Thanks Jimmy. I would like to see the, I have no issue with it only because you are actually up against a commercial use there at the 1770 House, I would like to see the generator moved down toward the condensing units and the pool equipment, a little bit further down on the property, I do not have any issue with anything else on the plan myself.

Mr. Krug: Okay, I think we can accommodate that.

Mr. McMullan: Will that also be surrounded by landscaping too so obviously you do not see anything from the 1770 House property?

Mr. Krug: Yes, yes it will. It requires 5 feet around it but yes, the idea is to have open space but yes, we intend to landscape around it.

Mr. McGuirk: Okay, so Billy, we want them to move the generator, what do we do here, do we wait until they come back with a plan or how do we...

Mr. O'Connell: Can I just make a comment. I would like to see it come a little bit, you are going to surround it with plantings and hedging, etc., there is going to have to be a little bit more room between the property line and the equipment so perhaps it could come southwest...

Mr. Krug: Southwest or southeast?

Mr. O'Connell: Yes, southeast, I am sorry.

Mr. McGuirk: I think to move it, bring it basically down almost behind, not behind the 1770 cottage there but I do not think it is going to have any effect on anybody.

Mr. O'Connell: Just come a little bit off the property line.

Mr. Krug: Yes, we would be happy to accommodate that if you can just give us a little further direction of what you are looking for there, we would be happy to, is that something I should work out with the Village Planner?

Mr. McGuirk: I think it would be probably best to talk to Billy...

Mr. Rose: Can I ask a question about the noise of the generator; I know what the noise of a compressor unit is but what is the noise profile of the kind of generator being used?

Mr. Krug: It is a Kohler generator. As you know with generators, they are only on when they need to be on and once a week when they are being tested, I can provide the specifications for this one if you like. It is meant to be, it is promoted as one that is particularly quiet, I do not, right in front of me, have the decibels levels on it, but it is a 20 RESCL which is Kohler's quietest generator unit.

Mr. Humphrey: Exactly what is the size of the generator length, height, and width?

Mr. Krug: It is about 3 feet high, about 3 ½ feet wide, and about 5 feet long.

Mr. Humphrey: Well, the letters, the size of the generator is one of the issues in the letters, the size and the potential noise.

Mr. McGuirk: Well, again, if we pull...

Mr. Humphrey: Well, the letters are negative on this.

Mr. McGuirk: If we pull it toward the house, it gets it away from the neighbors. How should we proceed here, should we close the hearing, Pam?

Ms. Bennett: Are there any other neighbors that would like to be heard on this?

Mr. Gambino: No callers on the line.

Ms. Vann: Hi, I am sorry, I had to unmute, I am Maria Vann, I am the Executive Director with the East Hampton Historical Society, I would just be curious to know just how noisy the units are, I am not familiar with these units...

Ms. Baldwin: Maria, let us swear you in before you...

Ms. Vann: Oh, sorry.

Ms. Bennett: Please state your name and address.

Ms. Vann: Personal address or work address?

Ms. Bennett: Business/work is fine.

Ms. Vann: Maria Vann with East Hampton Historical, 101 Main Street, East Hampton, New York.

Ms. Bennett: Do you swear to tell the truth, the whole truth, and nothing but the truth?

Ms. Vann: Yes, I do.

Ms. Bennett: Thank you.

Ms. Vann: So, we are neighbors as well in a couple of different spaces there by Clinton Academy and Town House. I would just want to know; I think like the rest of the group just what type of noise output happens from the equipment there as I am not familiar with that type of equipment and that was really the only question we have. We are neighborly as well; I know we share an egress to the property as well so I would just want that question answered.

Mr. Krug: Yes, sure, hi Maria, you and I have actually talked a little bit about this in the past about the project, you and I had a phone conversation awhile back, but yes, good question, the pool equipment these days is very quiet especially with variable speed motors so I would say that the pool equipment basically creates as much sound as a window air conditioning unit, pretty minimal, and I am sure you have experienced from other buildings that you are familiar with that outside compressors for central air conditioning systems to have a certain sort of hum to them but it is not really onerous at all. The only other thing that we would kind of affect you guys I guess would be, I mean the generator is really far enough away that I do not know if you would really hear it, and, again, it only really runs when it is required to be on and once a week for a 20-minute test.

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Mr. McGuirk: I would assume the road traffic from Main Street is going to drown out any noise you are going to hear from that generator and/or the air conditioning units anyway.

Mr. Krug: Good point.

Ms. Vann: Okay, thank you.

Mr. McGuirk: So, do we close the hearing, Pam?

Mr. Rose: I have just a question because I know we have discussed the issue about having work session opportunities subsequent to this meeting, I am just wondering, Beth, that in terms of how that works in terms of the hearing and the record and our discussions.

Ms. Baldwin: I think it depends. If the Board wants to see a revised plan with the generator moved to its location before it makes its final determination, then you are going to want to leave the hearing open.

Mr. McGuirk: Okay.

Mr. Rose: I suggest we leave the hearing open without prejudice for that purpose.

Mr. McMullan: I agree.

Mr. McGuirk: Okay.

Mr. O'Connell: I had a quick question. So, we want them to group it altogether and move it closer to the house and toward the barn, correct?

Mr. McGuirk: Well, I think we want them to move it south, closer to the house, but then I do not know how they are going to do that. We will let them figure that out, let them come back.

Mr. O'Connell: Okay, I just wanted to summarize.

Mr. Krug: May I ask a question, so we are really talking about the generator essentially, right?

Mr. McGuirk: Well, I do believe some people wanted the condensers and the pool equipment to be moved also, right Phil?

Mr. O'Connell: Yes. I would like to see it moved just a bit, I am just thinking because you have to get behind it to service it and everything else.

Mr. Krug: Okay. Just for those purposes, right, just for practical purposes?

Mr. O'Connell: You are going to landscape you were saying and then someone is going to have to service the equipment.

Mr. Krug: Okay.

Mr. Rose: Just a further question in terms of what the constraints are, in terms of above ground, below ground, what constraints and requirements are for this kind of unit. I know that noise issues can be significantly addressed by putting it in a subterranean enclosure...

Mr. Humphrey: Joe, you are talking about the generator?

Mr. Rose: The generator, yes, because generators, even the quiet ones at least that I am familiar with, when they are on especially for the test that goes once a week or when they are operating, they are pretty noisy.

Mr. Humphrey: And that is the subject of the letters that we have received.

Mr. Krug: Right.

Mr. McGuirk: I think the older ones are noisy, personally, and if you come back with some kind of plan to have some soundproofing around the generator.

Mr. Krug: Yes. Let me work this out with, the homeowners may actually be willing to give up on having this generator if it really becomes problematic to getting approval on the rest. So, let me discuss this with them and with Billy and see what we can come up with in terms of a better plan to either eliminate that generator or move it a mutually agreeable location, does that make sense?

Mr. Humphrey: Yes.

Mr. McMullan: Yes.

Mr. McGuirk: So, Pam we will adjourn this until...

Ms. Bennett: January 8th.

Mr. McGuirk: Thank you Ed.

Mr. Krug: All right, thank you very much.

ORIGINAL HEARING
JABR LLC – 209 Further Lane – SCTM #301-5-2-14.2

Mr. McGuirk: All right, we will move on now, Ms. Bennett?

Ms. Bennett: Application of JABR LLC, SCTM#301-5-2-14.2, for Variances from Chapter 278, Zoning, to construct a 576 square foot detached garage. A 23.3 foot variance is requested from Section 278-3.A.(5)(a) to construct a detached garage 31.7 feet from the front yard lot line where the required setback is 55 feet and a variance is requested from Section 278-3.A.(5)(f) to construct a detached garage within the front yard where detached garages are prohibited within a front yard area. The subject property is 57,116 square feet in area and is located at 209 Further Lane in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: Is the applicant here?

Mr. DeSesa: Good morning Members of the Board, Brian DeSesa, attorney for the applicant at 2462 Main Street, Suite 7, Bridgehampton, New York. If I could screenshare to walk through the presentation, is that something the Board would engage in or if they have seen everything I do not have to, whatever your preference is.

Mr. McGuirk: I have no preference; I have been to the location three times. Would anybody like the screen...

Mr. Rose: I think it would be great if you could screenshare.

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Mr. DeSesa: I can so if I could that would be easy to walk through for everybody so I will do that now. So, on your screen is the subject property at 209 Further Lane. It is comprised of an existing house, pool, and improvements. The current applicants acquired the property in 2018 and obtained an updated Certificate of Occupancy at that time. It is on the corner of Further and Cross Highway, for zoning purposes making this a lot that has two front yards, a front yard on Further and a front yard on Cross. I will flip back and forth between the survey and some pictures. So, we have Further Lane here, we have Cross Highway here, we have the existing house, the existing pool, this area here is where we are proposing a 24 by 24 garage that complies with zoning with respect to height, lot coverages, building coverages, but for the fact that we are locating it in a corner area where two front yards are located. The purpose of that is because we have an existing house here on an angle. We have an existing septic area on the northern portion of the property and the ability to build down here which keeps in line with the programming of the existing house. It is proposed to be set back 31.7 feet from Further Lane where 55 feet is required, we are showing a 58.5-foot setback from Cross as well as maintaining a 10-foot separation from the existing building. So, what the applicant has endeavored to do here is move or locate the detached two-car garage as close to the main dwelling as possible which minimizes the amount of relief that we are asking this Board for. In going back to the aerial, you can see that the area is heavily wooded in terms of dense planted vegetation which will allow for definitive screen, you would not be able to see this from the street. So, this is the corner of Further and Cross, behind these plantings are where we propose this detached two-car garage. The applicant would be willing to file against the property a covenant and restriction to maintain this screening and visual set so that anyone from the public would not be able to see this going forward.

Mr. Humphrey: Can I interrupt for a minute, Brian?

Mr. DeSesa: Yes please, at any time.

Mr. Humphrey: If you go down Cross, there is not that kind of coverage. In fact, right now they are clearing in there so I do not think, from where it looks like right when you pass the driveway on Cross Highway, it would be hard not to see that garage and car.

Mr. DeSesa: From Cross you are saying?

Mr. Humphrey: Yes.

Mr. DeSesa: Okay, I was just making the point from Further at that point.

Mr. Humphrey: I know.

Mr. DeSesa: I was going to get to that.

Mr. McGuirk: Let Brian finish.

Mr. Humphrey: All right.

Mr. DeSesa: There will be proposed additional screening there, however, from Cross through the driveway, yes, the point I was making is from the corner which is located here and Further, which is a more traveled roadway, the point being, you would not see it from there. From Cross Highway because of where the driveway is, there will be parts of it which you can see, however, in locating the garage on this side of the property, it is the farthest away from any neighboring properties. So, we have located a building that is 20 feet in height, farthest away from any neighboring property or residential property and screened from further away. It is our position that the granting of this variance would not affect the character of the community from an aesthetic standpoint as detached garages are common throughout the Village. The proposed garage as you see here, as your front and rear elevation, you have the two-car garage, decorative pergola across the front, being compliant with height requirements, I have all the elevations if the Board wishes to see that, there is currently no garage on the property so the applicant here is endeavoring to put a two-car garage on a property where there is no garage. So, the area basically having an existing house, having two front yards, makes this the only location where the applicant could place a two-car garage and still achieve the goals. While numerically the relief requested could be quantified as somewhat large, in the totality of the circumstance which is what I had asked the Board and the Board is directed to do, locating a two-car garage in this portion of the property would have minimal or no impact on the community, on any residential neighbors or otherwise. With respect to an adverse impact in terms of environmental factors, point 4 of the Board's test, we are not adding any residential uses, we are not adding any additional flow for septic, there will be drywells to catch rainwater runoff from any roof structures so it is a project neutral from an environmental standpoint with respect to how this would work. And I

would say here the alleged difficulty, this self-created hardship is not but is rather necessitated by the applicant having two front yards, by the house already existing, and the programming he set up. If this was a vacant lot and the applicant was coming before you, there would be feasible alternatives to locate a house and a garage, however, here, due to the fact that the property has two front yards, due to the fact the property has already been developed, this makes the most sense and the logical location to site this garage with screening and if the Board thought, as Mr. Humphrey raised, additional screening was needed, the applicant would be open to that and continue his screening if necessary. No houses are substantially higher, this garage being at 20 feet is permitted under Zoning and my point being, it being set back from Further where there is more screening and from Cross to the conforming line with that being 55 feet, a 20-foot building set back 55 feet back plus screening in the middle is going to be hardly noticeable from Cross. I would be happy to answer any questions or circle back through any of the pictures or the elements that the Board may request.

Mr. McGuirk: Are there any neighbors that wish to be heard on this?

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

Mr. McGuirk: Thank you. Billy, any comments from you?

Mr. Hajek: No, I have nothing to add.

Mr. McGuirk: Okay, thanks Billy. Phil, do you want to take us away on this?

Mr. O'Connell: Yes sure, let me run through this. Thank you for your presentation, Brian, it is very thorough. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to the nearby properties will be created by granting the area variance? I believe it will. The Village Code was amended to not allow garages in the front yard because they were producing an undesirable change in neighborhoods. So that was amended several years ago. The fact that it is blocked from view I do not find particularly relevant; I know that others do. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance. I recognize that the sanitary system is in the northern portion of the lot but you could swing your driveway around, you could be between the house and the yoga studio,

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behind the yoga studio, so there are several conforming locations without it being in the front yard, without having to get an area variance. The area variance is 45 percent, I think that is substantial coming off of Further there when you are talking about it in terms of the amount of feet you need. Also, having the garage in the front yard I think is a substantial variance. Whether it would have a proposed adverse effect or impact on the physical or environmental conditions of the neighborhood. I think on the physical yes plus the amount of the variance to having the garage in the front yard and as you know, it also sets a precedent that could change the face of the Village by allowing garages to the front yard. Was the difficulty self-created? When they bought the property, it had two front yards, it had no garage and those setbacks have not changed since then so I do think this is a self-created although that is not just the only test. And as I said, this is not the minimum variance necessary. There are conforming locations to place the garage. Those are my thoughts.

Mr. McGuirk: All right, thanks Phil. Craig, do you have anything?

Mr. Humphrey: Yes, Phil's identification of the places where you could put the garage out by the yoga studio, I never really looked carefully at the setbacks before but that would be a very good one, and they are working on this property right now and they are clearing the area, there is a gate between the house and the proposed garage that is being taken down and that area is being opened up which would make the possibility of putting the driveway to go around the back of the house toward the yoga studio or someplace up in the northern part, northwestern part of that property might work. I really do not think that I am at all in favor of a garage either in the front corner of the house or in front of the house, period. It is not in conforming with the rules of the road here and you are going to see a garage and car no matter how much you cover it because you have to get into the garage; you put it back here by the yoga studio, it is not going to be a problem.

Mr. McGuirk: Thank you. Joe?

Mr. Rose: I am sympathetic to the comments that have been made, I have two questions. One is just for the purpose of, and this is a question I guess to Beth or to Billy, there are already some, I am not sure if they are preexisting or how they are determined accessory structures, how do those factor in to the calculation as the total area for accessory structures on the property, is that met or are those existing accessory structures excluded, I am

not sure I understand how that calculation is made, I am curious in terms of just reviewing the Codes.

Mr. Hajek: So, the allowable accessory building floor area, gross floor area, for all accessory buildings is cumulative so you add them altogether and the applicant's survey does contain calculations for their existing accessory buildings and those that are proposed and they do demonstrate that they would be in compliance with the overall allowable accessory building floor area.

Mr. Rose: Thank you. Are there any other structures along Further Lane, I am not familiar with anything that is this close that cuts into that front yard area, just wondering if there are any precedence for this kind of new construction intrusion along, the front yard along Further Lane anywhere in the Village.

Mr. Hajek: I cannot answer, I did not conduct a study like that so it would be hard for me to answer the question accurately. I do not know. I could look into it for you if you would like.

Mr. Rose: Let us ask the attorney.

Mr. DeSesa: The Village has granted previous relief from the Zoning Board for garages to be located in the front yard, I do not know if on Further Lane, I can circle back with a written submission to the Board with respect to Further Lane.

Mr. Rose: It goes to the community character, thank you.

Mr. McGuirk: Jimmy, do you have anything to add?

Mr. McMullan: I have nothing to add, thank you.

Mr. McGuirk: I believe I would like to have the Planning Board look at this also, I believe there are two driveways here which are not permitted.

Mr. DeSesa: Mr. Chairman, we have submitted a letter, we are addressing that with the Planning Board at this time.

Mr. McGuirk: I would like to send this to the Planning Board and have them look at it, can we do that?

Ms. Baldwin: You can request comments from the Planning Board.

Mr. McGuirk: Yes, comments from the Planning Board before we move forward on any of this to be honest with you that is what I propose. All right, so we are not going to close this hearing, we will keep it open.

Ms. Bennett: January 8th?

Mr. DeSesa: Is that enough time to hear from the Planning Board, that would be my only question, I am happy to have my stuff ready by the 8th.

Mr. McGuirk: Is that enough time?

Ms. Baldwin: No, because the Planning Board will meet...

Ms. Bennett: The 14th.

Ms. Baldwin: Right.

Mr. McGuirk: So, we will have to put it, it will be...

Ms. Baldwin: February.

Mr. O'Connell: I have one other question.

Mr. McGuirk: Go ahead.

Mr. O'Connell: If you attach it to the house, do you go over your GFA for the house?

Mr. DeSesa: I could check that out, I believe that may be the situation but I can confirm that for you when I come back.

Mr. Lerner: Brian, this is David Lerner.

Mr. DeSesa: David, hold on one second, they are going to swear you in if you want to say something.

Mr. Lerner: Yes, that would be great, thank you.

Ms. Bennett: State your name and address.

Mr. Lerner: David Lerner, 209 Further Lane, East Hampton.

Ms. Bennett: Raise your right hand please. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Lerner: I do.

Ms. Bennett: Thank you.

Mr. Lerner: Thank you for letting me speak to the Board, I appreciate your time and I have been listening intently as this is my first experience with this. So, with respect to the question about attaching, we looked at that and we do not have the square footage available to do that. We have looked at locating the garage at all the possible locations that would not require a variance and there really was no real desirable place to put it. It does, clearly, we did purchase the home as it is situated with two front yards and really the reason for wanting to locate it here is so that we do not have to disturb the existing home, we have a renovation that has been permitted that we have commenced. That gate that has been taken down that was referenced is going back up, it was taken down temporarily to get equipment into the backyard as we improve the property. The reason for wanting to locate the garage where it is is so that we do not have to really disturb the main house. I think within, I think it would be within our rights and perhaps I think my architect is also listening and could be sworn in and verify this, but it is my belief that we could alter the footprint of the main house and put an attached garage and recreate the home but it was the view of my builder and the architect that we would be making much more disturbance of the property itself. As you look at the proposed location from Further Lane, you will not be able to see this at all and as you go down Cross Highway, because there is screening on the circular, the two curb cuts, you will not really be able to see this garage. I think it will look better than having lots of cars parked in the driveway and we also do have an electric vehicle and we need a place to be able to charge that vehicle and we were hoping to be able to do that in this garage. So that is really, we do not really have a place for storage and we are trying to make it as beautiful as possible and to improve the neighborhood. So, we respect and appreciate all of your time, I hope my

comments have been helpful to give you perspective and we would appreciate the approval as requested but as Brian DeSesa has said, if there is additional screening or modifications that would make it more palatable for you, we would be happy to consider making those changes. Unless there are questions for me, that is all I wanted to add. Thank you.

Mrs. Lerner: Happy Holidays, stay safe.

Mr. McGuirk: Okay so we will put it off now until after the Planning Board reviews this.

Ms. Bennett: February 12th.

Mr. McGuirk: All right, so we will move onto the next hearing.

Mr. DeSesa: Thank you.

ORIGINAL HEARING

Maidstone Club, Inc. – 88, 90 and 95 Dunemere Lane and 50 West Dune Lane – SCTM #301-9-3-10, 9-3-11, 9-4-11 and 9-4-17

Mr. McGuirk: Pam?

Ms. Bennett: Application of Maidstone Club, Inc., SCTM#301-9-3-10 and 11 and 301-9-4-11 and 17, for a Wetlands Permit, Special Permit and Variances in accordance with Chapter 278, Zoning, and Chapter 163, Freshwater Wetlands, to conduct maintenance activities and to cut vegetation within wetlands and adjacent to wetlands. A Freshwater Wetlands Permit and variances are required in accordance with Chapter 163 and Section 278-3.A.(5) to conduct maintenance activities including but not limited to repair of irrigation and drainage systems, leveling tee boxes, smoothing and grading cart paths, aerating and seeding, regrading and re-sodding damaged areas, cutting phragmites and cutting native and non-native vegetation within wetlands and adjacent to wetlands, and any other relief necessary. A Special Permit is requested in accordance with Section 278-7.D. for alterations to a membership club. The properties combined area is approximately 122.87 acres and are located at 88 Dunemere Lane, 90 Dunemere Lane, 95 Dunemere Lane, and 50 West Dune Lane. The properties are located in Residence Districts R-80 and R-160, in Flood Zone

AE (el.10) and adjacent to the East Hampton Village Historic District. This project is classified as an Unlisted Action in accordance with SEQR.

Mr. McGuirk: Drew?

Ms. Bennett: Let me swear you in, Drew.

Mr. Bennett: Sure.

Ms. Bennett: Raise your right hand, state your name and address.

Mr. Bennett: Drew Bennett, my address is 3 Railroad Avenue, East Hampton, New York.

Ms. Bennett: Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Bennett: I do.

Ms. Bennett: Thank you.

Mr. Bennett: Good morning Board Members. My name is Drew Bennett and I am here on behalf of the Maidstone Club and with me somewhere on line is John Genovese with Maidstone Club, he is the supervisor of the golf course, as well as Ken Koch, who is the general manager, of Maidstone Club. We seek a freshwater wetland permit to perform maintenance to an existing golf course. The course has existed since 1895 and most of it is within wetlands jurisdiction. The New York State DEC has issued a freshwater wetlands permit for the same scope of work that we have before you this morning and that permit is a maintenance permit and it is good for 10 years and we have submitted a copy of that to the Board. There are a set of plans, I do not know if you want to go through them and how we would go through them, this is my first East Hampton Village ZBA Zoom meeting so I do not know if they are available, if your Board puts them up and you want me to walk through them, if not I will try to describe them as best I can, I assume, they are in front of you, so they are not available on line to share, is that correct?

Ms. Bennett: I do not know how to do that.

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Mr. Bennett: Okay, there are seven drawings that were submitted and Pam summarized concisely the scope of work that we are talking about but I will bring your attention to two of the plans, I think they are the most important, drawing C-1 is the first page and on drawing C-1 there is an outline scope of work and the type of maintenance activities that are proposed, and Pam had just summarized those, and you will see on the drawing that there are three types of hatched areas, there is a green hatch, and then there are some little small red hatched areas, and then toward the right side of the page, there is some gray hatch. So in the green hatch areas that is basically general maintenance and that is outlined on the left hand side of the page basically, routine activities that are performed to maintain this existing golf course, and then there are some red hatch areas are basically areas that the course maintains pruning up existing vegetation to a height of 4 feet, and in the gray hatch area which is along the northern shoreline of Hook Pond and adjacent to the 16th fairway and the 17th tee, which is basically you can see that from the bridge on Dunemere Lane to give you some reference, there is some proposed pruning of existing woody shrubs as well as pruning of grasses and sedges. That is an outline of what the scope of work is. I know Billy Hajek has visited the site and I am sure he will have a report for you, for the Board Members, and I am happy to answer any questions at this time, if you have any detailed questions.

Mr. McGuirk: Thanks Drew. Do we have anybody from the public that would like to speak, any neighbors?

Mr. Gambino: We have no callers on the line.

Mr. McGuirk: Great. Billy has been over there several times; I have been over there with Billy. Billy, can you give us a comment on this application?

Mr. Hajek: Sure. Good morning, Billy Hajek. So as Drew described I would say 90 or 95 percent of the work is what I would call routine maintenance and work that the Club has been conducting periodically for a long period of time for many, many years. My focus of interest was really on the separate plan which Drew labeled C-7 and that is the area along the 16th fairway and 17th green and through the course of multiple meetings and discussions with the applicants and Drew, I think the plan has been refined to the point where it has changed from the original submission. I believe the work that is being, the new work that I think that is new which is cutting of some vegetation has been refined and I believe the work is being mitigated

to my satisfaction where there is some vegetation that is being cut, that vegetation will be replaced with new shrubs, new shrubbery. I do not think there is any loss of significant of woody vegetation and they are preserving or attempting to preserve some of the mature woody vegetation, and I think that is crucial where, we have a situation where much of the course has been manipulated. Most of the shoreline around Hook Pond that is owned or managed by the Course is pretty heavily managed, and you know my objective in this review is trying to maintain some semblance of a naturalized buffer between the course and Hook Pond just for water quality purposes and wildlife purposes. I think the revised plan that was just submitted I believe it would accomplish that goal. So, if the Board has any specific questions for me about it, I would be happy to try and answer them.

Mr. McGuirk: Billy, the DEC issued them a 10-year permit, do we issue a permit?

Mr. Hajek: The Village Code, the permits that the Village issues for, this would fall more under the guise of either restoration I guess you would call it, like a wetland restoration or a maintenance project, the Code limits them to 4 year permits so my suggestion would be that the Board, if you were to approve this, would be to condition it on 4 years and then at the end of 4 years they could resubmit either the same plan or a revised plan and we can reevaluate, the Village at that point can reevaluate how things are working, what is working, what is not working. That would be my suggestion.

Mr. McGuirk: That is great. And we have enough to write a determination if the Board is in agreement of what we have here?

Mr. Hajek: Yes, I think so. I would just to do a SEQR declaration for you for the next meeting. Any Board Members have any comment on this?

Mr. Rose: First of all, thank you to Billy and to the Club for working to find the appropriate balance. Obviously both the natural environmental quality and the preservation and continuing operation and maintenance of a nationally important resource in terms of the Maidstone Golf Course are both important to the character of the Village so it is great that there has been a successful back and forth. Question regarding the Hook Pond environmental conditions. Obviously, the ponds in the Village have been, had some real water quality issues over the last several years or even decades, and I guess my question is, in addition to what is happening with

the Maidstone's operation, are there other issues involving, what are the contributing factors to what is happening with water quality in Hook Pond as far as you are aware.

Mr. Hajek: Well, that is a pretty big question. There are multiple factors that contribute to the water quality of Hook Pond, and, Drew, please feel free to step in and help me or correct me. I think the primary, so the Village had conducted a study, an engineer, Pio Lombardo, had done a study for Hook Pond about six years ago I think it is now, seven years ago, and what the conclusion of that study was phosphorous being one of the primary issues with water quality. Nitrogen is also an issue with the Pond but phosphorous being the overarching or the main problem with the water quality and that may or may not be leading to the blue green algae outbreaks, that plus water temperature, lack of flushing, there are multiple things. So, the sources of phosphorous, it is in the sediment, and it is a reoccurring problem because it is trapped in the sediments, but other contributors of phosphorous primarily are stormwater runoff, septic influences, applications of fertilizer, and things of that nature. And so what the Village has been doing to try to correct that problem, we have since recently mandated installation of innovative alternative septic systems that is supposed to be a key nitrogen and phosphorous reduction tool. We have done a number of projects to attack stormwater and abate stormwater before it enters the Pond or treat it before it enters the Pond, and one of the big ticket items that the Village is about to partake in is the cleaning out or the excavation of Town Pond and that is supposed to, the idea is that that is a source of phosphorous and sediments, and the idea is that we are going to increase the volume of Town Pond so that there is more settling of stormwater runoff before it actually makes its way into Hook Pond. So that is kind of it in a big, I do not know if I answered your question...

Mr. Rose: Thank you, that helps us understand what is happening in the broader context.

Mr. Hajek: Stormwater runoff seems to be the biggest key, that and fertilizer and septic use.

Mr. McGuirk: Thanks Billy. Make a motion to close this hearing?

Mr. Humphrey: So moved.

Mr. McGuirk: Second?

Mr. McMullan: Second.

Mr. McGuirk: All in favor?

Mr. Humphrey: Aye.

Mr. Rose: Aye.

Mr. O'Connell: Aye.

Mr. Bennett: Okay, thank you.

Mr. McGuirk: Can I get a motion to close the meeting?

Mr. O'Connell: I make a motion.

Mr. McGuirk: Second please?

Mr. Rose: Second.

Mr. McGuirk: All in favor?

Mr. McMullan: Aye.

Mr. Humphrey: Aye.

Mr. Rose: Aye.

Mr. McGuirk: Thank you. Have a nice holiday.

continued on next page

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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, December 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 Brian Bigos, SCTM#301-1-5-17, for Area Variances from Chapter 278, Zoning, to construct a patio and install a liquid propane (LP) tank. A 3.5 foot variance is requested from Section 278-3.A.(5) to construct a patio 7.5 feet from the rear yard lot line where the required setback is 10 feet. A 7 foot variance is requested from Section 278-3.A.(5) to install a liquid propane tank 3 feet from the side yard lot line where the required setback is 10 feet. A variance is requested from Section 278-3.A.(9) to permit 2,604 square feet of coverage where a prior zoning board determination granted a variance allowing 2,547 square feet of coverage. The maximum permitted coverage allowed by zoning is 2,269 square feet. The subject property is 8,846 square feet in lot area and is located at 20 Stratton Square in Residence District R-40. This project is classified as a Type II Action in accordance with SEQR.

Application of Emre G. and Linda Gunalp, SCTM#301-8-3-18, for Area Variances from Chapter 278, Zoning, to construct pool equipment, A/C condenser units, outdoor shower and generator. An 18.2 foot variance is requested from Section 278-3.A.(5)(c) to construct swimming pool equipment 1.8 feet from the side yard lot line where the required setback is 20 feet. Variances of 8 feet and 7.8 feet are requested from Section 278-3.A.(5)(b) to install two A/C condenser units 2 feet and 2.2 feet from the side yard lot line where the required setbacks are 10 feet. Variances of 5.1 feet and 5.8 feet are requested from Section 278-3.A.(5)(b) to construct an outdoor shower 4.9 feet and 4.2 feet from the side and rear yard lot lines where the required setbacks are 10 feet. Variances of 21 feet and 4.7 feet are requested from Sections 278-3.A.(5)(a) and (b) to construct a generator 14 feet from the front yard lot line and 5.3 feet from the side yard lot line where the required front yard setback is 35 feet and the required side yard setback is 10 feet, and any other relief necessary. The subject property is 16,111 square feet in area and is located at 149 Main Street with frontage on Dayton Lane. This property is located in Residence District R-80 and the project is classified as a Type II Action in accordance with SEQR.

Application of JABR LLC, SCTM#301-5-2-14.2, for Variances from Chapter 278, Zoning, to construct a 576 square foot detached garage. A 23.3 foot variance is requested from Section 278-3.A.(5)(a) to construct a detached garage 31.7 feet from the front yard lot line where the required setback is 55 feet and a variance is request-

ed from Section 278-3.A.(5)(f) to construct a detached garage within the front yard where detached garages are prohibited within a front yard area. The subject property is 57,116 square feet in area and is located at 209 Further Lane in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR.

Application of 64 WE Acquisition LLC, SCTM#301-15-5-3, for Variances from Chapter 278 and a Freshwater Wetlands Permit in accordance with Chapter 163 to legalize the construction of patios, retaining walls, clearing native vegetation and landscaping, alterations to a driveway, and for the construction of fencing. A Wetlands Permit is requested in accordance with Chapter 163 and variances from Section 278-3.A.(8) are required to legalize various improvements constructed within the required 150 foot wetland setback: a 120.9 foot variance for a patio and stairs situated on the westerly side of the residence located 29.1 feet from wetlands; a 113.3 foot variance for a patio situated on the easterly side of the residence located 36.7 feet from wetlands; a 125.1 foot variance for approximately 155 linear feet of retaining wall situated on the easterly side of the residence, the nearest point being 24.9 feet from wetlands; a 116.1 foot variance for approximately 150 linear feet of retaining wall situated on the westerly side of the residence, the nearest point being 33.9 feet from wetlands; a 78.9 foot variance for a set of steps on the southerly side of the residence located 71.1 feet from wetlands; a 98.5 foot variance for a pergola located 51.5 feet from wetlands; a 102.2 foot variance for alterations to

a driveway located 47.8 feet from wetlands; a 43.3 foot variance for a bin located 106.7 feet from wetlands; a 134 foot variance for a kayak rack located 16 feet from wetlands; a 61.7 foot variance for pool equipment located 88.3 feet from wetlands; a 73.4 foot variance is required for driveway gates installed 76.6 feet from wetlands. A 72.9 foot variance is requested to install approximately 72 linear feet of privacy screening/fencing, the nearest of which is to be located 77.1 feet from wetlands where a 150 foot setback is required. A Wetlands Permit is required in accordance with Chapter 163 and variances from Section 278-3.A.(8) to legalize clearing of native vegetation and landscaping, the nearest appearing to be 10 feet from wetlands where a 125 foot setback is required for clearing of native vegetation and landscaping activities. Variances from Section 278-3.A.(5)(a) are required to legalize various accessory improvements constructed within the required 75 foot front yard accessory structure setback: A 26 foot variance to legalize a pergola located 49 feet from the front yard lot line; a 25.4 foot variance is required to legalize patio steps located 49.6 feet from the front yard lot line; a 13.7 foot variance is required to legalize pool equipment located 61.3 feet from the front yard lot line. A 48.4 foot variance is requested to construct a privacy screen/privacy fence, the nearest of which being located 26.6 feet from the front yard lot line where the required setback is 75 feet. The subject property is 118,086 square feet in area, located at 64 West End Road and in Residence District R-160 and FEMA flood zones AE El. 11 and AE El. 10. The

property fronts on Georgia Pond and this project is classified as a Type II action in accordance with SEQR. The project requires approval of the New York State Department of Environmental Conservation.

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: November 20, 2020

By Order of John L. McGuirk III, Chairman
Zoning Board of Appeals,
Inc. Village of East Hampton



FILED
VILLAGE OF EAST HAMPTON, NY
DATE: January 8, 2021
TIME: 3:50 p.m.

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