

Work Session  
Zoning Board of Appeals  
May 28, 2021  
11:00 a.m.  
via Video-Conferencing and  
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Those present were:

John L. McGuirk, Chairman  
James H. McMullan, Vice Chairman  
Philip O'Connell, Member  
Craig R. Humphrey, Member  
Joseph Rose, Member  
Vincent Messina, Village Attorney  
Lisa Perillo, Village Attorney  
Jody Gambino, LTV Moderator  
Pamela J. Bennett, Village Clerk

Mr. McGuirk: Good morning and welcome to the Village of East Hampton's Zoning Board of Appeals' Work Session for Friday, May 28, 2021.

MINUTES

Mr. McGuirk: We have the minutes from May 14, 2021. Do I have a motion?

Mr. McMullan: I make a motion.

Mr. McGuirk: Second?

Mr. Humphrey: Second.

Mr. McGuirk: All in favor?

Mr. Humphrey: Aye.

Mr. McMullan: Aye.

Mr. Rose: Aye.

Mr. McGuirk: We have five determinations today. For each determination, I am going to ask for a motion and a second, and then Pam will poll the Board.

D E T E R M I N A T I O N  
Calvin Klein – 75 West End Road – SCTM #301-15-5-11.1

Mr. McGuirk: Pam, can you please, first one is Calvin Klein, can you tell everyone who is sitting on that application.

Ms. Bennett: Sure. Mr. O'Connell, Mr. Humphrey, and Mr. Rose.

Mr. McGuirk: Okay.

Ms. Bennett: Oh wait, can I just say we have, I do not know if Phil heard me before, there is an amendment to the Calvin Klein. However, we note that certain structures or uses on the subject parcel may extend beyond the lot lines of same. In no way should this determination be construed as permission to maintain same since this Board is without jurisdiction on such matters. That is at the end, Phil.

Mr. O'Connell: Okay. So, Mr. Messina, that protects us?

Mr. Messina: Yes sir, that is what I was referring to at the hearing that I would do.  
Mr. Rose, I thank you again for catching my omission.

Mr. O'Connell: Thank you.

Mr. McGuirk: Do I have a motion?

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

Mr. McGuirk: And do I have a second?

Mr. Humphrey: Second.

Mr. McGuirk: All in favor?

Mr. Rose: Can I just make a quick note, and I am not sure if it is to Counsel or to Pam. My understanding is that the owner either is already or about to be someone different from Calvin Klein, and I just want to make that we confirm that whoever,

that the actual owner or contract vendee has authorized this application to be made on behalf of this property.

Mr. Messina: Thank is fine. Between Pam and I we will straighten that out. Okay, Pam?

Ms. Bennett: Yes.

Mr. McGuirk: Okay. All in favor?

Mr. Messina: Aye.

Mr. O'Connell: Aye.

Mr. Humphrey: Aye.

Mr. Rose: Aye.

Mr. McGuirk: Any opposed? Sorry Vinnie.

Mr. Messina: Sorry, I do not get to vote, my other role is a ZBA Member. I got carried away.

Mr. McGuirk: We understand.

Mr. Messina: I apologize.

Mr. McGuirk: Lisa, you are not going to vote, right?

Mr. Messina: I told you she is smarter than me.

Mr. Rose: Vincent has her proxy.

Mr. McGuirk: Thank you.

DETERMINATION

**38 Two Mile Hollow LLC – 38 Two Mile Hollow Road – SCTM #301-10-1-32**

Mr. McGuirk: So we are going to move on to the second determination. We have 38 Two Mile Hollow LLC, 38 Two Mile Hollow Road. Pam, can you indicate who is on this.

Ms. Bennett: Sure. Mr. McGuirk, Mr. McMullan, Mr. O'Connell, Mr. Humphrey, and Mr. Rose.

Mr. McGuirk: Great. Do I have a motion?

Mr. McMullan: I will make a motion.

Mr. Humphrey: So moved.

Mr. McGuirk: Second by Craig?

Mr. Rose: Second.

Mr. McGuirk: All in favor?

Mr. Humphrey: Aye.

Mr. McMullan: Aye.

Mr. O'Connell: Aye.

Mr. Rose: Aye.

DETERMINATION

**The Susan A. Karches 2009 Revocable Trust – 5 Egypt Close –  
SCTM #301-4-8-6**

Mr. McGuirk: The next determination we have is The Susan A. Karches 2009 Revocable Trust, 5 Egypt Close. Pam, can you please indicate who is on this application.

Ms. Bennett: Mr. O'Connell, Mr. Humphrey, and Mr. Rose.

Mr. McGuirk: Thank you. Do I have a motion?

Mr. O'Connell: I make a motion.

Mr. McGuirk: Do I have a second?

Mr. Rose: Second.

Mr. McGuirk: All in favor?

Mr. Humphrey: Aye.

Mr. Rose: Aye.

Mr. O'Connell: Aye.

#### DETERMINATION

#### Hook Pond Lane LLC – 11 Hook Pond Lane – SCTM #301-8-14-2

Mr. McGuirk: Now we have Hook Pond Lane LLC, 11 Hook Pond Lane. Pam, can you indicate who is sitting on this application.

Ms. Bennett: Mr. O'Connell, Mr. Humphrey, and Mr. Rose.

Mr. McGuirk: Thank you. Do I have a motion?

Mr. O'Connell: Before I make a motion, I would like to just say that there seems to be a plethora of lot line modifications coming through. I think in the future these will be evaluated a little bit differently so for those attorneys out there and land planners watching, they are not a given. So that is my comment.

Mr. Rose: I have an additional comment which is I think, pursuant to Billy Hajek's memo, I do not think there is any substantial impact of this particular application with this adjustment. There is a disjunction, however, between the zoning on this road, the two-acre zoning, and the lots, and if you look in terms of what the zoning contemplates, leave aside whether it is the right zoning or the wrong zoning, the zoning contemplates what is allowable pursuant to the smaller lots that is being made more so, more nonconforming in terms of its gross floor area and coverage and the like than the existing. The 27 percent increase in gross floor area, compared to what it would be if these two lots were one lot pursuant to

the zoning which is to the contemplated plan. I have no issue with the tweaking the lot size to make them more regular, it should be noted I guess as part of the record, I do not know if it is part of the record and I can get Vincent to explain that some other time to me, but it should be noted that this is a, we are creating an acceptable as of right condition as a result of this action. We are improving the capacity for as of right condition. So in the event that we see these lots again in the future, it should be noted we are doing this to create viable lots as is. Thank you.  
Mr. McGuirk: Thank you, Mr. Rose.

Mr. Rose: I see it that way.

Mr. McGuirk: Thank you. So do I have a motion?

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

Mr. Rose: Second.

Mr. McGuirk: All in favor?

Mr. O'Connell: Aye.

#### DETERMINATION

#### Botanical Garden, LLC- 5 Hook Pond Lane – SCTM #301-8-14-1

Mr. McGuirk: Botanical Garden, LLC, 5 Hook Pond Lane. Ms. Bennett, please indicate who is sitting on this.

Ms. Bennett: Mr. O'Connell, Mr. Humphrey, and Mr. Rose.

Mr. McGuirk: Any discussion before we put this up for a motion?

Mr. O'Connell: Yes. Just a quick comment. One, I find it very beneficial that the applicant is going to add into the construction of the pool a material that will prevent seepage into the ground water. As you know, all pools tend to have seepage but this prevents that. And I also note that in this case you know it is about a seven percent variance for the pool to go in so those are my two comments. And I make a motion unless anyone else has discussion.

Mr. Rose: I would just follow on that while there is some not insubstantial variances in terms of the wetland areas, as presented this is the best place for it and

I do not have a problem with the application as presented. Because of the unique configuration in terms of the wetlands and the site location of the house and everything else in terms of how this site works, I do not want this to be construed as a casual attitude toward the wetland preservation areas going forward.

Mr. McGuirk: Thank you, Joe. So do I have a motion?

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

Mr. McGuirk: How about a second?

Mr. Rose: Second.

Mr. Humphrey: Second.

Mr. McGuirk: All in favor?

Mr. O'Connell: Aye.

Mr. Humphrey: Aye.

Mr. Rose: Aye.

Mr. McGuirk: Myself and Jim McMullan were not here at the last meeting so Phil, can you take the next four.

Mr. O'Connell: Sure.

#### DISCUSSION

##### Paul A. and Maureen M. Stefanick – 43 Ruxton Road – SCTM #301-12-9-11

Mr. O'Connell: The next one is Paul and Maureen Stefanick, 43 Ruxton Road. Part of the application was to maintain what is there because they are over coverage. Some steps have been expanded and some walls and some other items, and then there was expansion of the barbeque area in addition to those other items. Is there anybody who has any comments on this?

Mr. Rose: I do. I have no problem with conforming the stuff that is not conforming now, it is there, it is fine. I do not think that there is a need to increase the degree of nonconformance on the already over coverage and multiple times

allowed to accommodate the expanded kitchen. They can do it, they already have a big outdoor kitchen which is fine, they can have a bigger outdoor kitchen which is also fine, but I do not think there is a need to increase the degree of coverage. It can be done in a way that is, utilizes the existing over coverage. There is a lot of bluestone paving on that property so I do not think it has an adverse impact, but I think it can be done, the outdoor kitchen can be expanded without increasing the degree of coverage.

Mr. O'Connell: Craig, do you have any comments?

Mr. Humphrey: Well, I am trying to figure out the, if you extend the countertop, there is coverage change because they are going to have to extend the barbeque counter.

Mr. O'Connell: Yes, so it is about 247 additional coverage that they are asking for in the particular barbeque portion.

Mr. Humphrey: It is not a big change; I cannot get terribly excited about this either. They could do what they want to do with what they have. There are apparently some maintenance problems with the cooker itself, the rest of this is basically adding four or five stainless steel cabinets to what they already have. That is it.

Mr. O'Connell: And they are expanding it by about 240 square feet or so.

Mr. Humphrey: Yes.

Mr. O'Connell: So you are okay with that?

Mr. Humphrey: I am.

Mr. O'Connell: I feel the same way as Craig so I think you have your direction, Mr. Messina, for a determination.

Mr. Messina: Thank you and we will draft them expeditiously.



## DISCUSSION

### Cathleen McLaughlin – 121 Pantigo Road – SCTM #301-4-4-27.6

Mr. O'Connell: The next one is Cathleen McLaughlin, 121 Pantigo Road. This is where the pool is 11 plus feet from the property line when the pool was installed because of the way we get setbacks including the flag lot, the chords, et cetera, it was allegedly in a conforming location. Now they are wanting to move the pool to the back corner, I guess it is the northeast corner of the property. I note that it is next to Verizon which has a large generator, it is a flag lot, it is very loud back there at a quiet time and it also backs up to an ag reserve, the pool will be approximately the same size, and then although it was conforming when installed, the prior pool, when the pool gets moved over, it needs a variance. I would note that if this was a brand-new pool, I would not be in favor of approving this in any way, shape or form but we are just relocating a pool somewhat close to the same distances that existed before. Anybody, Joe, do you have any comments or Craig?

Mr. Rose: I have no problem with this.

Mr. Humphrey: The motivation here is for them to get more privacy. I talked to a number of the neighbors; the neighbors do not have any problem with this. Somebody said they are a little concerned about the reconstruction and the movement of the pool and there is going to be some noise, of course there is, they have to live with that, but it is not going to last long.

Mr. O'Connell: Okay. So Mr. Messina can you please draft a determination. You know how we feel about that one.

Mr. Messina: Yes sir.

## REQUEST TO RE-OPEN HEARING

### 13 Sarah's Way, LLC- 13 Sarah's Way – SCTM #301-9-1-13.2

Mr. O'Connell: 13 Sarah's Way, LLC, this is the installation of the tennis court in a nonconforming location. We had closed the public hearing. Subsequently we received a letter from the applicant's attorney to re-open the public hearing so I do not believe it is appropriate for us to comment or speak about this at this time, is that correct?

Mr. Messina: Yes, and if you wanted to authorize re-opening the public hearing, you could do that today if you wish.

Mr. O'Connell: Okay. Do I have a motion to authorize re-opening?

Mr. Humphrey: So moved.

Mr. O'Connell: Do I have a second?

Mr. Rose: Second.

Mr. O'Connell: All in favor?

Mr. Rose: Aye.

Mr. Humphrey: Aye.

Mr. O'Connell: Okay, we will re-open it so we will address that at the next meeting, correct?

Ms. Bennett: June 11<sup>th</sup>.

Mr. Messina: You could notify the attorney, please, or would you like me to do it?

Ms. Bennett: No, I will do it.

Mr. Messina: Okay.

Mr. Humphrey: Question. This opens it up because someone has comments and we have to go through the meeting again?

Mr. Messina: No. You incorporate the prior minutes and whatever new material is going to be presented.

Mr. Rose: The applicant has asked for the opportunity to submit additional comments.

Mr. Messina: Supplement, if you will.

Mr. Humphrey: Okay, fine.

## DISCUSSION

### Robin B. Shahani – 13 Pondview Lane – SCTM #301-9-1-9.5

Mr. O'Connell: Robin Shahani, 13 Pondview Lane. I have a couple of comments unless somebody else wants to go first. All right, I will make my comments. The original variance and minutes did not seem to indicate increasing the habitable space over the garage when issued. The apparent intent was to create habitable space on the ground floor of the garage. I find this to be out of character with the neighborhood, substantial change, and a substantial variance because it is so close to the property line. My feeling is that the dormers should be removed and the space above the garage returned to attic/storage whatever it is was used to prior, but not habitable space because the original variance did not call for that.

Mr. Messina: And Mr. O'Connell just, in addition, note that there was work done without benefit of permit here and that is a consideration for the Board as well.

Mr. O'Connell: Thank you.

Mr. Rose: Following up, the particulars, this addition looms over the neighboring property, it has a noticeable, defined impact. As Counsel noted, it was done without permit and I feel strongly that this could not have been a mistake, an innocent mistake, this was conscience, it is a flouting of something that was already, they had the benefit already of generous accommodations on behalf of this Board. It would be ridiculous to allow this.

Mr. O'Connell: Craig, any comments?

Mr. Humphrey: There is more heat here than I expected and I am going to listen to the people on the Board so I am going to go along with the issues here. They want some more space, working space, whether they can do it without that or not, time will tell.

Mr. O'Connell: All right.

Mr. Messina: And you know they could come in with a different application to create more space, a different way perhaps, as well.

Mr. Humphrey: Right.

Mr. O'Connell: All right Mr. Messina, so you have our feelings on that.

Mr. Messina: I have your directions, sir.

Mr. O'Connell: Thank you. John, I will hand the meeting back over to you.

Mr. McGuirk: Thank you, Philip. I think that is all we have on the agenda today. Everybody have a safe and happy Memorial Day weekend.

The meeting was adjourned at 11:18 a.m.

FILED  
VILLAGE OF EAST HAMPTON, NY  
DATE: 6/14/21  
TIME: 9:00 AM

*Samuel J. Bennett*