

Zoning Board of Appeals
June 11, 2021
11:00 a.m.
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Those present were:

John L. McGuirk III, Chairman
James H. McMullan, Vice Chairman
Philip O'Connell, Member
Craig R. Humphrey, Member
Joseph B. Rose, Member
Andrew Baris, Alternate Member
Lisa Perillo, Village Attorney
Billy Hajek, Village Planner
Thomas Preiato, Building Inspector
Jonathan Tabet, Attorney on behalf of 106 Briar Patch Rd LLC
Joseph Piscitelli, Harrison Design on behalf of 106 Briar Patch Rd LLC
Lynn Tishman, Neighbor of 106 Briar Patch Rd LLC
Brian Matthews, Attorney on behalf of neighbors of
106 Briar Patch Rd LLC
Barbara Terry, Neighbor of 106 Briar Patch Rd LLC
Stacey Fredericks, Neighbor of 106 Briar Patch Rd LLC
Helen Paige Cassin, Neighbor of 106 Briar Patch Rd LLC
Vernon Cassin, Neighbor of 106 Briar Patch Rd LLC
Leonard I. Ackerman, Attorney on behalf of 25 Cross Highway LLC
Richard E. Whalen, Attorney on behalf of neighbors of
25 Cross Highway LLC
Alice Cooley, Attorney on behalf of 13 Sarah's Way, LLC
Justin Willard, Hollander Landscape Design for 13 Sarah's Way, LLC
Brian Locascio, Attorney on behalf of Michael Kretchmar and
Chuck Thomas
Jack Forst, Neighbor of Messrs. Kretchmar and Thomas
Britton Bistran, Agent on behalf of Thomas and Jennifer Sheehan
John Huber, Attorney on behalf of Donna Collins and Peter Collins III
Donna Collins, Applicant
Ed Krug, Agent on behalf of Emre and Linda Gunalp
Brian Stanis, Applicant, 15 Pleasant Lane, LLC
Jody Gambino, LTV Moderator
Pamela J. Bennett, Village Clerk

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Mr. McGuirk: Good morning and welcome to the Zoning Board meeting of the Village of East Hampton for Friday, June 11, 2021.

MINUTES

Mr. McGuirk: The first order of business we have the minutes from May 28, 2021. Do I have a motion?

Mr. Rose: So moved.

Mr. McMullan: I make a motion.

Mr. McGuirk: Do I have a second?

Mr. Humphrey: Second.

Mr. McGuirk: All in favor?

Mr. McMullan: Aye.

Mr. O'Connell: Aye.

Mr. McGuirk: Aye.

DETERMINATION

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

Mr. McGuirk: I have three determinations from the last hearing. I will read the determination and if you would like to review the files, they are available for viewing at Village Hall. In the application of Paul A. and Maureen M. Stefanick, 43 Ruxton Road, Suffolk County Tax Map number 12-9-11 to legalize and expand coverage is approved. May I have a motion?

Mr. Rose: Motion.

Mr. McGuirk: Second?

Mr. Humphrey: Second.

Mr. McGuirk: Pam, can you please poll the Board.

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Ms. Bennett: Sure. Mr. O'Connell?

Mr. O'Connell: In favor.

Ms. Bennett: Mr. Humphrey?

Mr. Humphrey: Yes.

Ms. Bennett: Mr. Rose?

Mr. Rose: As I said reluctantly because I think that one addition for the barbeque is unnecessary but I will vote yes.

Ms. Bennett: Mr. Baris?

Mr. Baris: Yes.

Mr. McGuirk: Thank you.

DETERMINATION

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

Mr. McGuirk: The second determination in the application of Cathleen McLaughlin, 121 Pantigo Road, Suffolk County Tax Map number 301-4-4-27.6 to construct a swimming pool is approved. May I have a motion?

Mr. O'Connell: Motion.

Mr. McGuirk: Second?

Mr. Rose: Second.

Mr. McGuirk: Pam, can you please poll the Board.

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

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

Mr. McGuirk: Okay and the last determination, in the application of Robin B. Shahani, 13 Pondview Lane, Suffolk County Tax Map number 301-9-1-9.5 to legalize additions to an existing residence is denied. May I have a motion?

Mr. Rose: So moved.

Mr. O'Connell: I make a motion.

Mr. McGuirk: Second please.

Mr. Rose: Second.

Mr. McGuirk: Pam, can you poll the Board.

Ms. Bennett: Mr. O'Connell?

Mr. O'Connell: I agree with denying it.

Ms. Bennett: Mr. Humphrey?

Mr. Humphrey: Yes.

Ms. Bennett: Mr. Rose?

Mr. Rose: Yes.

Ms. Bennett: Mr. Baris?

Mr. Baris: Yes.

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

Mr. McGuirk: We do have one adjournment, I believe it is in front of the Planning Board yesterday but it is JABR LLC, 209 Further Lane, postponed until July 9, 2021.

CONTINUED HEARING
106 Briar Patch Rd LLC – 106 South Briar Patch Road –
SCTM #301-12-4-21.1

Mr. McGuirk: So now we are moving into our continued hearings, 106 Briar Patch Rd LLC, 106 South Briar Patch Road, do we have the applicant?

Mr. Gambino: We have a lot of callers on the line. What is the applicant's name?

Ms. Bennett: Jon Tarbet, he is there.

Mr. Tarbet: I am here, I actually have the Zoom link, Jon Tarbet for the applicant, can everybody hear me?

Ms. Bennett: Yes.

Mr. Tarbet: So we had been to the Board once previously and the Board had expressed a few concerns...

Mr. McGuirk: I have a hard time hearing him, sounds like he is pretty far away from the microphone.

Mr. Tarbet: Sorry about that, if I speak louder, can everybody hear me?

Mr. McGuirk: That is better.

Mr. Tarbet: I will try to speak louder.

Mr. McGuirk: Great, thanks.

Mr. Tarbet: So, the Board had expressed some concerns at our last hearing, I think mainly the main concern was that our driveway ran down the north side of the property. Because of some natural contours on that side of the property we had to bring in a pretty extensive amount of fill and install our retaining wall. A lot of

that would have been outside of the wetland jurisdiction but it was still an extensive amount of work so what we did is we went back and admittedly when you design these projects you really try to give it your best, at times as a result of more comments you can gradually admit that the project is actually better because when we went back to the drawing board and tried to figure out how to address the extensive grading and retaining wall which would have been expensive, we were able to flip the house essentially, like a mirror flip, which resulted in things like the garage, the main thing, the garage became on the south side of the house and so from an environmental standpoint and a grading standpoint, there was no longer a need for any driveway within the 125 foot setback and right now the existing house has like 2,500 square feet of driveway within the 125 foot setback. We also did not have to do any grading or a retaining wall. So that was a great benefit from just a cost perspective for us but even from a design perspective, it turned out that some of the interior rooms of the house have better views so we actually like, we think...[inaudible]. The other concern was that we had really wanted to try to do a lap pool. This also actually ends up being a positive change. While the applicant would still love to have a lap pool, by shrinking the pool to essentially a large hot tub, the big benefit here was we were able to get all proposed improvements behind...[inaudible]...previously the new house was behind the existing improvements but the large pool had extended...

Ms. Bennett: Cannot hear you Jon.

Mr. Tarbet: You cannot hear me?

Mr. McGuirk: You kind of faded...

Mr. O'Connell: Missed the whole thing about the pool.

Mr. Tarbet: It might be my internet connection, I apologize. So, the pool also got...[inaudible]...which is a benefit to the environment and it also was, the pool is now behind the existing house. So now all improvements are behind the existing house. I hope the Board Members all had a chance to go out, one of the things the Board discussed the last time we were here was that we stake the envelope for the proposed home and it is pretty impressive when you go out there to see how much of an improvement what we propose...[inaudible]...there now. As you know, the existing house is only 15 feet from the wetlands as well as the septic system is close in there too so what we are proposing is to, we are putting everything back so that we are 75 feet from the wetlands so 300 percent increase in the distance from the wetland for the whole but more importantly, the septic system will be located in a conforming location 200 feet from the wetland and that septic system is an IA

septic system, and as we talked last time it also has additional features that are not required in the Village Code to try to reduce any nitrogen that would come out of it. So, if we are looking at strictly nitrogen and its effect on Georgica Pond, certainly a septic system being located completely outside of jurisdiction and upgraded to an IA system is a huge benefit to Georgica Pond. The other huge benefit to Georgica Pond, and, again, I think we are talking about the effect of the application on Georgica Pond because we were very careful to design the application to not need any other setback relief, the lot is really a difficultly shaped lot but we were able to design a home that needs no other variances other than wetland variances. So again, the benefit to Georgica Pond would be the septic system but also the existing house has a lot of clearing, and the net change, what we are proposing is a 5,000 square foot revegetation so if approved, we would have 5,000 square feet more of vegetation along Georgica Pond, we would have a 50-foot buffer, and the Board had requested that that buffer be supplemented with more woody plants and we have done that. We also have a 75-foot non-disturbance zone. While the existing home and driveway sits within 75 feet of the wetland, if approved, we would have nothing, we would have 75 feet of wetland. Another important thing to consider in this application, I did see there was an opposition letter submitted essentially about 15 minutes before the hearing, I did get a chance to get a copy of it and I read it. I think it is somewhat misleading, I would like to just point the Board's attention to the fact that this particular property like the GFA formulas in the Village, you could build a 7,732 square foot home. We on purpose came nowhere near that. With our attached two-car garage, which enabled us to condense coverage of the property, we are at 6,389 so we are about 20 percent less than what would be permitted had there been no need for variances. Also, this property is entitled to almost 15,000 square feet of roof coverage on an 80,000 square foot lot. We are proposing 7,700 square feet of coverage so out of the 80,000 square feet there would only be 7,700 square feet of coverage. I want to point out that we are actually outside of DEC jurisdiction in an X flood zone. We have applied for a letter of non-jurisdiction from the DEC. To the extent that they have jurisdiction for our re-vegetation plan, the demolition of the existing home and for a walk path to the water. The house itself we were able to get above the 10-foot contour line so we are outside of DEC jurisdiction. The other thing I want to point out was that the existing home which sits 15 feet from the wetland of Georgica Pond has a basement believe it or not. We have done a test hole and we did propose the new home to be built above the highest expected groundwater although there would be some concrete aggregate below, about two feet below where the highest expected groundwater is. We do intend to build the home while the Pond, the water level is low, and not need to do any de-watering. Again, even the crushed concrete is only where the highest expected groundwater would be. We hope to, we plan actually to build it without the need for any de-watering.

Both the architect and myself are local, we have done projects on Georgica Pond before and not needed to de-water. I am aware that there are properties on Georgica Pond that do need to be de-watered, however, we do not think we will have to, we are planning to not do on this property. If it ever became needed, we would be happy to submit a de-watering protocol, we are happy to agree to that now, we just do not think we need it.

Mr. McGuirk: I am going to chime in here, we did speak to Vinnie Gaudiello, our Village Engineer, we are going to need a de-watering plan before you guys move ahead on this project. He thinks it would have to be a perfect situation for you to put the cellar in, the basement in, so he would like to see how you are going to do it, what type of, and I do not really understand a lot of it so maybe you can chime in here Billy. Billy, are you out there?

Mr. Hajek: Yes, hi, good morning Members of the Board. Unless Jon is finished, I would be happy to offer comment.

Mr. Tarbet: I was pretty much done with my comments. The only thing I wanted to point out and I really do not get into a tit for tat with the neighbors, I am sure we all have other things to do today, there were some inaccuracies in some of the submissions, particular in the Matthews, Kirst and Cooley letter. For example, they say there is a lot of increased intensity within the 75-foot wetland, that is actually 100 percent wrong. We are proposing no activity within the 75-foot of the wetland, there is existing activity so that is either a typo or completely misleading. There is no increased intensity within 75 feet of wetland, we are actually proposing to remove the intensity that is there now and they also suggest that we can move the house back, closer to Briar Patch Road and that was looked at and not possible because of the building setbacks we would need side yard variances from neighbors' properties and that was not something, and as you can see, it is a tightknit neighborhood with a lot of people who do not want any construction so asking for a side yard variance from a neighbor was not an option we ever thought was plausible. That is it for my comments.

Mr. McGuirk: Billy, do you want to comment on the de-watering.

Mr. Hajek: Good morning Mr. Chairman, Members of the Board, Billy Hajek for the Village of East Hampton. To touch on the comment made by, offered by Vin Gaudiello, the construction protocol does not actually say that they are going to, affirmly say that the work is going to occur when the Pond is let, the water level, it is the preferred alternative but it is not, it is a goal but it is not part of their actual plan. That is Vin's concern is that should they construct the house or the

foundation when water levels are at their max, you cannot stop at that point and apply for a permit, his recommendation is that that should be in place, the plan should be in place as a contingency. With regard to the layout of the project and the re-vegetation, Jon is correct, they added a substantial amount of woody vegetation. I would note that a number of large trees have been recently removed from the buffer area and around the existing residence and it would be my recommendation that the woody vegetation that they are including in the buffer area be amended to include trees to replace trees that have recently been lost, and I would recommend that there is some protocol in place to ensure that the large trees that exist on the seaward side of the existing residence be preserved in some way. There are two oak trees and a pitch pine, it is not clear to me which trees are to remain and which are to be removed but I think the preservation of the large oak trees is critical. And in terms to the changes to the project, they did remove the retaining wall which was a concern, they eliminated all the grading of the swale, there is a natural swale along the north side of the property, that work has been eliminated which is a benefit to the project, and in terms of coverage, the project does propose roughly half the amount of coverage that is permitted for the lot but I would point out that most of that coverage, by eyeballing, about 90 percent of it, is within the required wetlands setback. So, while they are proposing a lot less coverage than is allowed by zoning, most of it is concentrated within the wetlands setback. With that said, I have no other comments unless the Board has specific questions for me.

Mr. McGuirk: Why do we not go to the callers. Is anybody calling in on this application? Good morning. Do we have a caller on the line? Please state your name and address.

Mr. Piscitelli: Right, for the record, Joseph Piscitelli, Landscape Architect, Harrison Design, no, I do not have a comment.

Mr. McGuirk: Okay, thank you. Can we go to the next caller? Good morning.

Ms. Tishman: Hi, Lynn Tishman, 126 Briar Patch Road, can you hear me?

Mr. McGuirk: Yes, we can Lynn.

Ms. Tishman: May I make a comment?

Mr. McGuirk: Yes, you can.

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Ms. Tishman: I spoke at the last meeting on April 9th and I would like to further comment on my concerns about the project. As a reminder, I am the owner of 126 Briar Patch Road where my home is and then I own the private road which allows access to all the residents on the road. I agree with all the objections that will be raised by my attorney who actually should have gone before me and any fellow neighbors who are going to be speaking after to me. So, in addition to the concerns that I raised at the last meeting which included the applicant's clearing and trespassing on my property, I would like to mention that this applicant is a European real estate developer who lives in Germany and South Africa. He already spent a number of years renovating a 10,300 square foot house on 19 Ruxton Road which has eight bedrooms, seven bathrooms, four half baths, and two pools on a 2.3-acre lot. In the summer of 2020, he rented it and now I looked on line and it is rented again for 2021. The applicant also rented the cottage on 106 Briar Patch and it will be rented through April of 2022. I do understand that as long as someone complies with zoning rules, we cannot stop someone from buying, improving, speculating, renting or selling their homes. I am just raising concern about this applicant's intention and intention is the most important thing going forward for yet another 6,500 square foot home with eight bedrooms, I do not know how many bathrooms, maybe 10 bathrooms, on a two-acre parcel. What advantage would, for the Board to approve this project. I might understand your approval of such a variance for someone who has lived here for years and has a need to add to their home for particular need that has arisen in their life. So is this applicant planning to use both houses himself? Is he planning to be our neighbor or is he going to build this enormous house and then sell it for three or four times what he paid leaving our quiet street with a house out of keeping with our neighborhood? Again, I understand that if he is building within the guidelines, we have no way of preventing such a structure, however, to grant a setback from the Pond of anything less than 150 feet would set a precedent for any future requests and allow this project to go forward to the detriment to all of us on the call. You might notice how many of us have taken the time and energy to object to this project. Most of us have been living on the road for more than 40 years and some families harken back to 1895. This speaks to the community of like-minded people with quiet pride and the love of preservation of our surroundings. Unlike the Georgica Association and Cove Hollow Farm Road Association, we do not have a formal board that presides over architectural design of new construction on a private road. I have to say that until this time I never had a situation where I was concerned about what an owner intended to do on the property. As I said, we are a group of like-minded people. Regarding the Georgica Association, I am also concerned with the impact of their view on our shoreline from their vantage point looking eastward and the aesthetics for those who sail, paddleboard, canoe, and kayak on the Pond. Is this what they want to see on our shoreline? You might also

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note, unless I am mistaken, that the applicant is not on this call. Instead, his attorney, his architect, his engineers are representing him and speaking for him. All of us are on the call personally and we have gone to the expense of hiring a legal representation, something that is a hardship for some of us I might add. So, if he is not personally invested enough to be on the call, then this furthers my concern about his intentions with the developing of his property. In conclusion as you consider granting such a variance which will set a precedent for Georgica Pond in the future, please consider the impact and intention of this project. Thank you so much for your time and dedication.

Mr. McGuirk: Thank you, Lynn. We have another caller on the line?

Mr. Gambino: Yes, caller ending with 5909, you are on the air?

Mr. McGuirk: Good morning, please state your name.

Mr. Matthews: Yes, good morning, Mr. Chairman, Brian Matthews, Matthews, Kirst and Cooley here on behalf of a number of the neighboring property owners including Ms. Tishman, the property owners at 112 Briar Patch Road and 100 Briar Patch Road.

Mr. McGuirk: Go ahead, Brian, thank you.

Mr. Matthews: I wanted to address quickly I know we, I think Jon mentioned that we had, got finally, we were able to submit our supplemental letter in response and opposition this morning and we did, it was not until it was mentioned I think by Jon or by Billy that Raynor had ultimately weighed in with their engineering comments, and I just wanted to address that really quickly having spent admittedly a short amount of time right now getting a chance to look at them but with respect to the de-watering issue, and I know often times construction protocols, etc., are conditioned or acceptable construction protocols or conditions of building permit issues for Tom Preiato to take a look at but I think in this instance, and I do not know what the Board's thinking is, is that when you are talking a shallow, a relatively shallow depth to groundwater, you are talking about the proximity to Georgica Pond which is already an impacted water body, I think our belief and our expectation would be that de-watering plan would be submitted for this Board to review, for the public to review and to weigh in on at a further public hearing so I would ask that the hearing be kept open, the public hearing component aspect of this be kept open until that is done and submitted and able to be reviewed by the engineer, reviewed by the public, and by the Board. Just to go back, I am not going to reiterate everything that we say in our letter because we put it in there, we

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had our comments previously, I think Billy jumped on one of these comments too is that we do this when we represent applicants all the time as well to say what we are entitled to, a property of this size is entitled to X amount of GFA, X amount of coverage, and we comply with that but I think often times as municipal boards and planners rebut is that those numbers, are those numbers just based on the facts of the property and they cannot necessarily be looked at in the abstract. I think there are three major components here that I think the Board needs to really to take a hard look at and not look at it in the abstract, one, being the GFA that they are entitled to, that a property of this size is entitled to a house of X amount of square feet and that is all well and good but you have to look at the fact that this 6,500 square foot house, I mean the whole back half of the property aside from the driveway is not really factored into the layout here so it is really just the one acre that is on the seaward side of the or the water side of the unique layout so you really have to look at what is the impact of the 6,500 square foot property, a house on this area, on this wetland, not just a 50 percent reduction of what they are allowed and that coverage number for the amount, yes, they are entitled to 14 or 15,000 square foot of coverage and they are only at 7,100 square feet but it is a substantial increase over the less than 3,000 square feet of coverage that is there now and what impact is that substantial coverage going to have on this constrained property and the already impacted wetland. In concept that has to be looked at with regard to the retreat or the demolition of the existing house. In the abstract, is it a benefit to take a structure that is X amount of linear feet from the wetland and move it back? Of course it is, I do not think people disagree with that. I think what has to be looked at is that you are taking a roughly 1,700 square foot, modest single family residence that has existed for quite some time and then you have to look at what is the benefits of that versus the potential detriment of a 5,500, eight bedroom house that has increase in intensity of use certainly over what is there now, the size of the house, the location of the house, it is still only 50 percent of what the Code requires, it was not like it is moving back all the way to the far reaches of what the wetland boundaries are and all the intended excavation that is going to go on with this house, with the basement, excavation for the septic, as beneficial as IA systems may be, the excavation with regard to the pool, excavation, demolition with regard to the removal of the house, all of these, when you start to stack these all up, it is our client's view that the cons of this project as it is proposed really start to outweigh the pros of it and that this is just ultimately the applicant has a right to develop their property, I do think Ms. Tishman stated that and I know that our other clients on the line have that same view. This is not an attempt to keep the property as is and do not do anything, if you want to come to the neighborhood you have to live in a small house but when you look at it it is just too much squeezed into this small constrained area. The project as proposed we think does not meet the variance, it is too intense of a use on this small section

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area and not only on the Pond but on the neighboring properties and we think it needs to be denied as is or needs to come back with something that is a little bit more reasonable with respect to the area. The one thing I did want to note with respect to the Cassin property next door at 112 Briar Patch is that I know that the property was staked, my understanding was that it was staked out for a short amount of time and so I do not know if everybody got a chance to go out there but if you did, you can see that the proximity of where this house is in relation to the Cassin property and the Cassin house, and while it may essentially meet the side yard setbacks to be in this location, they still need this relief as the relief to build a house here is still not a matter of right and you still should look at what the impact is going to be on the neighborhood, not to me, to us, and to them that it is just too much of an impact and it is going to loom over their property and it needs to be scaled back for all of those reasons. In the event the Board is inclined to include something at some point in time, they would ask that some kind of mutually agreeable substantial vegetation to be put in place to screen off the impact of that property but that is kind of where we are at the moment. We would ask that that de-watering plan be submitted prior to this hearing being closed certainly so the Board has an opportunity to look at it, the public has an opportunity to look at it, and then weigh in on it at a further hearing. So unless there are any questions from me at the moment, I am happy to...

Mr. McGuirk: Thank you Brian. Does any Board Members have any questions for Brian?

Mr. McMullan: I would like to ask a few, if possible, Mr. Chairman.

Mr. McGuirk: Go ahead, Jim.

Mr. McMullan: The first one I had concerns last meeting as well as this meeting now that we have seen the revegetation plan. I know that Billy has asked for some wooded plants to be included in the re-veg plan but going out to the site and walking around, it does appear that there were probably eight to ten trees taken down in the wetlands which were six to ten caliper trees and I think that should be part of the re-vegetation plan and those types of trees should be re-planted just to kind of make it back to where it used to be. The second thing is I have is that now that the pool has been reduced and we have this re-vegetation plan, I still see the pool fencing going out past the re-veg and into the wetlands. I think with this kind of review of and reduction of the pool size, I think that fence should be maybe brought back more toward the land side of the re-veg and kind of get it out of the wetlands as much as possible. I know this one really does not fall in our privy but the generator is inside the setbacks but the structure around it, maybe this is just

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pointing it out to the Building Department, the structure around it, we are not really sure what that is but I believe that needs to be within the setbacks as well. Those are my comments at the moment.

Mr. McGuirk: And I think they are not directed at Brian, I think they are directed at you, Jonathan.

Mr. Tarbet: Yes.

Mr. Humphrey: I can make a couple of comments.

Mr. McGuirk: Go ahead.

Mr. Humphrey: This is partly, well part of this has never been mentioned before, and part of it is related to what Brian is talking about but most of the emphasis understandably in what we have talked about so far is the impact of all of this the Pond. And what is not being talked about and what is being talked about the people who live there is the impact this is going to have on the road and the neighborhood and the area behind the project. There is no discussion yet, for example, I have been out there a number of times and I like to go out there and it is a very, it is rural, the addresses are tacked onto the tree and you are going through small roads that are unpaved and so on and to open this up to a major development of a house and then the consequences of that house for a long time to come and none of this is being discussed. That is my main concern and I do not know exactly how you pare this all down, it goes beyond the parameters of what is being discussed and yet it is going to have a direct impact on every person that live there and some of these people have been living there for a very long period of time. So, I can understand why it is that there is no support for this project by the people that live in that area.

Mr. McGuirk: Thank you Craig. Who else on the Board would like to speak?

Mr. Rose: I have a question Mr. Chair.

Mr. McGuirk: Go ahead Mr. Rose.

Mr. Rose: It goes to the issue of interior raingarden or courtyard; can you speak to what that is Mr. Tarbet and I raise it not as a design issue in terms of general issues in terms of raingardens but the design of this house seems to increase the presence in the setback area so can you speak to what that is as a feature element and why it is necessary in the setback area.

Mr. Tarbet: Sure. If it is okay with the Board, I will actually answer...

Mr. McGuirk: Jonathan, can you please speak into the, you sound really distanced.

Mr. Tarbet: I am going to try something different. Is that any better?

Mr. McGuirk: Not really, sorry.

Mr. Tarbet: I have never had a problem with it before. I am trying different things, is this any better?

Mr. McGuirk: That is much better.

Mr. Tarbet: Thank you. Now I do not have to scream at the Board. Okay so I will try to get to that question as well as to Mr. Humphrey's questions and Mr. McMullan's questions at the same time if that is okay. So, the design is impacted of course by the subdivision of this property which the Planning Board, in whatever wisdom it had back in the day, it is an hourglass shape so we moved as far back into the hourglass as we could without asking for any variances from our neighbors. They actually asked, we previously, to design the home, we did ask one of the neighbors if they would be open to, the neighbor that is further away from us, if they would be open to a small side yard variance because it really could have changed the design of the home in a way that we would have made better wetland setbacks. They were very much opposed to any structure. As you heard from the neighbors, I mean I heard a lot today about the fact that he is not a local, he has not lived there since the 1890's and that he is not going to live in the house. I am not sure any of that is pertinent but the reality is that, he bought a house on Ruxton Road first, this property became available, he bought this property with the idea of hoping to build a new home on it and then selling the house on Ruxton. I cannot do anything about the fact that he is from Europe and living in South Africa right now. The truth is his house on Ruxton has been rented out because South Africa is six months behind with the vaccine and he cannot travel so I apologize going down that road. So the design, when you push the house back as far as you can, the big design element was try to make sure that the rooms have light as well as the raingarden which there was a big effort in this application to try to come up with, which is why we added on the extra filtering to the septic system and while we are particularly proud locally as an architect and local land planner, we would proud about the fact that we were able to create a 75 foot protection zone of the Pond so the raingarden was an important part of the design but at the same time it allows light to all those interior rooms. We also condensed construction, there was room for a detached garage but we purposefully put the garage into the home in order to

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keep everything condensed on the property and when everybody is talking about being 6,300 square foot home it is actually including a two-car garage in that. So, I do not know if that answers your question, perhaps I cannot answer it in a satisfactory way but the true intent of the design was to allow for interior light so the whole home now has access to natural light. As far as Mr. Humphrey's comments, I do not really think it is appropriate to discuss, this is a wetland variance, if it were a side yard variance or a height variance or a gross floor area variance, then it would probably be more appropriate to discuss impacts to the road or people on other parts of the road. I think the question before us today is whether this project is better for the Pond than what is there now. I think objectively it is pretty hard to argue otherwise. The two known impacts to the Pond are septic systems without question, the proposed septic system is better, it is actually great because we are meeting all setbacks and the other one is lawns, lawns are killing the Pond and right now we have 5,000 square feet of lawn within the 125-foot wetland setback that we are proposing to completely eliminate with 5,000 square feet of re-vegetation. If we are looking at the criteria under which we are supposed to be looking at, is there going to be negative impact of the Pond then it is hard to argue that with those two major improvements, as well as moving the house 15 feet from the Pond to, the house has a basement, 15 feet from the Pond as well so if you move it to 75 feet a 300 percent increase the pure physical distance from the residence to the Pond, these are all objective ways to view the application. The neighbors, it is a dirt road, it is a small narrow road, any construction is going to impact the neighbors, I do think that is what is driving a lot of that, nobody wants new construction on the road. Regardless to the size of the home we build, there will be impacts on the road itself. Of course, any damage to the road we would repair, it is not before the Zoning Board but sure when you do new construction, it is temporarily disruptive, however, what is before the Board is the environment and moving this house back and re-vegetating on the Pond is a net positive. Moving the pool fence back is fine, it may be an oversight on our part, we probably should move the pool fence back and get it further away from the wetland and closer to the home. I forgot your other comment.

Mr. McMullan: Regarding the clearing of the trees.

Mr. Tarbet: I do not think there were that many trees but, again, we want to be proud of this application and we want it sort of to be a positive precedent. I cannot do anything about, some of the trees that were cut down, that whole, it is a pretty disturbed area between the Pond and the existing home. There are a lot of trees that were planted there by the previous owner and decaying or they were covered with weeds and bramble and admittedly those were taken down. I cannot do anything about that but we would be happy to put back trees. I do want to try to

not put them in front key windows because I just think that that encourages someone in the future to cut them down but within 125 feet there is plenty of room to put back native trees, and I think that is probably appropriate because if we are talking about 75 feet, I think we have 700 feet of frontage on the Pond with a 75-foot setback, that is a lot of area to not have any trees so it would probably be appropriate to put some trees in that area, it would look more natural. So we have no objection to having trees in there. Happy to work with Billy Hajek on that.

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

Mr. McGuirk: Any other comments from the Board? So I think we will, Jonathan if you could address the de-watering...

Mr. Rose: Could you just check to make sure there are no more callers because I thought we had a text that there, in the chat room, that there were some more callers on the line.

Mr. Gambino: Yes, I can unmute them the next caller.

Mr. McGuirk: Good morning.

Ms. Terry: Hi, this is Barbara and Ted Terry, we live across the street. Can you hear us?

Mr. McGuirk: Yes. Can you give us your address.

Ms. Terry: Yes, so you can hear us, correct?

Mr. McGuirk: Yes.

Ms. Terry: 97 Briar Patch Road. I know that Pam sent the Board a copy of the letter we sent you on April 9th after the first hearing with some questions in it that I believe were answered today about the size and percentage of the building site to the lot. However, Mr. McGuirk, I would like to, with your permission, ask Jonathan about this right-of-way on the right side. I know Mr. Tarbet had asked the owner when he got the property if we could have first right of refusal, he said no, then he asked him if we could have the right-of-way or easement that we thought we had when we purchased the property and the owner said no. I would like to know if he would reconsider that and if somebody could explain...

Mr. McGuirk: Mrs. Terry. This is, Lisa, can you make a comment...

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Ms. Perillo: This is not related to the application before the Board so we should try to limit our comments to the application. Thank you.

Ms. Terry: So where would I raise these concerns, directly to Mr. Tabet at another time, correct?

Mr. McGuirk: Yes, it would not be in this forum.

Ms. Terry: I would be happy to do that, thank you.

Mr. McGuirk: Thank you for calling.

Ms. Terry: I do have another question because, hello, hello?

Mr. McGuirk: Go ahead, we are here.

Ms. Terry: We keep talking about the eight bedrooms, I guess you cannot hear me but...

Mr. Humphrey: We can hear you.

Ms. Terry: Oh good, thank you, I thought I was cut off, excuse me, Suffolk County evidently, they have very strict rules concerning bathrooms, we are talking about eight bedrooms, I do not know how many bathrooms there are going to be and if Suffolk County will have to approve that. That is one question. The other question is, will the Zoning Board insist when the project is all over that the screening will be in place to screen the residence from the road because we do not know how, what the height will be in the end, and with all due respect to the last gentleman who spoke in reference to Mr. Humphrey's concern, I think it is very relevant what the impact on the road is and the Pond is, yes, the main concern but the road and everything around it affects the Pond. We had a very small little puddle back there which is now a Pond and it is full of algae and nobody is addressing that but I do appreciate Mr. Humphrey's concern because I do know that the drainage from this small, narrow road now affects everything around it, and I know that the development of this property will affect everything around it. So, I am just hoping that the Village will be able to get it in writing that they will screen the property, they will restore the road, and they will do whatever else is necessary. Thank you very much.

Mr. McGuirk: Thank you, Mrs. Terry. We will note all those comments. I do not know if the road has anything to do with the Zoning Board, again, Lisa, that might be directed toward you or Billy or Tom. Any more callers on the line?

Ms. Fredericks: 132 Briar Patch Road, I would like to make a comment.

Mr. McGuirk: Your name again, please.

Ms. Fredericks: Stacey Fredericks.

Mr. McGuirk: Please go ahead.

Ms. Fredericks: I am at 132 Briar Patch Road. Thank you to the Members of the Board, you have a very tough job. It is a very simple question which is if the Board decides to grant the variances that have been requested for this project, I really do not understand the purpose of zoning rules because the person who bought this property knew all of the rules and all of the zoning requirements in this very fragile eco system back here and he knew that buying the property and he has decided to say those rules do not apply to me and he is asking you to agree with that and I think the zoning rules are very helpful in maintaining the nature and character of our community and I really hope that the Board will enforce the zoning rules and say no to these variances. They are not consistent with what is needed back here. Thank you very much.

Mr. McGuirk: Thank you Ms. Fredericks. Do we have any more callers?

Mr. Gambino: Yes, caller 8221, you are on the line.

Mr. McGuirk: Good morning, could you please state your name and address.

Mr. Gambino: Caller ending with 0875 you are on the line.

Mr. McGuirk: Good morning, could you please state your name and address. Nobody wants to talk to us.

Mr. Gambino: Caller ending with 7767 you are on the line.

Mr. McGuirk: Good morning.

Ms. Cassin: Hello this is Helen, good morning, this is Helen Paige Cassin of 112 Briar Patch. I will be brief so contrary to what Mr. Tarbet said, I do think that the

16500

impact of the project on the neighborhood is an important consideration of granting a variance. Our biggest concern as neighbors is the scale of the house and the impact of that on the character of the neighborhood and on the neighboring properties both during construction and after construction. So, I cannot comment, not being a lawyer, I cannot comment on whether this house is technically allowed or not but regardless we would appreciate the Board's consideration regarding whether the size of the house is consistent with the character of the neighborhood or whether it is necessary to the enjoyment of the property both of which I believe are considerations for granting of a variance.

Mr. McGuirk: Okay, thank you. Any other callers? Is that it for callers?

Mr. Gambino: Caller ending with 7367.

Mr. McGuirk: Good morning, state your name and address please.

Mr. Cassin: Hello this is Vernon Cassin of 112 South Briar Patch Road. My sister just spoke so I will yield my time but just thank you for your consideration and we are along not because we are litigious people obviously but because we care about the character of the neighborhood and so we appreciate your consideration.

Mr. McGuirk: Thank you Mr. Cassin. Good morning, could you please state your name and address.

Mr. Gambino: I think that is it for now, Mr. McGuirk.

Mr. McGuirk: Okay, thank you. Any other comments from Board Members?

Mr. Tabet: May I just have 20 second, that is all I need.

Mr. McGuirk: Okay.

Mr. Tabet: Okay, thank you. Instead of going tit for tat with all the comments a lot of them fall in the category of generalized community opposition which would not be appropriate, right? So, what we are really talking about as far as comments from neighbors is is the proposal going to impact negatively one of the five factors the Board is supposed to consider. As far as precedent goes, it would be great if everybody on Georgica Pond, including most of the neighbors who spoke today agree to relocate their septic systems 200 feet from Georgica Pond and if they all agree to a 75-foot buffer between improvements to the Pond. The Pond as we know is a disaster and it is mostly because of septic systems and lawns. I think it is

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a very positive precedent to have an applicant come and say I am going to push my house as far back as possible and in doing so have a 75-foot buffer and meet septic. The most important thing is to meet septic setbacks. So that is my 20 seconds. Thank you for the time.

Mr. McGuirk: Thank you. We will keep this open until we receive some more construction protocol with de-watering, I think we want to see that, we want to see some mature landscaping added to the landscape plan, we want to see the pool fencing not in the buffer, anybody else have any comments from the Board?

Mr. Rose: I think we need to discuss some of the issues that have been raised.

Mr. McGuirk: Okay, thank you Mr. Rose.

CONTINUED HEARING
25 Cross Highway LLC – 25 Cross Road – SCTM #301-13-4-17

Mr. McGuirk: So let us move on to the next continued hearing, 25 Cross Highway LLC, 25 Cross Road. Ms. Bennett, can you just say who is sitting on this?

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

Mr. McGuirk: Mr. Ackerman or Mr. Goldstein? Is the applicant here?

Mr. McMullan: They are.

Mr. Ackerman: This is Lenny Ackerman, I represent the Sapers. We revised this application in April to eliminate and remove from the application and the design this extension, the roof and the chimney. What remains essentially a structure which is defined in our Code by a patio. This patio is not regulated as a noise maker as are under our Code are swimming pools, tennis courts, and pool equipment. I think that is significant because this patio is nothing more than surface over existing grass lawn that could be used under any circumstances by this landowner. I do not understand why this landowner is being singled out. The principal objection seems to be that people are going to be hanging out. Well, they can hang out on grass which is not regulated. There is more, I think, significance to having a paved lawn area for purposes of dealing with ticks, for purposes of maintaining an appropriate landscaped lawn. I do not see any evidence here that shows that the patio will have an adverse effect on the enjoyment of neighboring property. So I think I go back to the question why is this applicant being singled

16502

out. I do not have any reason for that. I would like to understand from the Board what it is that they have as an objection to this patio.

Mr. McGuirk: Any Board Members want to talk about this?

Mr. Humphrey: Well, I could start it.

Mr. McGuirk: Go ahead, Craig.

Mr. Humphrey: As I understand it, there are two possibilities here. You could put the patio in the front yard or you could put the patio in the backyard, and generally speaking, developments in front yards are frowned upon. As I understand it, they were given the right to develop a patio in the back of this a while ago and I have never seen any documentation of it, maybe I have missed something, but I thought that that was established and so they have an alternative to the front yard and the front yard as a development is not something a property on.

Mr. O'Connell: I would like to make some comments. Craig, are you finished?

Mr. Humphrey: Yes, go ahead.

Mr. O'Connell: I do not think this applicant is being singled out first of all. The requested variances are substantial, they are over 50 percent. It is not the minimum necessary. The applicant has an alternative site to put the patio. The difficulty was self-created when they purchased the property. As you so aptly said, they can hang out on the lawn, they can use the lawn, they are not being prohibited in any way from using that but it is a substantial variance, over 50 percent, the majority of the patio is in the front yard setback and there is an alternative site so it is not the minimum necessary, and it is self-created. So those my comments.

Mr. Ackerman: So I am clear, Phil, you would rather a landowner disturb an area and build a patio in a different location notwithstanding the fact that they can continue to use their lawn as a "patio area" because it requires a variance setback. That is your objection.

Mr. O'Connell: A patio area, it is not a "patio area", it is a lawn. You can use your lawn how you would like to use your lawn; you can put chairs on your lawn, you can have a picnic table on your lawn, you can have a barbeque on your lawn. So, nobody is saying anything about that so asking for a variance that is a substantial variance in the front yard setback. So I do not know if I answered your question but that is my answer.

16503

Mr. Ackerman: I am not arguing with anyone. I am just saying...

Mr. McGuirk: Andy?

Mr. Ackerman: I am sorry? John?

Mr. McGuirk: Andy Baris?

Mr. Baris: I completely agree with everything Phil had to say, I do not think the applicant is being singled out, I think you have to use the alternative which is the backyard, it does not seem that complicated to me.

Mr. McGuirk: So obviously we have three people who are against the patio right here but do we have any objection to the shed that he has put on the side?

Mr. McMullan: I do not have a problem with that shed. You are talking about the shed that is attached to the house, correct?

Mr. McGuirk: Yes.

Mr. O'Connell: My objection is they built it without getting a building permit but it does not, I can live with it. If the applicant does not have anything else, I make a motion we close the hearing.

Ms. Bennett: Wait, wait, wait. There is a caller on the line Jody said.

Mr. Gambino: Yes. Caller ending with 7681.

Mr. Whalen: Yes, hello, this is Richard Whalen.

Mr. McGuirk: Go ahead Mr. Whalen.

Mr. Whalen: Are you able to hear me?

Ms. Bennett: Yes.

Mr. Whalen: I have submitted my comments and I represent Bonacker Property LLC which owns the lot directly south of this three-way intersection. I submitted a letter to the Board yesterday and in light of the comments I have just heard in discussion, I really have nothing further to add. I think my comments are in that

16504

letter and it sounds like the Board is inclined to agree with our position so I have nothing further to say.

Mr. McGuirk: Anybody else have comments? Phil has a motion to close the hearing. Do I have a second?

Mr. Baris: Second.

Mr. McGuirk: All in favor?

Mr. Humphrey: Aye.

Mr. Baris: Aye.

Mr. O'Connell: Aye.

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

Mr. McGuirk: We are going to move onto the new hearings. 13 Sarah's Way, LLC, 13 Sarah's Way. I do not know if this is a new hearing though.

Ms. Bennett: It was re-opened, that is all.

Mr. McMullan: I believe we only have four Members sitting on this application, is this correct?

Ms. Bennett: I think you were going to jump on this one Jim?

Mr. McMullan: Okay.

Ms. Bennett: So we have you, Mr. O'Connell, Mr. Humphrey, Mr. Rose and Mr. Baris.

Mr. McMullan: Okay, great, thank you.

Ms. Cooley: Good afternoon Board Members, my name is Alice Cooley here on behalf of the applicant 13 Sarah's Way, LLC, I am joined by my client's architect William Rutledge who is here on this zoom from Ferguson Shamamian, I believe we also have on the line Scott Sottile from Ferguson Shamamian and Justin Willard from Hollander Landscape Design. If there are any questions you have

that I cannot answer, I would ask you that you direct them to those guys, and if you do not mind, I would like to share my screen.

Mr. McGuirk: Go ahead please, sorry about that, I was kicked off the internet so I am just coming back.

Mr. O'Connell: Do we not need that motion to re-open the hearing? Just a point of order.

Ms. Cooley: Oh yes, please.

Ms. Bennett: I think you did that last time, correct? May 28th?

Ms. Cooley: I do not want to overstep but I think you want to do that at a public meeting.

Mr. McGuirk: It was a public meeting.

Ms. Bennett: Yes.

Ms. Cooley: Was it not a work session?

Ms. Bennett: Yes. Lisa can chime in.

Mr. O'Connell: I think we do.

Mr. Rose: We only have public meetings.

Ms. Cooley: I hope so.

Ms. Perillo: That is right.

Mr. O'Connell: Lisa, do we need a motion to re-open?

Ms. Perillo: If we are uncertain, we can just do it again anyway but I believe it was done last time.

Mr. Rose: I want to affirm our effort to re-open the hearing.

Ms. Perillo: Very good.

16506

Mr. McGuirk: Second?

Mr. O'Connell: Second.

Mr. McGuirk: All in favor?

Mr. McMullan: Aye.

Mr. Humphrey: Aye.

Mr. O'Connell: Aye.

Ms. Cooley: Thank you so much. First of all, I would like to thank you all for hearing from us again today and if you do not mind, I would like to share my screen.

Mr. McGuirk: Please do. And Pam, can you please tell us who is sitting on this application.

Ms. Bennett: I thought Jim was going to sit on this one, was I wrong? Well, you got booted off the internet...

Mr. McMullan: Phil was the lead on this before too so he should take the lead.

Ms. Bennett: Okay, so it is Jim McMullan, Mr. O'Connell, Mr. Humphrey, Mr. Rose, and Mr. Baris.

Mr. McGuirk: Okay. Go ahead Alice, please.

Ms. Cooley: Okay, I am just working on it, thank you. Can you see my screen?

Mr. McMullan: Yes.

Ms. Cooley: Okay, so today I would like to focus on what we believe were the Board's principal concerns at the last meeting mainly whether the benefit to the applicant outweighs the detriment to the nearby properties and also the character of the neighborhood. There are two affected residential neighbors, they are up here to the north, this one is 61 Davids Lane and this one is 67 Davids Lane. Both neighbors have provided letters in support of the application. As you can see from our revised site plan, we have proposed to install a fence along the northwest and southerly property lines bordering the proposed tennis court. We also changed the

landscaping around the pool to Japanese holly to be more substantial year-round. The front yard variance is, for this corner here, the setback from the cul-de-sac at the end of Sarah's Way, because of the substantial landscaping, we anticipate that there will be no visual impact from the tennis court onto the street as it will be well screened. The cul-de-sac at the end of Sarah's Way is a private road, it is owned by the developer of the Map of Hedgerow who still owns some of the vacant lots across the street. Because of covenants in connection with the subdivision, we were required to seek his approval and he did approve our plan. I just wanted to note that. So here is the cul-de-sac at the end of Sarah's Way, you can see this right here is 13 Sarah's Way, across the street here is a large hedge and then there is a driveway that goes back to a vacant parcel, over here, these are two driveways, they are pretty long that access some of the properties to the west, you can see them a little bit more clearly here. As with the two impacted neighbors to the north, like I said, the developer has approved this project as proposed. We believe these facts taken together demonstrate that there will be no detriment to the neighborhood. As I stated at the last hearing, the benefit to the applicant is to have a tennis court in the north south orientation so it is playable. We submitted a letter from Gary Clairmont the tennis pro at the East Hampton Tennis Club attesting to this benefit and how valuable it is to a tennis player to have a north south orientation. To tennis lovers, a tennis court in an east west orientation is virtually unplayable. Gary is actually not able to attend because he is teaching right now and as a tennis lover, I guess he could probably tell us that he would rather be teaching tennis than attending this meeting. This reasoning has been accepted by the Board in the past. 127 Main Street was granted two 20-foot variances to locate the tennis court in a north south orientation even though there were conforming locations on site, you can see here they have a conforming location, this is their survey. They also could orient it north south up here but they wanted to preserve some mature trees on the property, the Board found the tennis court to be a reasonable amenity for a large parcel, and that an east west orientation would make the court unplayable for many hours of the day. The Board further found that although the relief was substantial, it was mitigated by the proposal such as sinking the court similar to what is proposed here. And you can see these are two 20-foot variances right at the end of the property there. For the property located at 94 Apaquogue, the Board granted an 11 1/2 foot variance to locate the court 21 feet from the property line. I think I actually cited this wrong in my cover letter so I apologize to the Board for that. This is a vacant lot at the time and the Board noted that because of the narrow width of the lot, the applicant cannot locate the court in a north south orientation without variance relief and I noted that the north south access for a tennis court is standard. Mr. Rose, I thought you might appreciate this one based on your suggestion last time. They actually located this one diagonally on the lot, you can see it lines right up with that north arrow there. With regard to

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the character of the neighborhood, I would like to just show an aerial of the site. This right here is 13 Sarah's Way; you can see the cul-de-sac down here. These are some vacant properties still owned by the developer and this right here is 17 Sarah's Way and this is 122 Main Street. If you look at the two properties to the west of 13 Sarah's Way, you can see that they both have tennis courts, it looks like both of these properties had their tennis courts put in prior to the 40-foot setback rule but they do have almost the same setbacks that we are looking for here so I would say it is consistent with the character of the neighborhood. This is the survey for 17 Sarah's Way, it has a tennis court 24 feet from the westerly property line and 27 feet from the southerly property line. The next property over to the west is 122 Main Street and you can see that they have this 25-foot setback from their southerly property line. Lastly, I would just like to show you an alternative site plan, that is it right here, I had spoken with the Building Inspector and this is what we can build on the site as of right without variance relief, it is a compliant tennis court in a north south orientation with the playing surface well within the setback, not sunken, and surrounded by sod in the back court area. This is not ideal because we would rather have a surfaced court, a sunken court and with retaining walls but I think what it shows is how small the impact of the variance really is because the playing court surface meets the setback and that is where noise is generated from. Most noise from tennis comes from the sound of a ball hitting a tennis racket on the main court surface and we can still have that without variance relief. We fully believe that a sunken surfaced court surrounded by landscaping and a sound attenuating fence along the property line will generate substantially less noise than this alternative. It will, therefore, be less impactful to the neighborhood and less of a detriment to the neighboring properties which, again, I note submitted support letters. Again, I thank you for hearing from us and I am happy to answer any questions or to defer to the architect or landscape architect.

Mr. O'Connell: Thank you, Alice. Do we have any callers on the line for this application? Jody, anybody on the line?

Mr. Gambino: Caller ending with 1573 you are on the line.

Mr. Willard: Hello, yes, this is Justin Willard with Hollander Design here to any questions or comments you might have.

Mr. O'Connell: Okay. Anybody else have any comments that are on the line? I think that was it. Do any of the Board Members have any comments or questions for Ms. Cooley or for the architect or landscaper designer? Alice, can you just un-share your screen please so I can see everybody.

16509

Ms. Cooley: Sure thing.

Mr. O'Connell: I guess next does anybody, since there are no other comments, do we have a motion to close the hearing and then move forward?

Mr. Rose: So moved.

Mr. McMullan: I make a motion, or I will second it.

Mr. O'Connell: All right, all in favor of closing the hearing? Aye.

Mr. Rose: Aye.

Mr. McMullan: Aye.

Mr. Humphrey: Aye.

Mr. O'Connell: So now that the hearing is closed, I guess we have to make a decision. It has always been the Village's position that when starting from a blank slate where there is no difficulty with the property or it is not compromised, to comply with the zoning. The alleged difficulty is self-created, they understood what was required of the lot and how the tennis court can be placed, it is not the minimum necessary and the applicant is able to have a north south court which is so important apparently while complying with zoning. I do not know how the other Board Members feel. Would anybody like to chime in.

Mr. Humphrey: Yes, I would. I am completely in agreement with Phil on this case. As a Member of the Zoning Board, I want to do as much as we can to remain in concert with the zoning laws and regulations especially when you are in an area like this where there are so many different, there are a number of vacant lots that are going to come on line, and if we start this one granting a variance for a tennis court, I do not think that is the way to go, that is not the way to start developments in this area.

Ms. Cooley: I note that 94 Apaquogue was also vacant.

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

Mr. Rose: No.

Mr. O'Connell: Mr. Baris?

Mr. Baris: I do not have any comments. I think, while I appreciate the work that Alice did, I tend to be leaning toward no.

Mr. O'Connell: Thank you. Mr. McMullan?

Mr. McMullan: Looking at Alice's presentation and the surrounding neighborhood and the amount of surface that would be eliminated from the tennis court compared to the size that would still be left, I do not see that it is a huge variance. I was more leaning toward approving it but that is my opinion.

Mr. O'Connell: Okay, since we are not sending this to work session, Lisa, what is the next step here? Do we poll the Board and then you write a determination?

Ms. Perillo: Yes, exactly right.

Mr. Rose: We vote after we see the determination, right?

Ms. Bennett: Do you want me to poll the Board?

Mr. O'Connell: Well, I guess Lisa you have enough from what we have said to know which way to write the determination, correct?

Ms. Perillo: I believe so. There is no harm in polling the Board if you want to do that, that is acceptable as well. So officially on the record I get your positions but I think I have enough to write a determination for you guys so whichever way the Board wants to go.

Mr. O'Connell: Okay, we will let you write the determination and we will vote on it at the next meeting.

Ms. Perillo: Very good, thank you.

Mr. O'Connell: John, I will hand this back over to you?

Mr. McGuirk: Okay, thank you Phil.

ORIGINAL HEARING
Michael Kretchmar and Chuck Thomas – 35 McGuirk Street –
SCTM #301-1-1-29

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Mr. McGuirk: So we have the application for Michael Kretchmar and Church Thomas, 35 McGuirk Street, Ms. Bennett please read the notice.

Ms. Bennett: Sure. Application of Michael Kretchmar and Chuck Thomas, SCTM#301-1-1-29, for Area Variances from Chapter 278, Zoning, to make alterations and legalize the enlargement of an accessory building, install swimming pool equipment and construct additions to an existing residence. Variances of 9.2 feet and 0.6 feet are required from Section 278-3.A.(5)(b) to make alterations to an accessory building, previously approved by the Zoning Board as a writer's studio, located 0.8 feet from the rear yard lot line and 9.4 feet from the side yard lot line where the required setbacks are 10 feet. A variance is requested from Section 278-3.D.(1) to legalize the enlargement of an accessory building by increasing the size of the writer's studio by reducing the size of the storage space, where a prior Zoning Board determination capped the size of the writer's studio to approximately 287 square feet with approximately 72 square feet remaining as a storage area. A 5-foot variance is requested from Section 278-3.A.(5)(c) to install swimming pool equipment 15 feet from a side yard lot line where the required setback is 20 feet. A 72 square foot variance is requested from Section 278-3.A.(13) to construct additions resulting in a residence containing 1,947 square feet of gross floor area where the maximum gross floor area is 1,875 square feet, and any other relief necessary. The subject property is 8,753 square feet in area and is located at 35 McGuirk Street in Residence District R-40. This project is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: Thank you Ms. Bennett. Can you also please indicate which Board Members are sitting on this application.

Ms. Bennett: Is anybody recusing themselves from this one?

Mr. McMullan: I am. I am a neighbor and have been noticed.

Ms. Bennett: Okay so then Andy will jump in.

Mr. McMullan: Thank you.

Mr. McGuirk: Is the applicant here?

Mr. Locascio: I am here. Good afternoon Members of the Board, Brian Locascio with the Adam Miller Group, 2462 Main Street, Suite 7, Bridgehampton, attorney for the applicants. I also have Christopher Powers the architect here with me as

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well he can answer any questions once I am done with my presentation. I would like to share my screen?

Mr. McGuirk: Go ahead Brian, thanks.

Mr. Locascio: You can see my survey, correct?

Mr. McGuirk: I can.

Mr. Locascio: Okay, great. As stated in the notice, the property is located at 35 McGuirk Street, the property is 8,753 square feet or .2009 acres as located in the R-40 zoning district, the property is currently improved with a two-story single-family dwelling, a detached accessory structure which has approval for a writer's studio. The accessory structure is preexisting nonconforming with respect to setbacks and size and as stated, has received approval from this Board for the use as a writer's studio in 1995. The applicant is proposing an addition to the existing single-family dwelling which will result in a GFA of 1,947 square feet where this law permits 1,875 square feet, therefore, 72 square foot relief is requested. The goal of the application is to add a proposed addition and covered porch to the southerly side of the house with the exception of the GFA, the additions otherwise comply with all dimensional regulations and the proposed addition and house as a whole remain under the allowable lot coverage. The home as proposed still remains modest in size and will be consistent with the character of the neighborhood, it will only be a three-bedroom house which will be the applicant's primary residence. The applicant is also proposing an inground swimming pool as well as replacing an existing conventional swimming pool with an IA septic system. A sanitary plan has been presented to the Board. Swimming pools are common amenities within the specific street and the Village as a whole, and as stated we will need relief for the pool equipment. As a result of the existing location of the dwelling and the nonconforming size of the lot, the proposed pool equipment has been placed along the northerly side of the house which will be next to the a/c equipment. The pool equipment will be enclosed and the enclosure will be lined with sound dampening materials which will assist in absorbing the sound and reduce any reverberation and echo. The a/c units, while not required, will also be enclosed in this enclosure. And as shown on the landscaping plan which I will show, we also propose landscape screening around the immediate perimeter of the enclosure for the pool and a/c equipment as well as the northerly property line to mitigate any noise or other impacts the neighbor may have. With respect to the accessory structure and the writer's studio, the applicant's main goal here is to raise the roof pitch of the existing roof to better allow for drainage. As it currently sits with respect to the large, mature bamboo wall, it is creating a moisture, mold,

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and mildew issue. In addition, they want to re-finish the interior space of the structure. The current condition as it is today is how our clients had inherited this when they purchased the property. They were not aware of the specifics of the 1995 variance and so we kind of learned of that along this process but as I will demonstrate, we feel that our proposed plan is still in the spirit of that application as approved in 1995.

Mr. McGuirk: Okay.

Mr. Locascio: As for the overall size of the structure, this 72 square feet is modest in size, we have a small lot and as for the five parts, I do not feel that these variances are substantial. We have an undersized lot with respect to zoning. We are dealing with a preexisting nonconforming accessory structure which we are trying to improve the condition of. The resulting house will be under 2,000 square feet in GFA, it is a modest house, will not be the largest house on the street, and the pool equipment it does otherwise meet even though the town has a double setback, it is still within the otherwise accessory setback, and the a/c equipment which is arguably equal in sound creation is otherwise conforming and we are putting those items together and we will take measures to mitigate the sounds. There is no other feasible alternative especially with respect to the accessory structure. This is a preexisting nonconforming structure, we are simply trying to improve and upgrade the use of the structure, any other alternative would not be feasible or practical for the applicant. There will be no environmental adverse impact. If anything, this will make the community better as we are removing a potential septic system and installing an I/A septic system. These are not self-created in the fact that this lot in and of itself is undersized in zoning and we are not proposing an accessory structure as something as preexisting nonconforming that we are just looking to modify. As stated, this is our clients' primary residence, he went above and beyond notifying all the neighbors, opening up their door to them to see the plans, to have a whole clear understanding and make sure everyone sees what they are trying to do and that they do have a true respect for the community and that they are trying to do the best they can to conform to zoning. I know at least one neighbor has submitted a letter in support of this application to the Board. We will open up to any questions and I can walk you through the plans as well.

Mr. McGuirk: Okay. Just real quick here though, we had two letters submitted, we had one from the neighbor to the south on McGuirk Street and then we had a letter submitted by the neighbor that sits behind the applicant on a private road but a long flag lot behind it, one is in favor and one is in opposition.

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Mr. Locascio: I am assuming the neighbor in the rear was in opposition?

Mr. McGuirk: Yes sir.

Mr. Locascio: Okay, I did not see that letter so I cannot speak to the contents of it...

Mr. McGuirk: Pam, can get it off to you.

Ms. Bennett: Yes, it is on our website too.

Mr. Locascio: Okay great. All right, this is the existing site plan, so this is the existing accessory structure, we are proposing a pool that meets the required double setbacks for an accessory structure, we have the proposed addition, proposed covered porch and this is where the a/c and pool equipment will be located. These are the existing elevations of the structure both the main dwelling and the pool house. Again, we are looking to convert a two to a three-bedroom house. These are some elevations of the property so you can get an idea of what we are proposing and then this is the, you can see the change of the roofline of the proposed structure, again, we are trying to create a higher pitch, all the debris falling from the mature vegetation from the lot to the south will better fall off and not create issues for the structure. The layout is generally in line with that as approved in 1995, still have the storage areas. Although that variance did require it to be a shed, it is now storage areas and we do have an access from the inside, the main deviation otherwise it is the same square footage. And then this is the landscaping plan and as you can see, we are proposing significant screening around the perimeter of the property. With respect to the pool equipment and a/c equipment so as to alleviate any impact this may have with the neighbor to the north. And this is the survey which you have already seen. I would be happy to answer any questions.

Mr. Humphrey: I have a question.

Mr. McGuirk: Brian, can you take that down so we can see everybody.

Mr. Locascio: Yes, absolutely.

Mr. McGuirk: Thank you.

Mr. Locascio: My pleasure.

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Mr. McGuirk: Do we have anybody on the phone? Any Board Members like to jump in on this please.

Mr. Humphrey: I would.

Mr. McGuirk: Go ahead Craig.

Mr. Humphrey: As I understand it, now there may have been some changes in Village policy but I did not know about them, but in the past, we have tried very hard not to take accessory structures and use them for guest houses and the like to attempt to reduce the congestion and traffic in the Village whenever. As far as I know that has been the policy and I would favor that policy, I think that it is a storage area or whatever, as long as it is not a guest house for staying overnight, I have no objection to this proposal.

Mr. Locascio: Happy to put on the record that this is going to be a seating area with a bathroom, there will be no cooking, no sleeping facilities, I will be happy to make that an express condition of this application. It will be purely an accessory structure.

Mr. Humphrey: I am good with that.

Mr. O'Connell: Here is the challenge, they have already demonstrated they are using it not in compliance with what was already granted. So a representation going forward means nothing. You can tell what their intention is, they have a bedroom there.

Mr. McGuirk: We did, Tom Preiato is the Building Inspector, Tom, fill us in what you saw when you went out there.

Mr. Preiato: Yes, sure. I was asked to go out to 35 McGuirk at which time Mr. Thomas graciously let me look at the accessory structure and there was indeed a bed made up with linens inside the accessory structure. That was on Tuesday.

Mr. McGuirk: Okay, thank you. Any Board Members want to, Joe, have any?

Mr. Rose: No.

Mr. Gambino: There is one caller on the line.

Mr. O'Connell: I have some other comments.

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Mr. McGuirk: We have a caller on the line.

Mr. Gambino: Yes, I will unmute them. Caller ending with 0867 you are on the line.

Mr. McGuirk: Good afternoon, please state your name and address.

Mr. Forst: John Forst, 176 Newtown Lane, can you hear me?

Mr. McGuirk: We can, Mr. Forst.

Mr. Forst: Okay, I have a very strong objection to this application as far as the shed is concerned, I should not say shed, I should say guest house looking to be turned into a pool house. I would like everybody to be aware that this is literally less than one foot off of my property line and it already has created an additional noise factor that I have never had before and I am very concerned about one, raising the roof pitch, it becomes, again, visual, it is, again, less than one foot from my property line, and I almost cannot believe there is any consideration to allow this to stay as a guest cottage or a pool house. I should have some rights to my property also for peace and quiet, I am not looking to have them not build to improve their property and utilize it to their fullest extent but this was something from Walter Bobbi that was a special exception because he had a tiny little house and he needed a place to work. Well in the Town of East Hampton when it no longer is an artist studio it goes back to its original state which is a shed, and that is what I am proposing it should go back to a shed, there should be nobody allowed to be utilizing that space and if they want to have a pool house, that pool house should be moved and conform to current zoning so it is the proper distances off. They are doing a tremendous improvement to this property, not only to the house but the entire property, removing septic and everything else, this is a shed that is very, very old, they are talking about putting in nano doors that require steel reinforcement so at this point, why are we not trying to get this property to conform to zoning as best it can. Because like I said, at one point it was a shed, it was very quiet, there was a writer's studio, it was very quiet, it is already not quiet right now by virtue of people being able to stay in the house as I read on my porch which is literally right on that side of the house, sometimes I turn around and think somebody is in my backyard, I guess not, it is just somebody talking on the other side of the fence. And that other side of the fence, as I said, is one foot away from my property and there is more than enough room to have a pool house put on this property and reduce the size of the swimming pool and slide it up so it is 10 feet off of the side yard, 10 feet off of the rear yard, as I said there is a tremendous improvement being done on this so why not get it back into zoning. And to raise

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the roof literally, again, along my property line, is like how much infringement should I be taking at this point on this project when it does not and should not be there in the first place. So hopefully the Board will see that it is, I do not know how these, think that they can create a guest cottage right on the property line and saying that it should be, the shed should be eliminated if they want to and continue to increase things on their property. I mean they are cramming every possible thing they can on an 8,700 square foot lot and to make another comment, I do not know how you can have a 250 square foot cabana on such a tiny piece of property. It is a 12 by 20-foot building and this shed is oversized in addition. If for some reason that shed should be able to stay or it is going to be converted into some kind of space it should be limited to 250 square feet and that is my take on it. If anybody has any questions, I would be happy to answer them.

Mr. McGuirk: Thank you, Mr. Forst. Any questions? Philip, did you want to add something, did I hear you wanted to add a few more things or no?

Mr. O'Connell: Sorry, I was muted. The alleged difficulty is self-created. They purchased a two-bedroom home on a very small lot, the Village Code calls for an updated C.O. when purchasing which the applicant chose to disregard. If this was coming to us today as a pool house, we would not have approved it one foot off the property line nor would we approve it at the size that it currently is. The variance request is substantial to expand, alter, and raise the height of the writer's studio, it is clear it is used in an improper fashion as indicated by the pictures and as discussed by the Building Inspector. This would absolutely change the character of the neighborhood. The lot is small and all the variances requested together, not just the writer's studio, but all of them requested together would change the character of the neighborhood. And again, it is self-created, they were aware they were buying a two-bedroom house that cannot be expanded past that GFA. So those are my comments.

Mr. McGuirk: Andy?

Mr. Baris: I do not really have any comments, I mean I do not really like the application as is and I would not approve it.

Mr. McGuirk: Okay. I personally do not think it is fair to put your pool equipment in the setbacks if you do not have to, you can always put them behind the house. Some more observations, you do not have any patios or walkways built into this, at least in the back, so I do not want to assume that you are coming back for that but I am totally against the application. I think it needs to be, we can close the hearing or we could have the applicant come back? Any suggestions?

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

Mr. Baris: Second.

Mr. Locascio: I request that it be left open so I can take these comments back to the applicant and see if there is anything we can do to take these into consideration.

Mr. McGuirk: Phil?

Mr. O'Connell: I doubt it would change my position; I do not know about anybody else's.

Mr. Baris: I second Phil's motion.

Mr. McGuirk: Okay. All in favor?

Mr. O'Connell: Aye.

Mr. Baris: Aye.

Mr. Humphrey: Aye.

Mr. Rose: Aye.

Mr. McGuirk: Any opposed? Okay, thank you Brian.

Mr. Locascio: Thank you.

ORIGINAL HEARING
Thomas Sheehan and Jennifer Sheehan – 20 Fithian Lane –
SCTM #301-3-3-5

Mr. McGuirk: Pam, we are going to move on to the next hearing.

Ms. Bennett: Application of Thomas and Jennifer Sheehan, SCTM#301-3-3-5, for an Area Variance from Chapter 278, Zoning, to install swimming pool equipment. An approximately 10-foot variance is requested from Section 278-3.A.(5)(c) to install swimming pool equipment approximately 10 feet from a side yard lot line where the required setback is 20 feet, and any other relief necessary. The subject property is 19,414 square feet in area and is located at 20 Fithian Lane in

Residence District R-20. This project is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: And is the applicant present?

Ms. Bistran: Yes, Chairman, Britton Bistran here for the applicant, Thomas and Jennifer Sheehan.

Mr. McGuirk: All right Britton. We have to swear Britton in right, Pam?

Ms. Bennett: Yes, please raise your right hand and state your name and address for the record, again.

Ms. Bistran: Britton Bistran, 21 Napeague Harbor Road, Amagansett, New York.

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

Ms. Bistran: I do.

Ms. Bennett: Thank you.

Ms. Bistran: Good morning Chairman, Members of the Board, as I have noted I am representing Jennifer and Thomas Sheehan at 20 Fithian Lane. The application in front of you is requesting a variance for pool equipment setbacks to approximately 10 feet where the relevant setback is 20 feet. Where this may sound like a substantial variance, 50 percent, I believe the intent of the Code at the double setback is to protect neighbors from sound intrusion. So, we are requesting this variance to move our pool equipment into an existing accessory structure, a garage. This would protect the neighbors from sound with interior installation at 10 feet rather than 20 feet exterior installation. Further I was thinking about mitigation that I could suggest to the Board and I would say that we would be willing to have the decision written to make it contingent upon the pool equipment remaining inside a structure so that somebody in the future could not say well I got a 10-foot setback but we specifically classified it was because it was inside a structure and I think that would be a way to mitigate the Board's concerns in the future. I do not really have much more to add, it is pool equipment variance but I thank you for your time and I will answer any questions that the Board has.

Mr. McGuirk: Thank you, Britton. Do we have any callers on the line?

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

Mr. McGuirk: Okay, thank you. I do not have any issues with this application. Any Board Members have any issues with this application?

Mr. O'Connell: I do not. I have a comment. I appreciate Britton's forethought of making it contingent upon remaining inside of a structure so thank you.

Mr. Rose: I agree with that.

Mr. McMullan: I agree as well, thank you.

Mr. McGuirk: Okay Britton, thank you.

Ms. Bistran: Thank you.

Mr. McGuirk: Pam, can we move onto the next.

Ms. Bennett: Are you going to close the hearing?

Mr. McGuirk: Oh, motion to close?

Mr. Rose: So moved.

Mr. McGuirk: Second?

Mr. Humphrey: Second.

Mr. McGuirk: All in favor?

Mr. Humphrey: Aye.

Mr. McMullan: Aye.

Mr. Rose: Aye.

ORIGINAL HEARING
Donna Collins and Peter Collins III – 22 and 20 Conklin Terrace –
SCTM #301-1-4-7 and 1-4-8

16521

Ms. Bennett: Application of Donna Collins and Peter Collins III, SCTM#301-1-4-7 and 8, for an Area Variance from Chapter 278, Zoning, to legalize a pool house within an existing garage. A 12.7-foot variance is requested from Section 278-3.A.(5)(c) to legalize a pool house located within an existing garage that is located 7.3 feet from the rear yard lot line where the required setback for a pool house is 20 feet, and any other relief necessary. The subject property is 15,209 square feet in area and is located at 22 and 20 Conklin Terrace in Residence District R-40. This project is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: Good morning and I saw Donna, Donna, are you here to represent yourself?

Mr. Huber: No, good afternoon Chairman, Members of the Board, my name is John Huber, I am the attorney for the applicant with the firm of Dayton, Voorhees and Balsam here in East Hampton. Can everyone hear me okay?

Mr. Humphrey: Yes.

Mr. McGuirk: We can.

Mr. Huber: Thank you so much. It is a very simple application. I did submit a photo package to show you the existing conditions. The Board Members may have that, if not, I can share my screen if it helps. Let me just pop that up quickly.

Mr. McGuirk: We all have it in our packet, John.

Mr. Huber: Oh, you do, okay, excellent, I am sorry. So basically, the garage portion of that where the garage door is located, that was built back in 1955 and received a Certificate of Occupancy. The applicants purchased the property in 1974 and have owned it since. Sometime around 1985 they added the little bit of a lean-to it appears like a lean-to extension where the sliding glass door is. It is a modest home on Conklin Terrace basically consistent with the other homes in the neighborhood. Further toward the end it is a cul-de-sac, there are some more extravagant homes that have been built recently but this home is in keeping with the neighborhood as it has existed for many, many years. The family was growing during the time that the applicants lived there and Mr. Collins was an electrician prior to his retirement and he used this area for an office space. And they recently, in 2019, had submitted an application to renovate the kitchen in the home and during the inspection for an occupancy certificate to close out for the whole property, the issue of this space came up. Inspector Jahoda notified the applicants that they needed to legalize it. So that really sums it up. We are asking for the

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Board to approve it as a pool house. There is a powder room. As indicated on the plans prepared by Bruce Siska architect it is a modest area. The garage itself is 292 square feet and this area that we asked for approval, there is a powder room in the back, it has a sink and a toilet, square footage on that powder room is 47 square feet, the storage area that comprises the rest of the balance of the space is 114 square feet for a total of 161 square feet. There is a solid partition wall between the pool house area and the garage itself, and the garage is used for vehicular parking and storage. I would be happy to answer any questions that you may have.

Mr. McGuirk: Okay, thank you. Are there any callers on the line?

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

Mr. McGuirk: Thank you.

Mr. Baris: I have a question.

Mr. McGuirk: Go ahead.

Ms. Bennett: Wait, who is sitting on this application?

Mr. McGuirk: Oh, I do not think you are sitting on this one Andy, sorry.

Mr. Baris: I just want to recuse myself because I live...

Ms. Bennett: Okay, thanks.

Mr. McGuirk: Okay, Andy is not on this application. Pam, why do you not just indicate which Board Members so we do not have any confusion.

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

Mr. McGuirk: Okay. I personally do not have any objections to this application at this point. Any other Members?

Mr. McMullan: I do not have any objections either seeing that, I mean the structure has been there, the way it is for over 35 years, 36 years and there has not been any problems that I know of so I am okay with it.

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Mr. O'Connell: I do not have objections but I have comments when we write the decision that it includes that it limits it to the 161 and that no interior door be placed between the garage and the storage/powder room. Does that work for you Mr. Huber?

Mr. Huber: Yes, sir, thank you. It is an excellent suggestion, we agree. By the way, I did submit in support of the application an affidavit from Mr. Collins and he confirms some of the underlying facts that I referenced in my presentation which does include that that is a solid partition wall. And that is also included on Mr. Siska's plan. I think there is a note that he indicates existing full partition wall, no interior access between garage and storage/powder room.

Mr. McGuirk: Thank you Mr. Huber. Any other Members have any objections.

Mr. Rose: None here.

Mr. McGuirk: Any comments? Okay. I make a motion we close the hearing. Second?

Mr. O'Connell: Second.

Mr. McGuirk: All in favor?

Mr. McMullan: Aye.

Mr. Rose: Aye.

Mr. Humphrey: Aye.

Mr. McGuirk: Pam, can we move onto the next hearing please.

Mr. Huber: Thank you Board.

Mr. McGuirk: Thank you Mr. Huber.

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

16524

Ms. Bennett: Application of Emre G. and Linda Gunalp, SCTM#301-8-3-18, for an Area Variance from Chapter 278, Zoning, to construct patios and walkways. A 435 square foot variance is requested from Section 278-3.A.(9) to permit 4,157 square feet of coverage where the maximum permitted coverage on this property is 3,722 square 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 the Residence District R-80 zoning district and the project is classified as a Type II Action in accordance with SEQOR.

Mr. McGuirk: Is the applicant present?

Mr. Krug: Yes, Ed Krug here for the applicants Linda and Emre Gunalp.

Mr. McGuirk: Okay, go ahead Ed.

Ms. Bennett: Should I swear him in?

Mr. McGuirk: Yes please.

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: Okay, thanks Chairman, Members of the Board. I think most of you were on the Board or familiar with this project from a previous variance application back in January. This was a project in which we renovated a historic house and the barn on a 16,000 square foot lot on Main Street behind the Clinton Academy. Previously you guys granted us a variance for some setback relief to locate the pool equipment closer to the northern property line, which is a commercial property, the 1770 House. Originally the design here was to include these walkways and add the patio that is under consideration today as part of this application to use gravel to construct them. When the homeowner, that was the landscape architect's design, when the homeowner saw the brick patio that we completed of a terrace between the house and the swimming pool, he decided that he would like to see if we could build them out of brick in a similar fashion. So, in a practical sense the coverage is the same essentially, we are just seeking your approval to actually create brick, paved patios where there would have been gravel in the past. So the intention was always to install these walkways but we would

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now like to do it in a different hardscape material. So that really is the substance of the variance request.

Mr. McGuirk: Thank you. Billy, can I ask you one question or either Tom? The postman's walk, that is supposed to go to the front door or can it go to any door?

Mr. Hajek: I believe the definition; I would have to check the Code but I believe the exempt postman's walk can lead from either the street or the parking area to a door to the house. I do not believe it necessarily has to be the front door though, I will double check.

Mr. Preiato: I believe that to be the case.

Mr. Krug: The address indicates 15 Dayton Lane.

Mr. McGuirk: Okay. Any callers on the line?

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

Mr. McGuirk: Any Board Members like to make some comments?

Mr. McMullan: I have a question. So the areas that you were planning to use gravel you say now are going to be now brick walkways. On the survey it shows a combination of solid walkways as well as pavers. I know the pavers actually count as lot coverage as well. Are those included in that calculation?

Mr. Krug: Yes, they are included and I misspoke, pavers are, where they are noted on the plan that you are looking at, they will be pavers. The patio will be brick.

Mr. O'Connell: Ed, I disagree with you to some extent that it is not a big difference between the gravel and the brick or the pavers. The Code is intentionally written and interpreted a certain way where gravel is excluded and people take advantage of that opportunity so they do not have to get a variance and we pretty much hold tight on that especially you have already come once for variances that were granted, which obviously does not prohibit you for coming again as you know, but if all of a sudden everything that was gravel starts turning to coverage across the Village, you change the character of the neighborhood or change the character of the Village rather. That is my comment about the gravel versus some sort of a hardscape.

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

Mr. Rose: I think I agree with Phil's comments.

Mr. McGuirk: Who else? Craig, any comments?

Mr. Humphrey: I think if they left it as gravel it would serve the same purpose and we would not get into any more issues.

Mr. McMullan: I agree.

Mr. McGuirk: And I agree with Phil. I think to grant, obviously they can come back and ask for all the variances they want, but I think on this one, I am not in favor of it. I guess we will have a motion to close the hearing?

Mr. Rose: Close.

Mr. O'Connell: Second.

Mr. McGuirk: All in favor?

Mr. Humphrey: Aye.

Mr. McMullan: Aye.

Mr. O'Connell: Aye.

Mr. McGuirk: Okay, thank you.

Mr. Krug: All right, thank you.

ORIGINAL HEARING

15 Pleasant Lane, LLC – 15 Pleasant Lane – SCTM #301-2-2-13.3

Mr. McGuirk: All right, moving onto our last hearing of the day, we have 15 Pleasant Lane, LLC, 15 Pleasant Lane.

Ms. Bennett: Application of 15 Pleasant Lane, LLC, SCTM#301-2-2-13.3, for Area Variances from Chapter 278, Zoning, to construct a single-family residence, swimming pool and pool equipment. A 440 square foot variance is requested from Section 278-3.A.(13) to permit a residence to contain 2,130 square feet of gross floor area with the maximum permitted gross floor area is 1,690 square feet. A 6.9-

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foot variance is requested from Section 278-3.A.(5)(c) to construct a swimming pool 13.1 feet from the rear yard lot line where the required setback is 20 feet. Two 14-foot variances are requested from Section 278-3.A.(5)(c) to construct swimming pool equipment 6 feet from the rear yard lot line and 6 feet from the side yard lot line where the required setbacks are 20 feet, and any other relief necessary. The subject property is 6,897 square feet in area and is located at 15 Pleasant Lane in Residence District R-40. This project is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: Is the applicant present?

Mr. Stanis: I am, Brian Stanis.

Ms. Bennett: I have to swear you in, Brian. Please raise your right hand and state your name and address for the record.

Mr. Stanis: Brian Stanis, 15 Pleasant Lane.

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

Mr. Stanis: I do.

Ms. Bennett: Thank you.

Mr. McGuirk: Go ahead, Brian, please.

Mr. Stanis: Hi all, everyone can hear me clearly, right?

Mr. McGuirk: We can.

Mr. Stanis: Perfect. So I am here before you today obviously applying for this list of variances here. I am going to go through them in order as they were read and address them as we go. Obviously, does everyone have a copy of the survey and plans in their packets?

Mr. McGuirk: Yes, I do.

Mr. Stanis: I am not the best at sharing things so I thought I would ask. So, the first variance that we are looking for is the GFA variance, looking to construct a house at 2,130 square feet where the permitted is 1,689 square feet. We were

looking for this basically keeping in character with other projects that have been on the street in recent years. Just to give the house a little bit of a more livable space, again, there were two other houses in the area that are of relative size, one of which is 17 Pleasant Lane next door, that house was also given a GFA variance of I believe it was about the same about 400 square feet, they went to 2,408 square feet where they allowed 1,850. In constructing the new residence as you can see on the survey, we are actually going to be pulling the entire house to conform within all setbacks, both front, side, and rear, so we will be pulling the house back to the 25 ½ foot mark. Also going on with the new construction will be the removal of the failing current septic system which is in the rear yard. The new septic system will be in the front yard, it will be a hydro action IA system which will obviously help with the groundwater pollution. Before I move on, were there any questions on that? Or should I go through all of them and wait until the end?

Mr. McGuirk: You should just go through all of them and then we will comment at the end.

Mr. Stanis: Absolutely. The second obviously was the pool setback in the rear of the house. I do not know if everyone had a chance to make it out to the property but the rear of the property backs up to an industrial area obviously now Railroad Avenue, part of this, the rear of this property actually has a cement building that is about a foot off the property line and the rest of it is all parking where cars are parked up against the fence. We were seeking the variance to have the pool slightly further away from the house and we were looking for this also, I am sorry, next door at 17 Pleasant Lane I should, they got the identical variance with an identical situation to the rear so we were looking for the same relief there. The side setbacks for the pool as you see with the odd shape of the property was kind of unavoidable...[inaudible]...there so we were just looking to basically squeeze that size pool in that small area there. The biggest variance I would say would probably be the pool equipment. In exploring different areas of the property where I thought it would be the best, I figured this location closest to the industrial area, obviously that is the most noise producing in this area being that Pleasant Lane backs it, I figured that if we put the pool equipment back there and then obviously enclosed and soundproofing, there would not be an issue. Again, that is looking for about a five and one-half foot, I am sorry, not a five and one-half foot, a 14-foot variance on either side there in that location. I think that is all. I would like to answer any questions.

Mr. McGuirk: Do we have any callers on the line?

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

Mr. McGuirk: Does anybody want to take us out on this?

Mr. Humphrey: Brian, if you double, the side setbacks for the pool, there are residences on both sides of that property.

Mr. Stanis: Correct.

Mr. Humphrey: If you double the size of the setbacks, are you going to have enough room for a pool?

Mr. Stanis: I am sorry, I am not sure I am clear what you mean by double.

Mr. Humphrey: You have to take whatever setbacks you have for the pool on the sides, you have to double that, you have to multiple by two.

Mr. O'Connell: I think Craig is referring to the minimum setback would be 10 feet and in this case the setback is 20 feet.

Mr. Humphrey: That is right.

Mr. Stanis: Okay. That is correct. Obviously as you see it would be, if this lot was did not have that slight jog which was this was actually an agreement with the Dominys that were at 17 Pleasant Lane, the property next door, and it is actually my residence at this time, they had an agreement I guess it was back in the 70's there was a radio tower there and they had a stipulation which kind of created this odd jog in the property. If that jog was not there, obviously the setbacks would be large enough then for us to fit that pool. It is the odd shape of the property is what is creating that conformity there.

Mr. McGuirk: Okay Craig. Anybody, Phil, Jimmy?

Mr. McMullan: I would say I understand with the pool and everything and seeing that you are backing up to a commercial piece that borders a residential area, I understand what they are asking for a pool and stuff and I do not have a problem with that. The one question I do have is you are looking for a 26 percent variance for additional square footage to the main house. Is that correct?

Mr. Stanis: I believe it is 20.7 percent.

Mr. McMullan: Okay. I think that is a lot, I understand that you are trying to accommodate your family but for this size piece of property I just think it is a lot, I do not know if there is any way that we can shrink that a little bit.

Mr. McGuirk: I agree with Jimmy. I have no problem with the pool especially since you are up against the old Riverhead Building Supply, for lack of a better name. I would like to see the pool equipment maybe moved in a little further and I probably do not have any issue if you put it right on the line in the back there because you are right up against the concrete building. I would like to see the house try to conform a little bit more than what you have it here. It is a blank slate, it kind of gets old listening to this but I would like to see it try to get it closer to the number 1,690.

Mr. O'Connell: I agree with Jimmy and John. The gross floor area variance is substantial at whether you call it 20 percent or 25 percent. You should be able to comply with the building code on a new build. I would like to see the pool equipment meet the side yard setbacks, I do not have an issue as John said with the rear because you are up against a commercial, basically you are up against parking of a commercial facility. I think those are my comments.

Mr. McGuirk: Mr. Rose?

Mr. Rose: I agree with the comments.

Mr. McGuirk: Thank you. Anybody else have any comments? I think that we can leave this one open until the next meeting if that is all right, Mr. Stanis?

Mr. Stanis: If I may, I just wanted to reiterate that the property at number 17 went for an identical variance of about 20 percent, it was granted with no problem, I just want to have everyone take that into consideration. Again, the numbers for that one were, I have it right here, we were originally permitted 1,850 and then it was discussed among the Board Members at the time that given the small lot size of the, the small property square footage of being only .17 of an acre there, that they granted us the overall construction of the 2,408 square feet. Again, this property here is .15 so it is actually a smaller house than what is at 17 Pleasant Lane but it will be in line with the overall appearance of the neighborhood. I just want to put that out there.

Mr. McGuirk: Okay, thank you.

Mr. O'Connell: Quick comment. The County has it as .19 of an acre at 17 and 19 at .15, is that correct?

Mr. Stanis: I am sorry, 17 Pleasant Lane is .17 of an acre and 15 Pleasant Lane is .15.

Mr. O'Connell: Okay about 12 percent bigger.

Mr. McGuirk: We will leave this hearing open and you can come back to us with something a little bit more conforming. Do we have any other, we will keep this open Pam, so do we have any other business today?

Ms. Bennett: No.

Mr. McGuirk: I would like to thank everybody. I am sorry about my internet problems here but it would go in and out so I make a motion to close the meeting.

Mr. Rose: Second.

Mr. McGuirk: All in favor?

Mr. O'Connell: Aye.

Mr. Humphrey: Aye.

Mr. McMullan: Aye.

Mr. Rose: Aye.

Mr. McGuirk: Okay, thank you everyone.

The meeting was adjourned at 1:08 p.m.

continued on next page

16531

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, June 11, 2021 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 pben-nett@easthamptonvil-lage.org. The applications can be viewed on the Vil-lage's website easthamp-tonvillage.org by clicking on the "Alerts" tab.

Application of Michael Kretchmar and Chuck Thomas, SCTM#301-1-1-29, for Area Variances from Chapter 278, Zoning, to make alterations and legalize the enlarge-ment of an accessory building, install swim-ming pool equipment and construct additions to an existing residence. Vari-ances of 9.2 feet and 0.6 feet are required from Section 278-3.A.(5)(b) to make alterations to an accessory building, previ-ously approved by the Zoning Board as a writer's studio, located 0.8 feet from the rear yard lot line and 9.4 feet from the side yard lot line where the required setbacks are 10 feet. A variance is requested from Section 278-3.D.(1) to legalize the enlargement of an acces-sory building by increas-ing the size of the writer's studio by reducing the size of the storage space, where a prior Zoning Board determination capped the size of the writer's studio to approxi-mately 287 square feet with approximately 72

square feet remaining as a storage area. A 5-foot vari-ance is requested from Section 278-3.A.(5)(c) to install swimming pool equipment 15 feet from a side yard lot line where the required setback is 20 feet. A 72 square foot vari-ance is requested from Section 278-3.A.(13) to construct additions result-ing in a residence contain-ing 1,947 square feet of gross floor area where the maximum gross floor area is 1,875 square feet, and any other relief necessary. The subject property is 8,753 square feet in area and is located at 35 McGuirk Street in Resi-dence District R-40. This project is classified as a Type II Action in accord-ance with SEQR.

Application of Thomas and Jennifer Sheehan, SCTM#301-3-3-5, for an Area Variance from Chap-ter 278, Zoning, to install swimming pool equip-ment. An approximately 10-foot variance is requested from Section 278-3.A.(5)(c) to install swimming pool equip-ment approximately 10 feet from a side yard lot line where the required setback is 20 feet, and any other relief necessary. The subject property is 19,414 square feet in area and is located at 20 Fithi-an Lane in Residence District R-20. This project is classified as a Type II Action in accordance with SEQR.

Application of Donna Collins and Peter Collins III, SCTM#301-1-4-7 and 8, for an Area Variance from Chapter 278, Zon-ing, to legalize a pool house within an existing garage. A 12.7-foot vari-ance is requested from Section 278-3.A.(5)(c) to legalize a pool house located within an existing garage that is located 7.3 feet from the rear yard lot line where the required

setback for a pool house is 20 feet, and any other relief necessary. The sub-ject property is 15,209 square feet in area and is located at 22 and 20 Con-klín Terrace 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 an Area Variance from Chap-ter 278, Zoning, to con-struct patios and walk-ways. A 435 square foot variance is requested from Section 278-3.A.(9) to per-mit 4,157 square feet of coverage where the maxi-mum permitted coverage on this property is 3,722 square feet, and any other relief necessary. The sub-ject 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 the Residence District R-80 zoning dis-trict and the project is classified as a Type II Action in accordance with SEQR.

Application of 15 Pleasant Lane, LLC, SCTM#301-2-2-13.3, for Area Vari-ances from Chapter 278, Zoning, to construct a sin-gle-family residence, swimming pool and pool equipment. A 440 square foot variance is requested from Section 278-3.A.(13) to permit a residence to contain 2,130 square feet of gross floor area with the maximum permitted gross floor area is 1,690 square feet. A 6.9-foot variance is requested from Section 278-3.A.(5)(c) to construct a swimming pool 13.1 feet from the rear yard lot line where the required set-back is 20 feet. Two 14-foot variances are request-ed from Section 278-3.A.(5)(c) to construct swimming pool equip-ment 6 feet from the rear yard lot line and 6 feet

from the side yard lot line where the required set-backs are 20 feet, and any other relief necessary. The subject property is 6,897 square feet in area and is located at 15 Pleas-ant Lane in Residence District R-40. This project is classified as a Type II Action in accordance with SEQR.

Said Zoning Board of Appeals will at said time and place hear all persons who wish to be heard in connection with the appli-cations. Interested parties may be heard in person, by agent, or by attorney. Dated: May 21, 2021
By Order of John L. McGuirk III, Chairman,
Zoning Board of Appeals,
Inc. Village of East Hampton
46-2

FILED
VILLAGE OF EAST HAMPTON, NY
DATE: 7/9/21
TIME: 2:10 pm

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