

Zoning Board of Appeals  
July 9, 2021  
11:00 a.m.  
Emergency Services Building  
One Cedar Street, East Hampton

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  
Vincent J. Messina Jr., Village Attorney  
Billy Hajek, Village Planner  
Thomas Preiato, Building Inspector  
Jonathan Tarbet, Attorney on behalf of 106 Briar Patch Rd LLC and Alan B. and  
Jacqueline K. Mitchell  
Brian Matthews, Attorney on behalf of neighbors of 106 Briar Patch Rd LLC  
Michael Bontje, Environmental Consultant on behalf of neighbors of  
106 Briar Patch Rd LLC  
Georgia de Havenon, Neighbor of 106 Briar Patch Rd LLC  
Barbara Anderson Terry, Neighbor of 106 Briar Patch Rd LLC  
Lynn Tishman, Neighbor of 106 Briar Patch Rd LLC  
Karen Hoeg, Attorney on behalf of Alfred Ross  
Bruce Horwith, Agent on behalf of Alfred Ross  
James Grimes, East Hampton Town Trustee  
Madeline VenJohn, Attorney on behalf of Wanyong Lai Austin  
Pamela J. Bennett, Village Clerk

Chairman McGuirk called the meeting to order at 11:00 a.m., and the following official business was discussed.

**Craig R. Humphrey**

This being Craig Humphrey's last meeting, Chairman McGuirk thanked Mr. Humphrey for his dedicated service to the Zoning Board which began in 2011 as an Alternate and then as a Member in 2013. Mr. Humphrey also served on the Planning Board for two years. Mr. Humphrey received a round of applause.

16534

## MINUTES

Upon motion of Joseph B. Rose, duly seconded by Philip O'Connell, the Board unanimously approved the minutes of **June 11, 2021**.

Chairman McGuirk – Aye  
Vice Chairman McMullan – Aye  
Member O'Connell – Aye  
Member Humphrey – Aye  
Member Rose – Aye

## APPLICATIONS WITHDRAWN

The applications of **13 Sarah's Way, LLC, 13 Sarah's Way, SCTM #301-9-1-13.2** and **Michael Kretchmar and Chuck Thomas, 35 McGuirk Street, SCTM #301-1-1-29** have been withdrawn.

## ADJOURNMENTS

The applications of **JABR LLC, 209 Further Lane, SCTM #301-5-2-14.2, 15 Pleasant Lane, LLC, 15 Pleasant Lane, SCTM #301-2-2-13** and **34 Darby LLC, 34 Darby Lane, SCTM #301-8-12-17** are adjourned until August 13, 2021.

## DETERMINATION

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

Upon motion of Philip O'Connell, duly seconded by James H. McMullan, the Board unanimously denied the applicant's request to construct a patio and approved the applicant's request to maintain a shed. The Board voted as follows:

Chairman McGuirk – Aye  
Vice Chairman McMullan – Aye  
Member O'Connell – Aye  
Member Humphrey – Aye  
Alternate Member Baris – Aye

DETERMINATION

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

Upon motion of Philip O’Connell, duly seconded by Joseph B. Rose, the Board unanimously approved the applicant’s request to install swimming pool equipment. The Board voted as follows:

- Chairman McGuirk – Aye
- Vice Chairman McMullan – Aye
- Member O’Connell – Aye
- Member Humphrey – Aye
- Member Rose – Aye

DETERMINATION

**Donna Collins and Peter Collins III – 22 and 20 Conklin Terrace – SCTM #301’s-1-4-7 and 1-4-8**

Upon motion of Joseph B. Rose, duly seconded by Philip O’Connell, the Board unanimously approved the request to legalize a pool house within an existing garage. The Board voted as follows:

- Chairman McGuirk – Aye
- Vice Chairman McMullan – Aye
- Member O’Connell – Aye
- Member Humphrey – Aye
- Member Rose – Aye

DETERMINATION

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

Upon motion of Philip O’Connell, duly seconded by James H. McMullan, the Board unanimously denied the applicant’s request to construct patios and walkways. The Board voted as follows:

- Chairman McGuirk – Aye
- Vice Chairman McMullan – Aye
- Member O’Connell – Aye
- Member Humphrey – Aye
- Member Rose – Aye

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

Chairman McGuirk called the hearing to order at 11:03 a.m.

Jonathan Tarbet Esq. appeared on behalf of the applicant and stated that at the April meeting, the Board expressed concern with reference to the size of the proposed swimming pool and the proposed driveway. A redesign of the project was submitted (June 30, 2021) which flipped the entire house so the driveway would be on the south side of the property eliminating the need for grading and wetlands variances. The Board, at the June meeting, asked the applicant to beef up the revegetation plan, to relocate the pool fence, and to submit more details on the dewatering proposal. Mr. Tarbet stated that there is no need to dewater; there is a test hole that shows highest groundwater and it is only at times of highest groundwater that the foundation would be in the water and that is based on real data which was a well that was monitored by the company that did the test hole. Georgica Pond gets let out twice a year so it is fully possible to work around the letting of Georgica Pond to avoid having to go into groundwater.

Chairman McGuirk questioned when Georgica Pond is let out. Mr. Tarbet stated that it is twice a year, spring and fall, but it is only if the Pond is full, at the highest possible level, that there would be an issue. The existing house has a basement which is used for storage and that every time he has been there, the basement has been dry.

Mr. Tarbet stated that in reviewing the project, the two most important factors are character of the neighborhood and whether there will be any detriment to the natural features that are sought to be protected. The house is designed to not request any variances from neighbors; the proposed house is 20 percent smaller than permitted gross floor area, 50 percent less coverage, and is in line with the character of the neighborhood. Chairman McGuirk added that the applicant is retreating from the Pond. Mr. Tarbet stated that the existing house is 15 feet from the Pond and the proposed structure is 75 feet from the Pond and that a 50-foot-wide Scenic Easement is proposed.

Chairman McGuirk asked Mr. Hajek for his comments with reference to the dewatering. Village Planner Hajek stated that he has reviewed the resubmitted revegetation plan; the applicant did bolster the plan with additional vegetation and eight proposed native trees. The question of dewatering came up when the Village

Engineer reviewed the original submission; the applicant proposed, in their construction protocol, a plan that times the excavation and installation of the foundation with the letting of the Pond. The test hole data shows that the basement is not within groundwater; it is the highest expected groundwater table when the Pond swells that there could be an issue. The Village Engineer recommended a protocol be in place should conditions change while they are excavating so it is a contingency plan just to ensure that it can be accomplished. If the project requires dewatering, a New York State Department of Environmental Conservation permit will be required. Mr. Hajek stated that he submitted to the Board yesterday a memorandum, along with documentation, addressing a comment made by a neighbor which suggested that the map may not accurately depict all the wetlands within proximity to the project. Mr. Hajek stated that he is competent that the wetland boundaries shown on the survey are all accurate.

Member Rose stated that a recent submission on behalf of the neighbors raised the issue of whether the increased use of the property would counteract the upgrade of the new and improved septic system and asked Mr. Hajek to address that comment. Village Planner Hajek stated that in terms of the buffer and the existing limits of clearing, there is no restriction on the application of fertilizers, they can landscape/re-landscape, apply fertilizers, manage their turf lawn as they wish, install irrigation how they like noting that the existing clearing extends to within 17 feet of the wetlands edge. The proposed project, in comparison, proposes a 50-foot-wide revegetated buffer with a mixture of grasses and trees and the proposal is to not fertilize within 75 feet of the wetland. Mr. Hajek suggested a covenant be required to put future owners on notice. With reference to the existing septic system, which consists of a separate leaching pool, is located roughly 80 feet from wetlands. The existing residence contains four bedrooms so the amount of nitrogen that is being released cannot be quantified but the proposed plan places the new septic system beyond 200 feet from wetlands which complies with Village regulations; a wood chip tank is also proposed which provides additional polishing. I/A systems have proven to treat nitrogen about 60 to 80 percent reductions compared to a conventional septic system.

Brian Matthews Esq. appeared on behalf of the Cassin, Tishman and Rattazzi families. Mr. Matthews stated that with reference to Mr. Tarbet's comments as generalized community opposition, the neighbors are not saying do not build on this property but instead what has been clear throughout is that their objections and their concerns relate to the fact that the size, the scope, and the location being proposed is simply too intense for the heavily constrained lot. What is being proposed is incompatible with the lot and the constraints of the lot; not

every lot can fit every amenity. Mr. Matthews stated that the application fails to meet the variance standards; it cannot be said that the variances that they are seeking are the minimum variances necessary.

Mike Bontje appeared on behalf of the neighbors and stated that he submitted two letters yesterday as he has not had that much time to review the file as he was recently retained. With reference to the sanitary system, Mr. Bontje stated that the applicant is installing an I/A system, with a wood chip tank, and it is being set back farther from the wetlands and that will result in decreased nitrogen concentration in the effluent but the question is whether the total nitrogen loading from the sanitary system will, in fact, be less than is occurring now; there are no calculations to that effect. According to Section 278 of the Village Code, the ZBA shall determine the minimum variance necessary and what that really means is alternatives. The size of the swimming pool has been decreased, there has been some changes like the driveway flipping over to the south but questioned why the pool has to stick out perpendicular to the terrace, why can it not be parallel to the house thereby increasing the setback from the wetlands. Could the swimming pool be located at the southwestern corner of the house which takes that structure farther from the wetlands and becomes a lesser variance than they are requesting. With reference to the parking structure, Mr. Bontje questioned whether the height of the approach from the parking area to the house could be lessened. With reference to the number of bedrooms, going from a four bedroom to an eight-bedroom house, having fewer bedrooms is another alternative which also decreases the size of the sanitary system. The roadway, owned by the same owner as 126 Briar Patch Road, is a private road, a light gravel road with a narrow carriageway; there should be a maintenance plan, a soil erosion sediment control plan, and then, if necessary, a restoration plan. Mr. Bontje noted that the edge of the wetland is right next to the roadway which is an environmental concern. With reference to the dewatering plan, the groundwater levels are two feet above the level of the footing. No percolation testings have been done onsite, only generalized percolation information was used, and there should be percolation tests on site if there is a recharge basin. Mr. Bontje stated that a recharge basin would conflict with the vegetation disturbance on the property. The basin is not just a hole in the ground, it also has elevated berms above grade so the question becomes are those berms protected from blowout; in addition, where will the excavated recharge basin materials be stored. If the applicant is required to obtain a NYSDEC permit in order to dewater, the DEC likes diffusion wells but that he did not see any consideration or calculation of what that would involve and what kind of mounding would occur.

Chairman McGuirk stated that the roadway is a private road over which the Board does not have jurisdiction. Mr. McGuirk asked Mr. Hajek if the Board requires sanitary calculations. Member O'Connell noted that an actual low nitrogen system with a wood chip polisher seems like it is common sense that you are better off with the 75-foot non-fertilization and the 50 feet of revegetation along the Pond. Village Attorney Messina added, as considered as a whole.

Mr. Matthews stated that with reference to the privately-owned road, it is not in front of the Board per se but with regard to repair, maintenance, and protocol, there is recent precedent from the Zoning Board to establish that as part of any condition of approval that prior to a Building Permit being issued, a protocol be in place and referred to the application at 33 Lily Pond Lane and the issue of Tides Turn Lane. Village Attorney Messina stated that that does not bind this Board now to become involved in those matters but the Board will consider it. Mr. Matthews asked that the written record be kept open for a couple of weeks.

Member O'Connell asked that when a Building Permit is issued will there be a SWPPP (Stormwater Pollution Protection Plan) that will be approved. Village Planner Hajek stated that the applicant's engineering package included SWPPP details; the current project does not clear more than one acre. If the applicant has to dewater, more than one acre would be cleared in which case the SWPPP would be mandatory. Mr. Hajek noted that a SWPPP is an exercise of establishing the limits of grading, clearing, and also insuring that there is no runoff; everything is contained on site and it determines where materials are stored.

Ms. de Havenon stated that the applicant's property was acquired at a reduced price because of the variances that would be required. In the 1987 Army Corps of Engineers Wetland Delineation manual for the north, central and eastern regions, they determine wetlands as groundwater recharge value, sediment trapping, nutrient trapping, and shoreline anchoring. Ms. de Havenon stated that her house is quite a bit less in size than the house the applicant wants to build on Briar Patch Road so Mr. Tarbet's statement is not correct.

Ms. Terry stated that yesterday there was quite a bit of correspondence that went back and forth, noting that there is a huge pond on her property that is expanding by the minute and over time her trees have died because they are sitting in water. Ms. Terry expressed concern that her property will be in worse condition than what exists.

Ms. Tishman stated that this is the third meeting but for her it has been two years, since December 2019, when the applicant purchased the property, where there has been illegal clearing and some trespassing. Ms. Tishman questioned the applicant's intent if he is going to rent out the house or live in the house or flip the house. Ms. Tishman expressed concern about setting a precedent if the Board grants the variances. Georgica Pond is let out in October and in April but last October there was a weather event that pushed all the water back into the Pond but the Town Trustees did not let the Pond out again, therefore, the dewatering plan will not work. Ms. Tishman asked that the Board deny the variance.

Mr. Tarbet stated that the neighbors have a level of development greater than what the applicant proposes; what the applicant is proposing is in keeping with the character of the neighborhood and the pattern of development. The applicant's most nonconforming house on Briar Patch Road will be removed and made a more conforming property by relocating the new home to what is in keeping with the existing pattern of development. The reason for the pattern of development is that when the 150-foot setback was implemented in the Village Code, there simply was not enough room to redevelop the whole street to meet that setback.

Member Rose asked Mr. Matthews to summarize the central nature of the objections and the concerns of the neighbors so it completely clear. Mr. Matthews stated that under New York State Law and embedded in the Village Code, and with these types of area variances, there are multiple levels of analysis that go on in whether the granting of the variance preserves the character of the neighborhood and the health, safety and welfare of the community, Section 278-7.C. Village Attorney Messina asked Mr. Matthews what he would like to see as the Board is familiar with the law and asked for specific objections. Mr. Matthews stated that the neighbors would like to see something less, something more in keeping with the constraints of the property. Nobody is debating whether or not the design is beautiful but not every property is fitting for every type of amenity; when you look at the layout of the lot, the topography, when you look at the proximity to the Pond, when you look at the wetlands across the street, when you look at the neighborhood as a whole, this is simply just too much for that area. The house can be smaller. The lot is divided up into two areas because it is a semi-hourglass shape. Mr. Matthews stated that he does not believe there is a building envelope shown where they can build as a matter of right.

Member Rose stated that the parcel has a certain amount of gross floor area that it is entitled to use. The question is how to locate it within the constraints. Relief is being sought because the property does not easily afford it being



accommodated. Mr. Rose questioned whether the neighbors would find it preferable if the garage structure were in the upper part of the hourglass; there would be two structures as opposed to one structure. Mr. Matthews stated that he would not want to speak to that without having the neighbors see that but conceptually that may be something if that is less of an impact, if that is less of a burden, but maybe that is something more feasible. Member Rose stated that the applicant is entitled to a certain amount of gross floor area and coverage pursuant to the size of their property; there are additional constraints in the Code which is why they seek relief because of the peculiar nature of the lot. Mr. Matthews stated that what the neighbors would like to see is something less impactful to the Pond, something less impactful to the neighborhood as a whole.

Chairman McGuirk stated that he does not think there is anything additional. Member O'Connell suggested that the Board go to Work Session on this application. Village Attorney Messina suggested that the Board close the hearing and reserve decision.

Upon motion of Philip O'Connell, duly seconded by James H. McMullan, the Board unanimously closed the Public Hearing.

Chairman McGuirk – Aye  
Vice Chairman McMullan – Aye  
Member O'Connell – Aye  
Member Humphrey – Aye  
Member Rose – Aye

#### ORIGINAL HEARING

#### Alan B. and Jacqueline K. Mitchell – 18 Dayton Lane – SCTM #301-2-7-9.7

Chairman McGuirk called the hearing to order at 11:58 a.m., and the Public Notice, as duly published in the East Hampton Star, was read.

Application of Alan B. and Jacqueline K. Mitchell, SCTM#301-2-7-9.7, for Area Variances from Chapter 278, Zoning, to legalize the existing gross floor area, the swimming pool equipment, and to legalize and expand coverage. A 413 square foot variance is requested from Section 278-3.A.(9) to permit 8,671 square feet of coverage where the maximum permitted coverage is 8,258 square feet. A 671 square foot variance is requested from Section 278-3.A.(13)(a) to legalize 5,542 square feet of gross floor area where the maximum permitted gross floor area is 4,879 square feet. A 1.1-foot variance is requested to legalize swimming pool equipment located 28.9 feet from the side yard lot line where the required setback

16542

is 30 feet, and any other relief necessary. The subject property is 38,790 square feet in area and is located at 18 Dayton Lane. This property is located in the Residence District R-40 zoning district and this project is classified as a Type II Action in accordance with SEQR.

Jonathan Tarbet Esq. appeared on behalf of the applicant and noted that a gross floor area variance is not necessary which greatly simplifies the application. The applicant has owned the property for a long time, it is a flag lot off of Dayton Lane, a larger lot than the other parcels on Dayton Lane. The current Code makes it essentially impossible to add an a/c condenser unit or a garbage bin without coming to the Zoning Board. Over the last 20 years the Code has changed making coverage a real issue so even things like the a/c condenser and a slight patio addition and garbage bin puts the applicant slightly over, 5 percent or less, allowable coverage and the applicant is hoping to legalize those issues. The pool pumps were conforming at one time but somebody decided it would be much better to run them, from a quiet point of view, to inside the garage which the applicant wishes to legalize after the fact. It is a tiny variance to maintain the pool equipment inside the garage. Mr. Tarbet added that the adjoining property, the side from which the applicants request a side yard variance, is in common ownership and it is currently vacant. Village Attorney Messina questioned whether the requested variances are de minimis. Mr. Tarbet stated that they are.

Chairman McGuirk stated that he does not object to the application and questioned the Board if there were any objections. The Board found no objection. Mr. McGuirk asked if anybody in the audience wished to be heard to which there was no reply.

Village Planner Hajek stated that the allowable coverage and gross floor area has not changed on the property since prior to 2007.

Member O'Connell made a motion to close the hearing. Village Attorney Messina asked the Board if they wished to vote on the application to which the Board agreed. A written determination will be prepared for the next meeting. Member McMullan seconded the motion and the Board unanimously closed the Public Hearing.

Chairman McGuirk – Aye  
Vice Chairman McMullan – Aye  
Member O'Connell – Aye  
Member Humphrey – Aye  
Member Rose – Aye

ORIGINAL HEARING  
Alfred Ross – 33 Cove Hollow Farm Road – SCTM #301-12-10-4

Chairman McGuirk called the hearing to order at 12:04 p.m., and the Public Notice, as duly published in the East Hampton Star, was read.

Application of Alfred Ross, SCTM#301-12-10-4, for a Wetlands Permit and Variance pursuant to Chapter 163, Freshwater Wetlands, and Chapter 278, Zoning, to construct a staircase, dock and storage sling. A wetlands permit in accordance with Sections 163-3 and 163-5 and variances are requested from Section 278-3.A.(8) to construct a staircase, ramp, floating dock and storage sling within and directly adjacent to wetlands where a 150-foot setback from wetlands is required. A variance is required from Section 278-1.A. to construct an accessory structure on property that does not contain a principal building, and any other relief necessary. The subject property is 122,338 square feet in area and is located at 33 Cove Hollow Farm Road, is in Residence District R-160 and fronts on Georgica Pond. This project requires approvals of the New York State Department of Environmental Conservation and the East Hampton Town Trustees and is classified as a Type II Action in accordance with SEQR.

Karen Hoeg Esq. appeared on behalf of the applicant and stated that this project received a New York State Department of Environmental Conservation permit on May 1, 2020 and a Town Trustee permit on December 14, 2020 and are contained in the Board's file. An access stair, ramps and floating platform are proposed to safely launch kayaks and canoes. The stair system will be constructed using untreated natural tropical hardwood. The access stair was designed to enable ramps with a floating platform to adjust to the water as the Pond level fluctuates and will be removed by hand from the Pond seasonally and stored in the field. The platforms were designed so that they would not be sitting on the Pond bottom during the periods of low water and all work is proposed to be done by hand. The access stair was designed so that there would be no environmental impact and it will not interfere with the public's access or use of the Pond. The property has been owned by the Ross family since 1984 and for 40 years has remained vacant and left in its natural state. Ms. Hoeg stated that she has reviewed the June 20, 2021 report by Village Planner Billy Hajek in which he notes that the staircase and floating platforms appear to be designed to provide for safe pedestrian access down the embankment and as access to the water. Mr. Hajek also recommends that the improved pathway within the Scenic Easement, which serves as access to the staircase, be no wider than four feet and that any woody and wetland vegetation that is removed in connection with the installation of the dock be replaced with

similar plantings, that the staircase and floating sections be constructed of non-chemically treated materials, that the work to construct and install the staircase and the floats be completed using handheld tools and equipment with no heavy machinery, the submission of an as-built survey, and written notice to the Zoning Board upon completion of the work. Ms. Hoeg stated that the conditions are agreeable to the applicant.

Ms. Hoeg stated that the applicant requests a six-foot-wide pathway, instead of a four-foot-wide pathway, so two people can safely carry a kayak and maneuver in order to access the water. The Board found no objection to a six-foot-wide pathway.

Chairman McGuirk stated that Mr. Hajek also recommends that the storage sling be relocated outside of the Scenic Easement. Ms. Hoeg found no objection to that recommendation. Member O'Connell asked about the pathway that runs parallel to the shore within the Scenic Easement.

Bruce Horwith stated that he spoke with the applicant yesterday who found no objection to moving that parallel pathway outside of the Scenic Easement and having materials stored outside of the Scenic Easement but is just asking for the six-foot-wide pathway.

James Grimes, appearing on behalf of the Town Trustees, stated that their only comment and request of this Board, for this application and future applications, is that pesticide applicators operating within 75 feet of the wetland, have a wetland permit for that application. Mr. Grimes suggested that some language be installed in these management plans that if you have intentions of managing invasive species, that there is a complete narrative of the species, and the means and methods proposed to manage those species in order for there to be enforcement of violations. Village Attorney Messina stated that the Town Trustees would still have jurisdiction to persuade an applicant to comply. Mr. Grimes noted that the applicant has done a great job with the property as there is a stand of common milkweed and this is the first time in five years there has been a great population of monarchs breeding.

Upon motion of John L. McGuirk III, duly seconded by Philip O'Connell, the Board unanimously closed the Public Hearing.

Chairman McGuirk – Aye  
Vice Chairman McMullan – Aye  
Member O'Connell – Aye

Member Humphrey – Aye  
Member Rose – Aye

ORIGINAL HEARING  
Wanyong Lai Austin – 99 Buell Lane – SCTM #301-8-2-6

Chairman McGuirk called the hearing to order at 12:14 p.m., and the Public Notice, as duly published in the East Hampton Star, was read.

Application of Wanyong Lai Austin, SCTM#301-8-2-6, for Area Variances from Chapter 278, Zoning, to construct a pool house within an existing accessory building/barn. Variances of 14.2 feet and 11 feet are requested from Section 278-3. A.(5)(c) to construct a pool house within an existing garage that is located 15.8 feet from the side yard lot line and 19 feet from the rear yard lot line where the required setbacks for a pool house are 30 feet, and any other relief necessary. The subject property is 32,884 square feet in area and is located at 99 Buell Lane in Residence District R-40. This project is classified as a Type II Action in accordance with SEQR.

Madeline VenJohn Esq. appeared on behalf of the applicant and stated that the proposal is to have a small pool house within an existing barn which barn is used for storage. The proposed pool house is 190 square feet and could be added to the storage structure as of right if the storage structure met the side and rear yard setbacks; the structure does meet the accessory setbacks, just not the double pool house setbacks. Member O'Connell expressed concern with a pool house within a garage and violating the Village Code. Ms. VenJohn stated that the Code permits a pool house within a garage as long as there is no access.

Chairman McGuirk stated that an older Certificate of Occupancy refers to the barn as a two-story frame two-car garage with second floor storage and asked Building Inspector Preiato if a driveway to a garage is required. Mr. Preiato said that that is correct. Ms. VenJohn stated that she believes that that is an error on the C.O. as the structure has never been a garage as it has always been a storage barn. Mr. Preiato stated that the requirement for a driveway is fairly recent so at the time the C.O. was issued, the driveway was not required. Mr. McMullan asked if the building will remain a storage shed. Ms. VenJohn said yes, the remainder of the building will be for storage. Member McMullan questioned whether there is access from the storage area to the pool house. Ms. VenJohn said there will be a wall with no access. Chairman McGuirk suggested some sort of yearly inspection

16546

so it remains a pool house. Member Humphrey stated that it is a beautiful piece of property and will stay that way by putting the pool house in the barn.

Upon motion of Philip O'Connell, duly seconded by Craig R. Humphrey, the Board unanimously closed the Public Hearing.

Chairman McGuirk – Aye  
Vice Chairman McMullan – Aye  
Member O'Connell – Aye  
Member Humphrey – Aye  
Member Rose – Aye

\*\*\*\*\*

Upon motion of Philip O'Connell, duly seconded by James H. McMullan, the Board unanimously adjourned the meeting at 12:22 p.m.

Chairman McGuirk – Aye  
Vice Chairman McMullan – Aye  
Member O'Connell – Aye  
Member Humphrey – Aye  
Member Rose – Aye

continued on next page

**NOTICE OF HEARING**

**NOTICE IS HEREBY GIVEN** that the Zoning Board of Appeals of the Incorporated Village of East Hampton will hold a public meeting at the Emergency Services Building, One Cedar Street, East Hampton, New York, on Friday, July 9, 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 [pbennett@easthamptonvillage.org](mailto:pbennett@easthamptonvillage.org). The applications can be viewed on the Village's website [easthamptonvillage.org](http://easthamptonvillage.org) by clicking on the "Alerts" tab.

Application of Alan B. and Jacqueline K. Mitchell, SCTM#301-2-7-9.7, for Area Variances from Chapter 278, Zoning, to legalize the existing gross floor area, the swimming pool equipment, and to legalize and expand coverage. A 413 square foot variance is requested from Section 278-3.A.(9) to permit 8,671 square feet of coverage where the maximum permitted coverage is 8,258 square feet. A 671 square foot variance is requested from Section 278-3.A.(13)(a) to legalize 5,542 square feet of gross floor area where the maximum permitted gross floor area is 4,879 square feet. A 1.1 foot variance is requested to legalize swimming pool equipment located 28.9 feet from the side yard lot line where the required setback is 30 feet, and any other relief necessary. The subject property is 38,790 square feet in area and is located at 18 Dayton Lane. This property is located in the Residence

District R-40 zoning district and this project is classified as a Type II Action in accordance with SEQR.

Application of Alfred Ross, SCTM#301-12-10-4, for a Wetlands Permit and Variance pursuant to Chapter 163, Freshwater Wetlands, and Chapter 278, Zoning, to construct a staircase, dock and storage sling. A wetlands permit in accordance with Sections 163-3 and 163-5 and variances are requested from Section 278-3.A.(8) to construct a staircase, ramp, floating dock and storage sling within and directly adjacent to wetlands where a 150 foot setback from wetlands is required. A variance is required from Section 278-1.A. to construct an accessory structure on property that does not contain a principal building, and any other relief necessary. The subject property is 122,338 square feet in area and is located at 33 Cove Hollow Farm Road, is in Residence District R-160 and fronts on Georgica Pond. This project requires approvals of the New York State Department of Environmental Conservation and the East Hampton Town Trustees and is classified as a Type II Action in accordance with SEQR.

Application of Wanyong Lai Austin, SCTM#301-8-2-6, for Area Variances from Chapter 278, Zoning, to construct a pool house within an existing accessory building/barn. Variances of 14.2 feet and 11 feet are requested from Section 278-3. A.(5)(c) to construct a pool house within an existing garage that is located 15.8 feet from the side yard lot line and 19 feet from the rear yard lot line where the required setbacks for a pool house are 30 feet,

and any other relief necessary. The subject property is 32,884 square feet in area and is located at 99 Buell Lane in Residence District R-40. This project is classified as a Type II Action in accordance with SEQR.

Application of 34 Darby LLC, SCTM#301-8-12-17, for Variances from Chapter 278, Zoning, to make alterations and construct an addition to a pre-existing nonconforming residence. Variances of 28.9 feet and 21.6 feet are requested from Section 278-3.A.(4)(a) to make alterations to an existing residence located 21.1 feet from the side yard lot line and to construct an addition 28.4 feet from the side yard lot line where the required setbacks are 50 feet. The subject property is 96,506 square feet in area and is located at 34 Darby Lane in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR. Said Zoning Board of Appeals will at said time and place hear all persons who wish to be heard in connection with the applications. Interested parties may be heard in person, by agent, or by attorney. Dated: June 18, 2021  
By Order of John L. McGuirk III, Chairman,  
Zoning Board of Appeals,  
Inc. Village of East Hampton  
50-2

FILED  
VILLAGE OF EAST HAMPTON, NY

DATE: 8/13/21

TIME: 1:30 pm

*Samuel J. Bennett*

16548