Zoning Board of Appeals
April 9, 2021 1
1:00 a.m.
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Those present were:

John L McGuirk Ill, Chairman
James I-I. McMullan, Vice Chairman
Craig R. Humphrey, Member
Philip O'Connell, Member
Joseph Rose, Member
Andrew Baris, Alternate Member
Elizabeth Baldwin, Village Attorney
Billy I-Iajek, Village Planner
Andrew E. Goldstein, Applicant
Jonathan Tarbet, Applicant and Attorney on behalf of 106 Briar Pateh Rd LLC
Paul Masi, Architect on behalf of 106 Briar Patch Rd LLC
Bryan Grogan, Engineer on behalf of 106 Briar Patch Rd LLC
Brian Matthews, Attorney on behalf of neighbors of 106 Briar Patch Rd LLC
Lynn Tishman, Neighbor of 106 Briar Patch Rd LLC
Peter Wolf, Neighbor of 106 Briar Patch Rd LLC
Georgica de Havenon, Neighbor of 106 Briar Patch Rd LLC
Barbara Terry, Neighbor of 106 Briar Patch Rd LLC
Verne Cassin, Neighbor of 106 Briar Patch Rd LLC
Rachelle Shaw, Applicant
Laurie Wiltshire, Attorney on behalf of Daniel Faber, Rachelle Shaw, and Orion Properties, LLC
Martha Reichert, Attorney on behalf of 38 Two Mile Hollow LLC
Geoffrey Nimmer, Architect on behalf of 38 Two Mile Hollow LLC Tim
Luke, Applicant, 37 Two Mile Hollow LLC
Trevor Darrell, Attorney on behalf of Mr. and Mrs. Michael S. Hass
Michael S. and Joan B, Hass, Applicants
Andrew Goldstein, Attorney on behalf of 25 Cross Highway 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
Jason Nower, LTV Moderator
Jody Gambino, LTV Moderator
Pamela J. Bennett, Village Clerk

Mr. Gambino: You guys are live.

Minutes

Mr. McGuirk; Good morning. Welcome to the Zoning Board of Appeals for the Village of East Hampton, Friday April 9th, We have the minutes from March 12th 2021. Do I have a motion?

Mr. McMullan• I make a motion.

Mr. McGuirk: Do we have a second?

Mr. O'Connell: I second.

Mr. McGuirk: All in favor?

Mr. Rose: Quick point? John?

Mr. McGuirk; Yes.

Mr. Rose: Just there was one I think mis-transcription in discussing the 87 Jericho point, there was the word "apply" was used in one of my things, it should have been "imply," "I do not mean to imply" not "I do not mean to apply.

Ms. Bennett: I Will change that.

Mr. Rose: Thank you. Sorry.

Mr. McGuirlc Thank you, Mr. Rose. Let us have a motion.

Mr. Rose: Yes, I am reading them.

Ms. Bennett: Good.

Mr. McGuirk: Good. So we will have that correction made. Do we need to make another motion then Pam?

Ms. Bennett: That is okay.

Mr. McGuirk: Okay, So we have the determinations, I am going to swing this over to Jim McMullan to do the first one.

DETERMINATION

Wendy R. Serkin and Andrew E. Goldstein — 87 Jericho Road

SCTM #301-13-1-5

Mr. McMullan: Okay, In the application of Wendy R, Serkin and Andrew E, Goldstein, 87 Jericho Road, Suffolk County Tax Map Number 13-1-5, to constmct a shed and make alterations to an existing residence is approved. Pam?

Ms. Bennett: Mr. McMullan? Mr.

McMullan: Yes,

Ms. Bennett: Mr. O'Connell?

Mr. O'Connell: Yes.

Ms. Bennett: Mr. Humphrey?

Mr. Humphrey: No.

Ms. Bennett: Mr. Rose?

Mr. Rose: I just want the record to reflect that I had asked that this matter be held over so that we could discuss it in a work session. I am not comfortable with the shed variance, I have no problem with the adjustment to the house, but I am concerned about the shed variance and I vote that down.

Ms. Bennett: Okay Mr. Baris?

Mr. Baris: I have no problem with the application.

Ms. Bennett: Thank you.

Mr. McGuirk: That is a yes well...

Mr. Baris: Yes, that is a yes.

Mr. McGuirk: Thank you.

Mr. McMullan: Okay back to you John.

DETERMINATION

40 Middle Lane LLC - 40 Middle Lane - SCTM 4301-4-12-4.3

Mr. McGuirk: So we have three other determinations here, In the application of 40

Middle Lane LLC, 40 Middle Lane, Suffolk Tax Map Number 4-12-4.3, to permit the transfer of 76,862 square feet of land area to an adjacent property identified as 50 Middle Lane is approved. Ms, Bennett: Mr. McGuirk?

Mr. McGuirk: Yes.

Ms. Bennett: Mr. McMullan? Mr.

McMullan: Yes,

Ms. Bennett: Mr. O'Connell?

Mr. O'Connell: Yes.

Ms, Bennett: Mr. Humphrey?

Mr. Humphrey: Yes.

Ms. Bennett: Mr. Rose?

Mr. Rose: Yes.

DETERMINATION

7 Chauncey LLC - 7 Chauncey Close - SCTM #301-15-6-2

Mr. McGuirk; The next determination in the application of 7 Chauncey LLC, 7 Chauncey Close, Suffolk County Tax Map Number 15-6-2, to eonstruet a third story addition onto an existing residence is approved, Ms. Bennett: Mr. McGuirk?

Mr. McGuirk: No, well yes, they took the roof deck off.

Ms. Bennett: Mr. McMullan?

Mr. McMullan: Yes.

Ms, Bennett: Mr. OConnell?

Mr. O'Connell: Yes,

Ms. Bennett: Mr. Humphrey?

Mr. Humphrey: Yes.

Ms. Bennett: Mr. Rose?

Mr. Rose: Yes.

DETERMINATION

Lily Pond Equities - 33 Lily Pond Lane - SCTM #301-13-13-11.1

Mr. McGuirk: And the last one in the application of Lily Pond Equities, 33 Lily Pond Lane, Suffolk County Tax Map Number 13-13-11.1, to delete condition F.5e of the Boards March 12, 2021 is approved.

Ms, Bennett: Mr. McGuirk?

Mr. McGuirk: Yes.

Ms. Bennett: Mr. McMullan?

Mr. McMullan: Yes.

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

O'Connell: Yes,

Ms. Bennett: Mr. Humphrey?

Mr. Humphrey: Yes.

Ms. Bennett: Mr. Rose?

Mr. Rose: Yes.

DISCUSSION

Joseph Bell and Peter Longo - 95 Davids Lane - SCTM #301-9-1-3.4

Mr. McGuirk: Okay so now we have the discussion for Joseph Bell and Peter Longo, 95 Davids Lane. Billy, are you on here?

Mr. Hajek: I am here MT, Chairman,

Mr. McGuirk: Okay, do you want to maybe just give us a brier

Mr. Hajek: Yes. So the applicant is requesting a modification of the prior Zoning Board, I am sorry I am getting a. ..

Mr. McGuirk: I am getting a feedback too. If you are talking, can we just please mute yourself, that would be great.

Mr. Hajek: Yes. I am not sure. It could be on my end.

Mr. McGuirk: Okay,

Mr. Hajek: But in any event, the DEC permit that was approved for the project recommended the existing deer fencing located on the easterly-most property line, which extends through the wetlands, remain for a period of two years in order to protect the newly-planted vegetation from deer browse. The approved plans that are on file show that fence to be relocated so in order for the applicant to keep the fence and in order for the Village to issue a C. of()., they would be required to you know the Board would have to modify their approval; So that is what the request is submitted by the applicant, is to allow the fence to remain in place for a period of two years.

Mr. McGuirk: Okay. Tom you are on here, Tom Preiato?

Mr. Preiato: Yes Mr. Chairman.

Mr. McGuirk: so the fence that is sits there, I mean we would not be able to would issue a C. of O. for the house for two years. How do we handle this?

Mr. Preiato: Yes. I mean that is, it would be difficult. I think something would need to be modified. And I mean on that, as far as the condition, I do not have the, it is not something that I can, it is not up for negotiation. I mean if there is a condition by your Board, a quasi-judicial Board, they would be bound to that condition unless was to be modified.

Mr. McGuirk: Okay and if we modify it, how do we go back and, I mean it is already been in, it is already been there for about a year so I assume we have got another growing season. I think we have thought right, Jim? Did not you figure that out? Jimmy are you on here?

Mr. McMullan: Yes. I mean it seems like it is been installed. The plants have been installed as well and growing so I would assume that this is coming into the second growing season. So, if we were to let them keep this where it is for another growing season, it sounds like from Mr. Preiato that we do not have any recourse to make sure that they take that out, My feeling is that if, either that or we just do not issue the C. of O. until that is come into effect. I do not think the applicant would want to wait another year to get their C. of O. to occupy the building, but I would say in my opinion remove the fence now and let them get their C. of O.

Mr. McGuirk: Anybody else on the Board like to comment?

Mr. OConnell: I am not sure if this is possible but can we modify the condition that the fence is to be removed at such and such a date as opposed to eliminating the condition? I do not know if that is a possibility,

Mr. Preiato: It is not ideal as far as the Building Department goes.

Mr. OConnell: Okay well then, I am on Board with what Jim's saying then. Thank you.

Mr. Preiato: It is difficult to track it and then at that point it is just not a clean way to do it Not saying that I am opposed or for but I am just speaking frankly.

Mr. O'Connell: Thank you. I understand the issue.

Mr. MeGuirk: Mr. Rose, do you have any comments?

Mr. Rose: Nope.

Mr. McGuirk: Okay, Anybody else? Craig?

Mr. Humphrey: No, I am going to stay away.

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Mr. McGuirk: Okay, I think the fence should be removed, I think that it was a big condition for the approval of what we let them accomplish there so I am in favor of getting the fence out of there. Okay. Any other? Pam, we do not have to vote on this because it is already part of the plans,

Ms, Bennett: Beth?

Ms. Baldwin: No, you do not have to vote on it. It is just the existing approval stands,

ADJOURNMENT

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

Under One Roof LLC - 29 King Street - SCTM #301-2-1-1

Mr. McGuirk: Yes, Okay, Let us move onto the, we have two adjournments. JABR LLC 209 Further Lane to May 14, 2021 and we have the adjournment of Under One Roof LLC, 29 King Street until September 10, 2021. I assume the Under One Roof LLC will have to be re-noticed Pam because it is a little...

Ms. Bennett: Yes, I will re-notice it when the time comes.

CONTINUED HEARING

Daniel Faber and Rachelle Shaw — 70 Dayton Lane — SCTM #301-2-7-22

Mr. McGuirk: Okay. So now we have the continued hearing for Daniel Faber and Rachelle, 70 Dayton Lane. Laurie, are you with us? Okay I guess Laurie's not here. They did submit a new plan to move the pool but I do not think personally I would like to see the pool moved to the center of the property. I do not know what any of the other Board members would like to say so any comments?

Mr. OConnell: I concur with you Mr. Chairman that it should be centered so that it meets the setbacks on the sides, Mr. MeGuirk: Okay.

Mr. McMullan: I agree as well.

Mr. Humphrey: Is this going to get in the way of the effectiveness of the big fence at the back propeny line?

Mr. McGuirk: I do not think it is going to affect the fence at all,

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Mr. Humphrey: There is a there is a bit Of a safety issue in this because it is a pool next to an elementary school and that the tall fence adds some security' of kids not getting into the pool. So if you move it does that reduce the safety that you get from the fence?

Mr. McGuirk: I do not, you have to have a fence around the pool by code to begin with so..

Mr. Humphrey: Yes.

Mr. McGuirk: Yes. So we just want the pool to be centered and away from the property line on the west side or the north side. So all right. What do we do if she is not here? Do we keep this open or do we?

Ms. Baldwin: Yes, I would keep it open. It is unusual for her to not appear for an application so I would keep it open and give her the opportunity to respond,

ORIGINAL HEARING

106 Briar Patch Rd LLC — 106 South Briar Patch Road — SCTM #301-12-4-21.1

Mr. McGuirk: Okay. All right so we can move on to our new hearings. We have 106 Briar Patch Rd LLC.

Ms. Bennett: Application of 106 Briar Patch Rd LLC SCTM#301-12-4-21.1 19.2 and 20,2 for Variances from Chapter 278 Zoning and Chapter 163 Freshwater Wetlands to raze the existing improvements and construct a two-story residence, patios, retaining walls, and a swmmming pool. A wetlands permit and variances are requested in accordance with Sections 163-2 and 163-3 and 278-3 which require structures be set back 150 feet from wetlands and clearing be set back 125 feet from wetlands. Variances of 74.4 feet 75 feet 75 feet 131 feet and 52 feet are required to construct a two-story residence 75,6 feet from wetlands patios the nearest being 75 feet from wetlands a swimming pool 75 feet from wetlands fencing 19 feet from wetlands and a retaining wall 52 feet from wetlands. A 75foot variance is requested from Section 278-3.A.(8) to permit clearing of vegetation and revegetation approximately 50 feet from wetlands where a 125-foot setback is required and any other relief necessary. The subject property is 79,032 square feet in area and is located at 106 South Briar Patch Road in Residence District R-160. The property adjoins Georgica Pond and the project requires a wetlands permit from the New York State Department of Environmental

Conservation. This project is classified as a Type Il Action in accordance with SEQR.

Mr. McGuirk: Thank you. Jonathan?

Mr. Tarbet: Thanks, good morning. Jon Tarbet for the applicant. Also with me are the architects and the engineers for the project, I think the first thing you will notice when you look at this property is its unusual shape. It vv•as a product of a 19, I believe it was '86 subdivision which separated from the property immediately to the south, and it really created like an hourglass-type property. So, when the client came to me, actually I represented him on the purchase, and we decided to redevelop the property. The first thing we ran into was the unusual shape. Because of setbacks and how narrow the property is, there is really nowhere further to build a house back than where we are proposing which is 75 feet from the wetlands. I think the second thing you will probably notice is how close the existing house is to Georgica Pond. It is actually, and it depends slightly on where the pond is, but at times in the Village files it is been called 16 feet from the pond and now it is 18 feet from the pond so the existing house is horribly nonconforming, There is some clearing, some lawn up to the pond, septic system is within jurisdiction, probably actually just a tank from our what we have been able to determine and it is probably 50 years old. The house was built in the 1970's,

Ms. Wiltshire: Hi I had trouble getting on but I am on now. I will get back to her.

Mr. Tarbet: Hey, Laurie, can you mute? So the existing improvements are horribly nonconforming to say the least, So the goal of all of us from the get-go is to try to design a house that would do no harm, and design the property in a way that would do no harm to Georgica Pond which can't be said for the existing house. So to do that we did a few things, One was we were able to locate a septic system, the new IA alternative Innovative low nitrate septic system over 200 feet from the wetlands and then on top of that even though it is not required, we, and other people besides me will speak to this, but we added a wood chip polishing system which is going to result in between the distance of200 feet the IA and the wood chips, I do not think objectively you could say that the septic system will be removed from doing any damage to Georgica Pond, The other thing that we did was we created a 50 foot, so I think as far as I can tell the two things, and I do not think anybody would disagree with this, the only two things that are hurting Georgica Pond and Georgica Pond is in horrible shape as we all know, are lawns and septic systems. So, by removing the septic system that was goal one. And two, is that we wanted to make sure that we did nothing as far as a lawn goes to hurt Georgica Pond. So we propose a 50-foot scenic easement, and believe it or not, even though the propeny is really narrow in the middle it is got 300 feet of frontage on Georgica Pond, so a 50-foot scenic easement over 300 feet is a 15,000 square foot scenic easement which would provide an important buffer not only' to keep any fertilizers or pesticides or runoff from the pond, but it also creates a nice habitat for whatever animals or butterflies and other important native animals around Georgica Pond. The third thing is we wanted to go even further than that, we created a 25-foot non-fertilization buffer beyond the 50 feet to further protect the pond resulting in 75 feet of buffer between proposed improvements and Georgica Pond. By doing this we are able to remove 3,341 square feet of improvements that currently exist within that 75-foot buffer. By relocating the house from 16 feet from 75 feet that is over a 300 percent improvement but it is actually better than that because if you look the shape of the pond and the shape of the property result in the house being askew to the pond so it is only just the tip of the house that is 75 feet from the pond. Some of the house is actually outside of the 150-foot setback and a good portion of the house, probably over 50 percent, is outside of 125 feet of the wetland. So when you say it is 75 feet from the pond it is actually significantly further than that whereas the existing house is 16 feet from the pond. We also, I do not want to speak about it because I think maybe Paul Masi the architect will speak about this or maybe the engineer, but we went further and tried to design a system so that any runoff from the house is captured and not allowed to enter the pond. It is probably a good point for me to stop.

Mr. Masi: You want to share it?

Mr. Tarbet: Yes, so, let the architects just do a very quick walkthrough of the project so you have an idea of what that looks like. They want to share our screen if that is okay.

Mr. Masi: Do you have everything?

Mr. Tarbet: I do.

Ms. Bennett: I will swear them in?

Mr. Tarbet: Okay give me one second. I just have to pull the .pdfup.

Ms. Bennett: Okay.

Mr. Tarbet: I think I may have deleted it. All right so I am going to go here. Where is it? Do you see it?

Mr. Masi: I do not know.

Mr. Tarbet: Sorry, give me one second, technical difficulties.

Mr. McGuirk: We understand.

Mr. Masit So you can close that share screen now,

Mr. Tarbet: Now and do it again?

Mr. Masi: And try it again, There it is.

Mr. Tarbet: See it?

Mr. Masi: To the left.

Mr. Tarbet: Great. Do you see my screen?

Mr. McGuirk: We do.

Mr. Tarbet: Okay. Great.

Mr. Masi: Can we make that a little smaller?

Mr. Tarbet: Make what smaller? So you can see them?

Mr. Masi: Well no, No, so you can see the whole ,pdfwith the pages, Again, i can swear myself in, I am Paul Masi from Bates Masi Architects.

Ms. Bennett: And your address?

Mr. Masi: 132 N01th Main Street, East Hampton.

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

Mr. Masi: Yes.

Ms, Bennett: Thank you,

Mr. McGuirk: Go ahead Mr. Masi,

Mr. Masi: Thank you. So, I just wanted to briefly talk about the design, the concepts and ideas for the house. I know Jon's speaking more about the technical aspects of the distances so I will leave that to him but in terms ofour direction on this project, we wanted to give you a sense of how we are addressing Georgica Pond which is frankly is the biggest feature on this property. When we started the project, was really looking at the pond, and how that influences the design. Wait go to the next. Very good, These are things that I am sure you are all very familiar with in our research. Looking at One of the biggest current issues is the micro-algae blooms in the pond and how this affects the wildlife, people that use the pond, and their pets. And over time we have seen many methods, there is the aquatic harvester, there are the buoys that monitor the water level which would then sort of indicate times that it would be let, the pond would be let out into the ocean to restore the water quality, and also some of the recent improvements we have seen in the town are the bioswales that have been implemented. So these are all remedies that have been taken to control the micro-algae blooms in Georgica Pond, So in doing so, in the design of the house, we took some of those ideas and others and began to implement that informing the architecture and these are some projects that we worked on that had these courtyard bioswale strategies that is integrating the landscape but what it also does is any ofthe surface runoff can be filtered before it goes back into the pond. This is something that we have been actually working on with the town for a couple years. I do not know if you are familiar with the how pools work but they leech and they leak chlorinated water over time. And so, we have been working with a couple different companies and there are membranes that you can add in the construction of the pool that actually allow the pool to move and the cracks would not be affecting in terms of leeching or leaking water, it can span them and so the pool would be completely waterproof so that there'd be no leeching of chlorinated water over time into the ground. This is the wood chip polishing filter system. Brian Grogan would be

speaking to us a bit further from PW Grosser. This was added in addition to the low nitrogen system and just some data on it, it is a conventional system, it is 65 milligrams per liter of nitrogen, the IA system brings it down to 19, this component would get it below 10 milligrams per liter. And then another component that we have been looking at the house is the roof shape as I will show you further on is capturing all the storm water runoff and not just putting it into the dry wells which is typically done, it is actually using it, storing a portion of it for the rainwater irrigation for any of the landscaping or gardens that will be on the project, So in this drawing if you can see facing towards the west* the red indicates the existing structure, the gray indicates the proposed structure so you can see the retreat, and then there is a series of dash lines that sequentially is 75, 125, 150 back to 200 and then all the way back to 300 feet. The house is set up so it is capitalizing on the water looking at

Georgica Pond and coincidentally which worked out very well is the sunset which is pretty much the orientation of the existing house, The form of the house is tapered because that is following our side yard setbacks. So really a lot of the form of the house was dictated by the envelope that was allowable. Now if you look at this, you will see that these blue arrows are indicating that collecting all the water from the roofs, sending it down into this rain garden a portion of it and then back, and so the main CIO' well that would be leeching the water is behind the 200-foot setback. Same thing for the septic. The green lines, tanks would be behind the 200 and the leeching field would be almost 300 feet so that is a significant difference between what's existing and what's proposed, So, there is a lot of strategies that you know at the cost of the clients be a good steward of the property, and in turn this sort of begins to shape the architecture and how you experience it. Here's a diagram, You can see the house, The blue kind of diagonal lines represent the rain and so the roofs slope in to kind of keep all the water within the property, And then here are a couple of model shots. We thought you might appreciate seeing it. That is it. Brian, would you like to talk about the septic?

Mr. Grogan: Sure.

Mr. McGuirk: So Brian, Miss Bennett has to swear you in. Pam?

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

Mr. Grogan: Brian Grogan. I am with PW Grosser Consulting, 630 Johnson Avenue Suite 7, Bohemia, New York 1 1716.

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

Mr. Grogan: Yes,

Ms, Bennett: Thank you,

Mr. Grogan: so as Paul and Jon have indicated, we are the civil engineer for the project. We designed the innovative alternative sanitary system as well as the dry wells and stormwater drainage for the project. The proposed IA sanitary system is a Fuji Clean unit. Based upon most recent county testing that Fuji Clean unit is on average averaging treating effluent nitrogen well below the 1 9 milligram per liter standard. In fact, it is about 10 milligrams per liter or roughly half of what the county is requiring. In addition to that, we have installed a wood chip polishing

unit which are being tested and piloted by the New York State Center for Clean Water Technology spearheaded by Dr, Gobler and his group at SUNY Stony Brook. Those polishing filters have been tested in other areas and have seemed to reduce nitrogen even further below the 10 milligrams per liter so this is an additional step over and above what would be required by the county to really reduce the effluent nitrogen concentration possibly down to you know levels of below five milligrams per liter. As Paul mentioned, we moved the sanitary system in essence as far away from the surface waters of Georgica Pond as we eould. You know the existing system is likely within 75 feet and largely probably just one existing cesspool which was kind of indicative of the times when that house was built. So this is a major step up in that regard. The stormwater drainage, with nothing from the runoff of the roof, passing it through the storage chambers that can be reused and pumped out for irrigation use with the rain garden or other areas on the property such that it can be in essence retreated by the rain garden itself to remove any other contaminants, or you know nutrients from the storm water. Again, all of this was done in a purposeful way to you know improve or not to harm Georgica Pond in any way. Those are the major highlights from you know the civil engineering perspective. So I will turn it back over to the Board, and if you have any other questions, I will be here to answer them.

Mr. Tarbet: Thanks Brian. This is Jon Tarbet. The last thing I think I want to mention was that in addition to the pool being waterproof so that no leeching can possibly happen, this is the same sort of waterproofing that you would see on in a hotel where you have a second or higher floor pool where it literally no leeching or leaking can happen or you destroy your hotel, It is the same technology so the pool

will not in any way leech or leak into the soil around it. But more importantly we also arranged to have the dry wells of the pool be more than 200 feet from Georgica Pond resulting in the pool having no perceivable or looking at it objectively negative consequence on the pond. And with that I think we have presented the project and ask the Board if they have any questions,

Mr. McGuirk: I think we will go to the, is there anybody else that would like to make a comment regarding this application that is on the Zoom call?

Mr. Matthews: Yes. Mr. Chairman, Brian Matthews here for certain of the neighbors if I can take a moment.

Mr. McGuirk: Okay go ahead Brian.

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Mr. Matthews: Okay thank you, Thank you, Mr. Chairman, Members of the Board. Brian Matthews, Matthews, Kirst and Cooley, 241 Pantigo Road, East Hampton, New York, here on behalf of the Cassin family the owners of 112 Briar Patch Road Priscilla Rattazzi, one of the owners of 100 Briar Patch Road, which is just to the north, the Cassin property is just to the south, and Lynn Tishman, the owner of 126 Briar Patch Road, and the private Briar Patch Road itself, and I believe that a couple of them are on the line here as well and they want to just address the Board quickly when I am done. You know we submitted a letter yesterday afternoon and it stated in that letter, you know our clients have they have some significant concerns about the scope of this application, its potential impact on their properties, and on Georgica Pond. While there is certainly you know looking reviewing the application and hearing the presentation by the applicant's attorneys and agents, there is certainly some attendant environmental benefits to moving the house back to installing an IA septic system and to proposing a buffer area. It is our client's view and one which I share that any such benefits are essentially undone by the substantial increase in the area that is to be disturbed by this application, to be disturbed and built on within the wetland setbacks by this application, I mean I know it was referenced that some of the house is outside of the 150-foot area, but it is still 75 feet from the wetlands and a significant portion of the house is within that 75 to 125 foot area. So, I mean 75 feet being you know only half of what the what the code requires for wetland setbacks. And for instance, you have a 200 something percent increase in total lot coverage beyond what exists right now. You have an approximately 270 percent increase in the size of the house, The application proposes a couple thousand square feet of clearing within

jurisdiction and a fairly expansive pool and pool patio on the water side of the house itself only 75 feet from the wetlands, but because of this substantial increase in the area that is to be disturbed and it was noted by the applicant and it is noted by everybody that Georgica Pond is a fi'agile water body. It is one that is already been significantly impacted, While pulling back from a minor structure that is there has a benefit in the abstract, the amount of disturbance that this application's going to propose we think, as I mentioned, undermines any environmental benefits and it is for that reason that we do not think this application, as presently proposed, meets the variance standards. In short there are alternatives to pursue. There is a conforming building envelope at the east end of the property. While that understandably may not be the preferred location for a number of different reasons, what's being proposed here, we think is just too expansive, for a property that itself is highly constrained both by because of the presence of the wetlands because of the topography that you can see on the scaled model that is right up on the screen right now and because of its layout. The project could be can be redesigned, I mean it is a beautiful design certainly, but it can be

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redesigned, it can be scaled back to something that is more befitting of the property's constraints and the constraints because of the wetlands. And we think that, as proposed, we ask that the Board should take that same view as well. So, unless there is any questions for me at the moment, that is our client's concerns, restate what's in our letter, and I believe Lynn Tishman and Verne Cassin are both here as well. They should be on the line and they wanted to address the Board very quickly as well. Thank you.

Mr. McGuirk: Thank you Brian.

Ms. Terry: Excuse me, may I also address the Board after Lynn and Mt, Cassin have? Gentlemen thank you.

Mr. McGuirk: You may, So who would like to speak next?

Ms, Tishman: I can go first ifyou'd like. I am Lynn Tishman.

Mr, McGuirk: Okay good morning.

Ms. Bennett: Let me swear you in, Please raise your right hand and state your name and address for the record,

Ms. Tishman: Lynn Tishman, 126 Briar Patch Road, East Hampton.

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

Ms. Tishman: Yes, I do.

Ms, Bennett: Thank you.

Mr. McGuirk: Good morning.

Ms. Tishman: Good morning. Just to make it easier because I am not that good at extemporaneously speaking may I just read what I wrote?

Mr. McGuirk: You can.

Ms. Tishman: I am the owner of 126 Brian Patch Road which my late husband built in 1980. And I also own the private oil and stone Briar Patch Road which allows access to owners on the road, So, we have been in the area for 40 years and I feel a responsibility for maintaining a safe, quiet, country feeling in our area and maintaining the road which is particularly vulnerable to weather and heavy traffic, Just to clarify, the road is 50 feet wide With only 20 feet designated as a roadway. So approximately 15 feet on the easterly and westerly side of the road is a wooded area, I would like to highlight a few incidents I have already experienced with this applicant that have led me to mistrust his intentions and his willingness to comply with stipulations that might be put in place in the future. The first is the clearing of a wooded area without my permission, In anticipation of the closing of his purchase of 106 Brian Patch, I hired Walbridge Surveyors to put stakes in the wooded area to the east and west of my road to delineate my propeny line into the wooded area which is at the entrance of 106 Briar Patch, and also, is an area east of my road and west of the applicant's other property which is 19 Ruxton Road. Since I was not in residence in East Hampton at the time, I was informed that the area west of 19 Ruxton Road, essentially the applicant's other backyard, had been cleared without my permission. The clearing of this area opened up woods making the applicant's Ruxton Road property clearly visible, his house clearly visible to our private Briar Patch Road. Before the clearing, underbrush and thicket, which had grown over the years, had provided a sense of privacy, hence the name of the road Briar Patch. A portion of the wooded area is a reserve for which the applicant might have gotten permission but 1 5 feet of this area which was clearly marked with stakes was cleared without my permission or prior knowledge, When it was discovered, I contacted the applicant and he was apologetic saying he would not clear anymore and hoped that I liked how open and cleared out it looked. I advised him that this was private land and he needed my permission for anything further. The second incident was a delivery over my wooded area, After this unauthorized clearing, I was advised that a delivery tractor had driven up my private road crossed over the

wooded area to deliver trees to be planted on his 19 Ruxton Road property instead of delivering them via Ruxton Road, Again, an apology and a blame to the landscaper who made a mistake. I think it is important to bring these two incidents to your attention which occurred in the vvmter of 2020 when I was not in residence in my East Hampton home. I was fortunate enough to have eyes and ears on the road and people around who care about the area, They happened before any plans for construction on this new property. Lastly, an observation on his 19 Ruxton Road house construction project. I was also witness for three years of trucks and construction equipment parked on Ruxton Road while the applicant's building project was underway on that street, I cannot imagine this happening on our private road where adults and children enjoy walking, running, biking, and riding golf carts up and down throughout the summer months, I am very concerned about what will happen if any project is approved at 106 Briar Patch. I have good reason to not trust this applicant. I believe he will do what he thinks is best for him and then apologize later after every tree and semblance of our private road is gone forever. I am also concerned about his compliance with any stipulations and wonder what enforcement mechanisms will be able to put be put in place. Apologies do not bring back vegetation that has been there for years. Thank you,

Mr. McGuirk: Thank you. Does anybody else have any comments?

Mr. Wolf: Yes, I would like to say something.

Mr. McGuirk: Good morning, Peter,

Mr. Wolf: Good morning.

Mr. McGuirk: Pam can you swear Mr. Wolf in please?

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

Mr. Wolf: Peter Wolf, 65 Briar Patch Road, East Hampton.

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

Mr. Wolf: Yes, 1 do.

Ms. Bennett: Thank you.

Mr. Wolf'. I would just like to bring a couple of things to the Boards attention which are obvious but L feel constrained to say them. One is the applicant and his agent who helped purchase this property are totally informed people who knew what they were getting into, this is not a matter of any kind of surprise or

inconvenience, it is a fully knowledgeable set of developer and an agent, The second point I would like to make is the zoning in the area is four-acre zoning R160, this lot is less than two acres. This was also completely known by the purchaser and his agent, Third point I would like to make is that it was never mentioned by the architect or the agent for the owner that what's proposed is an eight-bedroom house. What's being proposed to destroy is something like a oneor two-bedroom house. The impact of that amount of habitation, eight bedrooms, that is up to 16 people at a time has an inevitable impact, a massive impact on the underlying environment no matter else is done to mitigate it including water usage and draw down of the sub-surface water. So, it has to be seen as a two-acre application in a four-acre zone, Itself the lot is nonconforming right from the getgo, The size of the project proposed is massive eight bedrooms plus all the other amenities that will go with it, replacing a very small inconspicuous house that does minor damage to the physical environment, to the aesthetic environment. So just when you are thinking about this please remember that the lot itself is totally nonconforming and therefore does not deserve any kind of special bending on the part of the Board that you would not ordinarily do. Thanks very much.

Mr. McGuirk: Thank you and just for the record, Mr. Wolf did send an email to myself which I forwarded onto Pam which is part of the record also.

Ms. de Havenon: I would like to speak too John.

Mr. McGuirk: Hi Georgia. Pam, can you please swear in Ms. de Havenon.

Ms. Bennett: Sure. Please raise your right hand and state your name and address for the record,

Ms. de Havenon: My name is Georgia de Havenon. I live at 48 North Briar Patch Road.

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

Ms. de Havenon: Yes,

Ms. Bennett: Thank you.

Ms. de Havenon: Our family has had property emailed on Briar Patch Road since the late 1950s. I am going to read to you a letter that I an email that I sent to John. As you are aware, preservation is something that is of great importance to me and in that regard, I feel the zoning variances sought by the owner of 106 Briar Patch Road are unwarranted. Although the proposed residence will be farther from the wetlands than the existing residence, the footprint of the proposed residence that falls within the ISO-foot setback will be roughly twice that of the existing house

within that setback. The total size of the proposed residence would be three times the size of the existing structure. As we all know the pond is a fragile body of water and the setbacks the applicant seeks are disquieting. Further, in terms of revegetation, this is something that I know from personal experience is rarely successful. Either it is not carried out fully or non-native plants are used. In addition, there are numerous attendant problems including increased usage of the private road and the narrow Briar Patch Road, An additional strain on the water table that would be incurred with an eight-bedroom residence to name a few. From what I have discerned the owner who purchased this property was aware of what restrictions are in place and now it seems to me that he is trying to beat the system. Because the property is of a nonconforming nature and it is less than half the size of currently mandated lots in the Georgica area, J feel the restrictions should be enforced and attempts to significantly change the parameter of the lot and indeed the surrounding neighborhood should be denied. Thank you.

Mr. McGuirk: Again, for the record Georgia did send me an email to my office address which I did forward onto Pam. So would anybody else like to speak?

Ms. Terry: I would like to unless Jeanne and Verne want to speak first.

Mr. Cassin: I would like to say a few words but please go ahead.

Mr. McGuirk: Okay go ahead Miss Terry,

Ms. Terry: Thank you. I just wanted to. ..

Mr. McGuirk: Hold on.

Ms. Bennett: Please, let me swear you in.

Ms. TelTy: Oh, sure, go ahead.

Ms. Bennett: Please raise your right hand and state your name and address for the record.

Ms. Terry: My name is Barbara Anderson Terry, our address is 97 Briar Patch Road.

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

Ms. Terry: I do.

Ms. Bennett: Thank you.

Ms. Terry: Thank you, I just wanted to reinforce with what both Lynn Tishman and Georgia de Havenon implied. A little bit of history, my husband and I have a property directly across the street from what was Mrs. .John's property which we have admired for 25 years and when we purchased our property through a friend,

Billy Heppenheimer, who was alive at the time, we thought we had an easement over to the pond, but as Lynn knows, we found out that it was really a temporary easement for Peter Tishman to get water until he was fully developed on his lot, Our ownership of the property, when we purchased it, we knew that there was a small wetland that at the time Joan Hatfield from Twomey Lathan described in some proceedings for the Phillips as a puddle and that is what it is indicated as on the survey that George Walbridge did. But anyway because of the approved landfill by the DEC on the Whittle's property, before the Whittles owned it, we do not have the normal egress and ingress of the water from the pond. However, our puddle has become a very large pond because of the runoff from the road, And when the pond overflows, we have also had lots of flooding. When we first moved in, we put a row of pine trees along two parameters of the lot and 90 percent of them died because they were very often victims of drought and then of flooding. Anyway, we have spent years trying to come into a compliance for the present wetlands and the present regulations, but we have a very large scenic easement that has also been difficult for us and we think we are just coming to the end of it, However, this has been a very difficult and emotional project for us as East Hampton is determined, rightly so, to really preserve the beauty of the area, and even though people say you shouldn't take it personally, it is very hard to not take it personally when you are told by counsel that you really should not ask for any variances within wetlands because you will never get them, which we did not. We followed that logic and we just thought they know best, and my husband is a big environmentalist having been on the Board of NRDC for 18 years, chairman of the nominating committee etc. etc. but anyway, in fact when Mr. Hollander landscaped our paths to our back porch, we had some paths going toward Ruxton Road, and I can't think of the, what's the name of those nice neighbors, Stefanick towards the Stefanick property and then it goes a little bit to the left and down there we have two little low piers. One of those piers was four inches into our scenic easement and I begged our counsel to ask for a variance so that I would not have to pay to get those piers destroyed and rebuilt again, Again, no variance, destroy the pier and rebuild it six inches back which we did. Anyway, come to 2019 1 guess just before COVID the summer before, and this nice gentleman drives up our driveway unannounced on a bicycle with a bottle ofPouilly-Fuisse, which happens to be one of our favorite white wines, and he's very charming and I am thinking oh my goodness, this is a wonderful new neighbor, we are going to all get along so well of course. my husband was much more circumspect and much

more intelligent about the whole situation. Anyway Mr. Elecke's reason for the visit was that he wanted to take down all the pine trees and the few cedars and let me see there is a third one, oh it is an old bush, I can't think of it, but everybody had them years ago, they might have gotten a disease, excuse me, anyway he said he would do it at his expense and he was already starting on his side so it was no big deal. He would take these down because he did not have enough light on his property. And because we had all the droppings from the pines, they did not allow us to have enough lawn and enough flowers and everything else. So I said well what is it on our side that you had in mind? With that he went home and got an orange spray can and sprayed all of our trees telling us that, this should go this should go, all the way down but of course he'd pay for the whole thing. Well, my husband was in disbelief and I couldn't believe he sprayed all the trees. Anyway, I then, because again we are trying to come into compliance with the village's restrictions or whatever you would call them instructions, and we had planted, we had replaced the dead pine trees with many other evergreens, not just pines, but oh I can't even think, I am not very good at speaking extemporaneously either, but a whole lot Of plants to try to block out the huge new Kittredge house on the corner which the Phillips had also had a guest house there, and a little cottage for their help there on this small lot, anyway, we did that, they grew, but then a lot of them were nonnative and the village wanted us to take them down. We went to the DEC. The DEC did not care if we took any of them down and they could not have been nicer and more polite to us by the way. We were so afraid we kept hearing oh do not get involved with the DEC but it was a very rewarding experience to see these were knowledgeable people who really wanted to help you. Anyway, the village decided they wanted them down. We took them all down. So now we look at the back of the Kittredge house and my husband and I will never live to see the day where the shrubs that Marders has put in at a very, very great deal of expense and our legal fees I might add have been very extensive. So and we do not have the deep pockets Mr. Elecke has. So let me come back to Mr. Elecke. The day he's sitting in our living room and I am Irish Catholic, I kiss the blarney stone I am sure this is much too long for all of you and I apologize, but I am going on to tell him that I love the neighborhood, we both do, it is so quiet and I have just been struggling to come into compliance with the village to get our lot approved so that I know that I have no more expenses on this bit on this site and then J would like to go across the street if hopefully Mrs. John's property is still available, and he said What is that you are talking about and I said well you know the one that supposedly and Jeanne Cassin can either confirm or not confirm this, but I had heard the rumor that Peter Solomon who rented it for years had offered twenty million dollars and it was turned down, but now they're only asking about eight million dollars because there are so many restrictions on the property, And even the most recent tenant, not the present one, but the one just before her told me it would be a great investment except for the Cassins want to make sure that noting disturbs the area. I said, well that is a good thing, and in fact, I told Mr. Elecke that day that our hope was to purchase it so my husband and I could retire in the house the exact size that it is.

We love the idea of a tiny little cottage on the water with that magnificent view, and we would keep the larger house for the children, grandchildren and hopefully if we get to see great-grandchildren. And anyway, he did not know anything about it and he left and the next thing I know he's in contract to buy the property when he knew how badly we wanted that property. so then I called Mr. Tarbet which he can confirm, and I told him how shocked I was that anybody would do this and I said, Mr. Tarbet the least he can do is give us the easement that we thought we had to Georgica Pond when we purchased our property in 1996.

Mr. McGuirk: Excuse me, Mrs. Terry, can we focus on what your objections are to it?

Ms. Tewy: Okay I am so sorry.

Mr. McGuirk: Not the history. Thank you.

Ms. Terry: Okays okay, excuse me. So anyway Mr. Elecke has refused the right of way which is his prerogative, however, back to what Georgia and Lynn were saying all these gentlemen referred to the effect it would have on the pond as opposed to what effect it would have on the neighborhood. And in fact, Mr. Elecke did take down hundreds of trees by his own gardeners' admission on his property, We watched cherry pickers for months and months. And not only do we now look directly at his house and light, lights on whether they[i]re there or not all night, but we also look through his property to the other propeny on Ruxton Road which I know Mr. Elecke and he do not get along, And the light pollution is just incredible. Now over there I know on the property that he[r]s attempting to develop he will have so much light pollution and that will not just be an annoyance to us directly across the street and the Cassins and the Whittles but from what I understand turtles will not breed if there is a lot of light. And I am sure they're not the only species. So I am concerned about the light pollution. I am very concerned about the road because I know what will happen with all these huge trucks going back and forth. Our property is down sunken between the two high points at the top of Briar Patch Road in front of the Whittle property where it forms a T and toward the Overman property. It all comes down to where we are which is where that ravine once was between Georgica Pond and our now pond. So, I just do not see how the village could approve that type Of construction that would not only affect wildlife and Georgica Pond but also the surrounding properties and the neighbors who would be subject to this for years and then the results I am sure would not be what his architects and engineers think they would be, One thing might be said but something else will happen.

Mr. McGuirk: Yes. Can we wrap this up a little bit now?

Ms. Terry: I am done, I am done.

Mr. McGuirk; Okay.

Ms. Terry: Thank you.

Mr. McGuirk: Thank you very much.

Ms. Terry: Thank you,

Mr. McGuirk: Mr. Cassin?

Mr. Cassin: Yes, I just have maybe 30 seconds.

Mr. McGuirk: Thank you.

Ms. Bennett: Let me swear you in.

Mr. Cassin: Yes.

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

Mr. Cassin: Hi I am Verne Cassin and we are, my family are the owners of the house next door, 112 South Briar Patch Road.

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

Mr. Cassin: Yes.

Ms. Bennett: Thank you.

Mr. Cassin: Okay, So, as I said, our family's been the owner of 112 South Briar Patch Road since 1895 when I confess from pictures it appears that my great-greatgrandfather had a nonconforming pigsty about 20 feet from the road. But it is long gone. I grew up swimming in Georgica pond and back then you know you would worry about the snapping turtles but not much else and they had a sort of mythical status, I do not think I ever actually saw one. As long as you were wearing a life jacket you know my parents were fine with me playing down there and wading or you know playing around in the mud. And I have two little boys now one's five and one's three, and I won't let them swim down there anymore, and I won't let them play in the mud because it is not safe. And you know I am not saying that is the applicant's fault here, Obviously, it is not. He's new to the pond but it obviously is the fault of our communal and every human's desire to enjoy nature by getting in and shoving as much of it as we can out of the way. And that is exactly what this house is. And you know we can, I appreciate it that there are changes to the septic that are good, and there are you know improvements that can be made to the grass in front of the house and moving Che house back is a good idea, but what's also happening is this vast expansion and the exploitation of the parcel of land. And you know despite what counsel said I hand can't imagine that

that does not have an effect on the pond. And that seeing that won't have an effect of encouraging other people to get in and shove as much nature out of the way as possible. You know we do not like to have Versailles on the banks of Georgica Pond but it is not good for the pond and it is not good for the character of the neighborhood. And I also think it does make a difference to the neighborhood and to you know the enjoyment of the surroundings in you know a natural way when you have, you know if you walk down that pond or if you go past in a boat for the most patt it is fairly circumspect and it always has been. There is been a sort of quiet pride that people have in having those briar patches you know and having being away and in being somewhat understated, And you know this house for all its virtues does not have any understatement at all You know it is, it is an essentially an eightbedroom guest house on the watees edge with a giant swimming pool. And so, I would encourage the Board just to be really careful about allowing this kind of thing.

Mr. McGuirk: Thank you Mr. Cassin, Any other neighbors? Okay, Billy, do you want to run through your memo?

Mr. Hajek: Sure, Good morning Members of the Board, Billy Hajek on behalf of the Village of East Hampton. If it is okay I am going to share my screen? So I can show you some aerials?

Mr. McGuirk: That would be great.

Ms. Baldwin: Pam, can you just swear Billy in?

Ms, Bennett: Please state your name and address for the record,

Mr. Hajek: Billy Hajek, 88 Newtown Lane, Village of East Hampton.

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

Mr. Hajek: Yes, 1 do.

Ms, Bennett: Thank you.

Mr. MeGuirk: Okay. Go ahead Billy. Thank you.

Mr. Hajek: So can everyone see my screen?

Mr. McGuirk; We can,

Mr. Hajek: The aerial? Okay. So I submitted a memorandum to the Board dated April 1 st. I won't read through it verbatim but I will give you a brief summary. I thought it was helpful to include an aerial photograph of the property. This is from 2006. It shows the unusual property boundary. As you see, this was a product of an early sub-division where there were two houses on one piece of property. When it was divided, the intent was to create each house on its own parcel of land. At the time the zoning district only required two acres of land area for a conforming lot. So, you will see that the property lines were drawn around the improvements to essentially create a two-acre tot for 106 Briar Patch Road. I will fast-forward to an aerial photograph, this is of 2020, shows the existing conditions as offairly recently. Sof as it is been indicated it is a 79,000 or roughly 80,000 square foot parcel. It is in the R- 160 zoning district and it has about 295 linear feet of frontage on Georgica Pond. The elevations on the property range from sea level which is at the pond level to about 18 feet above sea level. The property generally flows from the highest elevations are in this corner of the property and it then it drops off to the north and it drops off also to the nonh and east. There is sort of a naturalized swale that runs along the north side of the driveway extending from Briar Patch Road and cutting all the way out towards Georgica Pond. So the property is improved with a residence, the plans call it out to be about 25,000 square feet. I measured the survey. I think it is rnore in line of about 1,711 square feet in size. i think when you include all of the attached decking and patios it is more in the range of 18 square feet, The sanitary system, although I had indicated it was unknown, I it was revealed to me on the survey that it exists somewhere in this area where my mouse handle is, I do agree with the applicant it probably preexists current regulations, I would assume it consists of a single leaching pool and with no proper septic treatment. There are a couple of prior Zoning Board determinations for this property. There was the variance that was granted when the property was created due to lack of street frontage on a public street. Then the Zoning Board in 1999 granted a variance to grant a wetlands permit to allow stabilization of the shoreline as it was eroding at that time and together with phragmites removal, those projects were executed and then subsequently to that, there was a plan here approved for further stabilization of the shoreline with coir logs and vegetation and I believe some of the coir logs still exist at the toe of the embankment. So the existing residence is located about 19 feet from wetlands. The proposed 6,350 square foot house represents a landward retreat and it is going to be situated 75.6 feet from the wetlands. While it is a 50 percent deviation or requested variance of the setback, I would reiterate that they're more than tripling the distance from the pond when compared to the existing residence. The plan showed a house would have a two-car garage attached to it, eight bedrooms, and there is a second story terrace along with first story tenacing. The new IA system is in a landward direction further landward of the house. It is designed comply with the

wetland setbacks which has been iterated. It is an IA system as Mr. Grogan indicated. The County requires the system be treated, treat effluent down to 19 milligrams per liter of effluent. The new Fuji Clean systems appear to be on average treating to about 10 milligrams per liter and the additional polishing treatment unit I think it is intended to eut nitrogen by 50 percent more. So there is arguably very little nitrogen being discharged, If the system is being properly functioning and properly managed, there'll be very little nitrogen discharge based on that new system. And it is my also my understanding that the polishing tank also removes pharmaceuticals and personal care products which may not be treated by the conventional system. The drainage and roof runoff is being handled within the interior courtyard and also on the landward side of the house, The grading and drainage plans were referred to the Village's Engineer and I will give you a brief summary of his report following my summary here. So, I broke my memorandum out into two parts of the project, one being the house, which I just discussed, the second being the swimming pool, And the project proposes a swimming pool that is 75 feet from wetlands where a 150-foot setback is required, You will see from the aerial there is no swimming pool on the property right now so they're introducing a structure that does not presently exist within the required setbacks. It is a, I guess a lap pool or described as a lap pool that is I l feet by 76 feet long, It totals about 836 square feet in size, and the dry wells associated with that swimming pool are also positioned in a conforming location beyond 200 feet from wetlands. My one concern with the swimming pool which I pointed out in my report, this is a copy of the site plan, is that there is an area of native vegetation in this portion of the property which is required to be cleared in order to construct the swimming pool. In addition to whieh there is a swimming pool enclosure, a barrier fence, that is proposed to be weaved through the existing buffer area and wraparound on the property lines, and one of the suggestions I offered in my report

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was that alternative designs or locations for the swimming pool could obviate the need for clearing vegetation within the setback and also potentially eliminate the need or adjust the need for fencing that cuts through the wetland buffer,

Mr. McGuirk: And a lot of that vegetation, Billy, has been disturbed already where the pool...

Mr. Hajek: Yes. There has been as has been pointed out by some of the neighbors there is some clearing activity that is occurred on the property recently. It looks like trees were removed from the landscaped area and also, they whittled away

some of the buffer area, some of the shrubs were topped, and some trees were removed from the water side of the house, the existing house,

Mr. Humphrey: Billy, before you go on, you had alternative places where you could put the pool? Could you point out a couple of those?

Mr. Hajek: Well, I mean the swimming pool could be redesigned on the, you know the water side of the house it could be redesigned in a fashion that presumably does not require any clearing of native vegetation. Alternatively, it could be positioned on the landward side of the house somewhere in here, it could be positioned somewhere in here. There are multiple locations, maybe not ideal but there are locations where you could fit a conforming swimming pool and not require any variances.

Mr. Humphrey: Yes thanks. Thanks.

Mr. Hajek: Yes so the project does propose to clear about 2,000 square feet of vegetation within the required wetlands setbacks. They are proposing a pretty robust 50-foot buffer. It does rely pretty heavily on grasses; one of my recommendations is that some of the vegetation be swapped out for shrubs. For any proactive re-vegetation, the Board, I have recommended in the past and the Board has been okay with maintaining the height of that vegetation at four feet in order to maintain views and vistas, and that is all purely for proactive re-vegetation in the form of mitigation, not manipulating existing native vegetation, The plan does call for restoration of the native existing buffer area by hand removal of the existing non-native Vines and shrubs. I offer no objection to that but again I think the plan needs to be refined a little bit in terms of the density and the plantings that are proposed to replace the material that is to be removed. And I will just quickly go over Vinny Gaudiello's report this is from the Raynor Group and it is dated April l , Vin had some specific engineering recommendations regarding details that are required on the plan in order for him to further evaluate the project and he is requesting some basic basically technical information. The crux of some of his report is really just to ensure that the grading is properly designed and will not impact or create stormwater runoff onto neighboring properties. He's asking for details about the retaining walls, some spot elevations and grades and the more important or critical component to this is the depth of excavation and the depth of improvements relative to the highest expected ground water. Vinny is asking for additional information to demonstrate if de-watering or temporary de-watering is going to be required for the project, and if it is how they're going to handle that.

Mr. McGuirk: And Billy, that would be, obviously depending on how full the pond is?

Mr. Hajek: Yes well, the groundwater table here fluctuates very dramatically, When the pond is let you can have test borings that show water is at, groundwater is ata foot-and-a-half or two feet or 2.2 feet above sea level. When the pond is full and the adjacent groundwater swells, you know I have seen test borings on the west side of Georgica Pond that show water tables, the groundwater table is at six to seven feet above sea level. So there is a very dramatic range in water elevations here and it is all dependent upon the water table of Georgica Pond,

Mr. McGuirk'. Okay thanks.

Mr. Hajek: Aside from that I mean that is essentially Vin's comments. If the Board has any specific questions for me, I will be happy to try and answer them,

Mr. McGuirk; Joe or Phil or Craig?

Mr. Humphrey: Billy?

Mr. McGuirk: Craig?

Mr. Humphrey: Billy, has there been, in a lot of the projects we have looked at, there is a coverage max but there is no mas on the building structure itself. Why is that?

Mr. Hajek: The village regulates coverage. Coverage includes buildings and all structures except for driveways, So right now, this plan proposes a building that is under the allowable gross floor area and their coverage, permitted coverage for the entire property is 14,300 square feet, they're proposing 7,800 square feet.

Mr. Humphrey: What's the limit on the structure? What is that? I did not see that on the survey?

Mr. Hajek: It is on the upper left-hand comer of the survey there is just some calculations for coverage.

Mr. Humphrey: No, not coverage. I am talking about the structure itself the building.

Mr. Hajek: Oh, that is on the architectural plans. The calculations? I do not know the coverage of the exact building, maybe the architect could provide that but I just know the gross floor area of the house that is proposed,

Mr. Tarbet: I may be able to answer Mr. Humphrey a little bit. As Billy was saying, this properly is actually allowed a much larger house and as part of our application early on, to be perfectly honest, the client wanted the largest house he could build on the property. And along with all these others things we have

mentioned, we actually decided that that quite honestly that that size house would not fit on the property even though we could do it and meet all setbacks we voluntarily reduced the size of the house 20 percent below what will be permitted by code and coverage again is only half of what would be permitted. Now one thing, it is really important to consider something and that is, as pan of this floor area calculation, we are including the 600 square foot garage. It is not habitable space but under the Village Code it is counted as gross floor area. This was again on purpose, We could've designed a garage outside of the 150-foot setback, but it would've added to sprawl and we have put things down that, now J apologize I am kind ofjumping in here, you can stop me if, Billy, if you wanted to. . .

Mr. Humphrey: No, it is fine.

Mr. Tarbet: One thing I wanted to mention was along with the whole thing was to try to condense it and keep coverage as tight as possible. There is a conforming location for the pool as well along Briar Patch and that was considered, but again, that is a nice section, Briar Patch is a private road, and that is a nice section of woods, we really would prefer not to disturb that area and keep all development away from that so when people drive up and down Briar Patch, they continue to have that country feel. We would be willing to covenant that we would not put a pool there if we were able to keep the pool in front of the house along the water. I think that would probably be something the neighbors would really appreciate. And as far as, there is a little bit of additional clearing proposed for the pool on the water side of the house. If you've been up there, there is actually I was just there

yesterday and there is, when we talk about clearing, we are talking about areas significantly above the bluff of Georgica Pond you know yesterday there were numerous flowers growing in there. So at times in the garden, they're heavily controlled with or littered with invasives. So yes, there would be a little bit of clearing, just a little bit, maybe under 1,000 square feet up above about 75 feet from the pond. But one thing we could do and I have discussed this was Billy recently was what we were proposing was a 50-foot scenic easement which is 15,000 square feet so it is not insignificant. But what we could do is we could increase that to 75 feet and with a 75-foot re-vegetated offer between the pond and all improvements, including the pool, that would get us a 22,500 square feet of vegetative buffer which, while not unprecedented on the it would certainly be better than all the neighbors are able to provide with the exception of Mr. Cassim His propeny is actually very, other than the extensive lawn, there is a nice buffer between the pond and his property. But everybody else, none of the neighbors who have spoken today could offer the Board anywhere near what we are proposing because of the septic system

and stuff but certainly none of them offer a 75-foot vegetative buffer scenic easement between the pond and their improvements. So I just wanted to get that out there that while we did listen to all the neighbors and I do not want to go tit for tat, it would take too long and honestly a lot of those comments had nothing to do with the application. I will just say that I strongly disagree with a lot of the allegations that were untrue as I know them and J will leave it at that,

Mr. McGuirk: So, I had a few things. The cutting of the trees in the buffer area, I mean obviously you've J cut some trees up there that probably shouldn't have been cut, we have been up there several times so I am just curious how that happened.

Mr. Tarbet: So I can answer that question,

Mr. McGuirk: GO ahead.

Mr. Tarbet: Yes, so there were an extensive amount of trees cut on the landward side of the house, I know you are probably not talking about those or maybe you are but let me address those first, The landward side of the house is lawn and there are an extensive amount of trees or there were a number of trees in that area that were cut down to al- allow light onto the onto the lawn and onto the house and also some number real nice trees that are there. So the trees that were cut down were number were aesthetically not nice trees. The trees that remain are nice trees. There was [inaudible] a lot of light and they are on the landward side of the house, I think it would be up to the village to tell me whether that is allowed or not. It

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maybe not allowed in which case I apologize for that. The same thing goes, on the water side of the house you will see there is a very large I think it is black pine or pitch pine, that was left, there was one tree cut down that was in the middle of the lawn on the water side of the house that was, it was a large tree and if you look on the aerial photographs it is some sort of evergreen, but it was dangerous to the house and it was planted there. It was like a Christmas tree type tree. It had just grown so large that it was if it fell on the house, it would've been dangerous, And then other than that there was no, I think when we talk about clearing, there were a few trees cut down but there is absolutely no clearing that was done. Nobody, at least from what I can tell and from what the plans they propose, it was not touch anything that would require clearing. There were a couple very small trees vegetated areas that were completely covered in bramble and I believe that maybe the landscaper removed those because they were dead maybe or you know they were just completely covered in brambles, but they were very small diameter trees. It was just one large diameter tree cut down on the water side of the house which I

mentioned was considered to be dangerous to the house. It was within the lawn area.

Mr. McGuirk: I would also like to see, I would like to see the house staked out on the-property and the pool just so the Board can get an idea where it is going to be, if proposed, I would like to see a, provide us with a detailed landscaping plan with native vegetation not just grasses, okay? And we do not I do not want to see personally I do not know what the other Board members I do not want to see the swale filled in.

Mr. McMullan: J do not either,

Mr. MeGuirk: Anybody else want to comment on the Board here?

Mr. Rose: I do have a question, Mr. Chairman.

Mr. McGuirk: Go ahead Joe.

Mr. Rose: I would just like to ask, a reference was made to having designed the property to minimize the proposed new house to minimize the impact in the area. Can the architect please just speak to how that was done because just have some questions in terms Of whether the design including the interior courtyard palt of it is in fact how that reflects the need to minimize the impact on the protected area.

Ml', Tarbet: Sure, knew let me let me get the architect, Give me one minute to get the architect.

Mr. McGuirk: Well while we are waiting for the architect, we did receive some letters in the file this morning and Sure, yesterday so obviously we haven't had a chance really to read them. And we do have some outstanding information that we need regarding the engineers report here from the applicant. And we are going to, you know this will be continued this hearing also but let us here from the architect right now.

Mr. Tarbet: So we are gomg to try to answer that question, We are not entirely sure that we follow it so you will help us work through it. Before Paul answers, I was just going to mention that early on in the process for design, obviously the way the property narrows in the hourglass shape presented some design constraints. So, we actually reached out to at least one of the adjacent neighbors to

see if they would support, it is actually one of the neighbors Who spoke, to the north, to see if they would support some sort of, and we, obviously their house happens to be maybe 300 feet away from our property. so, it is a significant distance through the woods. And we wanted to know if they would suppo[t us asking for minimal variances from their property line in order to change the design or shape of the house and we were strongly rejected in that. So then the house is naturally shaped by the setbacks from the property line and then to add to that a very purposeful decision was made to not come near what is permitted as far as gross floor area on the property. We did keep that 20 percent below what is allowed but that is including the garage and, again, the garage is specifically not, I guess we could ask for a front yard variance or maybe we would not need it because we are on the water but we could've put a garage out by Briar Patch Road but we really wanted to maintain that large wooded area between the house and the road. Though as far as I am concerned, and I was pan of all these discussions early on, those were a lot of the design constraints and the reasons for the house, and I do not know Paul if you can help me, So we just, he we were just did some quick, the question was asked a few minutes ago about coverage, I think Mr. Humphrey asked the question, the existing house has, I am going to round up barely, 2,500 square feet of existing roof coverage, and the proposed house has 4,300, and I guess I did not round that one up, 4,325 square feet of proposed roof coverage. So you are approximately adding, are these the total coverage or is this. . .

Mr. McGuirk: And Jon.

Mr. Tarbet: Coverage yes. Mr.

Magi: Building coverage.

Mr. McGuirk: Jon we do not think the current house is smaller than that, I think.

Mr. Tarbet: Yes, I think we are doing roof coverage, so I there are overhangs and you are right. The reason for the discrepancy between the 1,700 square foot, the existing house is closer to 1,700 square feet in gross floor area, the 2,500 square feet was taken, unfortunately, from a real estate advertisement for when the house was for sale so it was inaccurate because somebody had advertised it that way, but upon doing actual survey calculations and architectural calculations, the house is 1,700 square feet, however, it has overhangs. So the roof coverage is 2,426 square feet and the proposed Ilouse is 4,335 of total roof coverage.

Mr. McGuirk: Does anybody else have any comments on this?

Mr. Rose: If I can just go to the question, to the architect, there seemed to be confusion about my question so I just want to be clear.

Mr. Masi: Sure.

Mr. Rose: The question is how, reference was made I believe by the attomey but that may have been by the architect earlier that the house was designed to take into account and minimize the impact on the protected area and I am just wondering how, if you can speak to that in regard to the interior courtyard and how that relates to the protected arem

Mr. Masi: So the way that the house is designed, can I share the screen? It is right there.

Mr. Tarbet: Sure.

Mr. Masi: While Jon is trying to pull up the presentation that we went over earlier, I can speak about that, So the way that the roof is shaped is that it is capturing all of the water internally instead of, typically the roof shape is pitching it off towards the edges of the house, this is now funneling it towards the central bio-swale courtyard which is where the water is going to be directed into several different areas. One is to irrigate the courtyard, second is going into the gray water storage tank that would be used for just general irrigation on the property, and third is any overflow would go to the dry wells which are out by the driveway which is about 200 feet from the wetland setbacks. Does that answer,..

Mr. Rose: Well now I guess the point is the introduction of the interior courtyard seems to increase the footprint of the house in the protected area so I am just

asking a question in terms of how that, because the, I believe the attorney made the representation that the house was designed to, in awareness of the protected area and to minimize the impact that I am seeking the architectural justification for the interior courtyard which seems to be..

Mr. Masi: Right, well it, yes, so there is the exposure On the westerly side of the house which is towards the view and towards the sun. If you took that and you compressed it back towards Briar Patch Road, what you'd end up doing is losing your exposure along that side but you would also be burying the room so that the

internal spaces, therefore, you know some of these rooms would not have access to light or air as much as if you introduced the small courtyard which allows to capture the water.

Mr. Rose: I hear you.

Mr. Masi: As you can see it is a different shape in terms of our typical work but it is really driven by the setbacks. You know, there there is a lot of these external influences. The setbacks from the pond both of the side yard setbacks, the pool setbacks, and it really comes almost to a point- in the center of the property where you just couldn't build anything there. So there was a lot of balancing.

Mr- McGuirk: Mrs. Terry, could you please mute? Thank you.

Ms. Terry: Oh, excuse me.

Mr. O'Connell: The courtyard, the purpose of the courtyard is to, one of the purposes is also to kind of clean the rainwater like the bio swale by Town Pond, is that correct?

Mr. Masi: Yes,

Mr. O'Connell: And that extends out to the front of the house also. is that correct?

Mr. Masi: That is exactly right.

Mr. O'Connell: Okay, Thank you,

Mr. Tarbet: It actually does a pretty good job of showing that, I do not want to over-exaggerate but it looks close to 50 percent actually, about 50 percent of the house is behind the 125-foot setback as you can see. The 125-foot setback runs through the middle of the house, and a portion of the house is behind the 150-foot

setback. It is just a coincidence of orientation in setbacks that a corner of the house is 75 feet which, while we would've liked to have avoided that, a majority of the house is significantly further back from the wetland. And again, it is super important to remember that the existing house that is there, I mean this is a great photo to show the retreat that we are able to accomplish, a portion of that existing house is 18 feet from Georgica Pond so the net, well actually there is, I do not think anybody thinks there will be any detriment to the pond from this house based on the fact that we are

able to locate the septic system and all the rainwater and the pool dry wells more than 200 feet from the pond, but more importantly what we are now offering is a 75-foot vegetative buffer which again if everybody on Georgica Pond was able to locate their septic systems 200 feet from the wetland and offer up a 75-foot vegetative buffer, I think we all agree we'd be able to swim in Georgica Pond again.

Mr. McGuirk: Okay, thank you. I think we have some letters we need to read from yesterday and today.

Mr. Wolf: John, could I ask a question?

Mr. McGuirk: Go ahead Peter,

Mr. Wolf: There hasn't been any disclosure about the driveway. It is a very long driveway and what its surface made of? Where exactly does it course? Can you tell us about that?

Mr. Tarbet: So yes, we are following, you see it in the town all the time in their ZBA decisions they require this and we are following that which is it is a crushed local gravel, so it is pervious.

Mr. McGuirk: And you will be following the basically the same driveway that is there?

Mr. Tarbet: It is probably the same driveway, Same entrance, It is not exactly the same but as you can see it is pretty similar,

Mr. McGuirk: Okay, so I think we will reconvene this meeting. We will not have a May 14th meeting right, Pam? We will have a. ..Ms. Bennett: That is not determined, I think we will.

Mr. McGuirk: Okay,

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Ms. Bennett: Depending upon who's going to be there so let us see.

Mr. McGuirk: All right. So I think at this point we should, what, do we adjourn the meeting? We do not close the hearing obviously but Ms. Bennett: Correct.

Mr. McGuirk: Okay so we will adjourn the meeting until the next time we meet,

Ms. Bennett: To May 14th and then if it has to be adjoumed again depending upon the information that comes in.

CONTINUED HEARING

Daniel Faber and Rachelle Shaw - 70 Dayton Lane - SCTM 9301-2-7-22

Ms. Bennett: Mr. Chair, do you want to go back to the Faber and Shaw application?

Mr. McGuirk: Yes, we can, I see Laurie on here.

Mr. McGuirk: So Laurie I think the consensus of the Board is that we'd like to see the pool centered on that you know get it away from the, Billy or Jonathan, can you take this down, the map here so we ean see Laurie.

Ms. Bennett: He's working on it.

Mr. McGuirk. Laurie we'd like to see the pool moved more to the center of the yard.

Ms, Wiltshire: So they were twing to center it on the house and keep part of the yard open for their anticipated grandchildren.

Mr. McGuirk: Yes, we understand that but I think the Board really wants to get it away from the neighbor.

Mr. Tarbet: Excuse me, so we are done on here so I could actually, if I close out, I will stop sharing that is what we want, right?

Mr. McGuirk: Yes please.

Mr. Tarbet: Okay I am closing out and I thank you for your time.

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Mr. McGuirk: Thanks Jonathan.

Ms. Wiltshire: So that is also the neighbor that wrote a letter in suppolt of this application, the one on that side of the property.

Mr. McGuirk: I think we'd still like to see the pool centered.

Ms. Wiltshire: So I believe that Rachelle is on the phone, Do you want to say anything Rachelle? Are you there Mrs. Shaw?

Ms. Shaw: I am here.

Ms. Wiltshire: Did you want to speak to the Board?

Ms. Shaw: Can you hear me?

Mr. McGuirk: We can.

Ms. Shaw: Okay. I am Rachelle Shaw and my husband and J own the house. And so, I would like to say something is this the appropriate time?

Mr. McGuirk: It is.

Ms. Shaw: Okay. I will make it quick.

Mr. O'Connell: Pam has to swear you in.

Ms, Shaw; Okay, I will raise my right hand.

Mr. McGuirk: Pam?

Ms. Shaw: Do you want to swear me in or not?

Mr. McGuirk: We have to find our Pam here,

Ms. Shaw: I will tell the truth.

Mr. McGuirk: Pam are you around or?

Ms, Baldwin: I think you can do it, John. Mr.

McGuirk: Please raise your right hand, Ms.

Shaw: Yes,

Mr. McGuirk: Please state your name and address.

Ms, Shaw: My name is Rachelle Shaw, Ely address is 70 Dayton Lane, East Hampton.

Mr. McGuirk: Thank you, so go ahead please.

Ms. Shaw: Okay. So I will try to make it quick. I have multiple sclerosis and I tell you that because that is the purpose of the POOL It is a therapy pool, we made it as small or as thin as possible eight by 36 eight, 8 wide, 36 long, and a pool for us is an expensive proposition so I want to be able to get two things out of it. Number one

is exercise so that is why it is thin and long for my MS to be able to keep walking, and my second thing is looking at water helps people with MS and other neurological disease. So I want to be able to see the pool from the house. Our windows are towards the west of the house and I think there is a picture around showing that, and I want to be able to see the pool. If the pool is moved to the east closer to the neighbor who does not want it, then we can't see the pool from the house at all. The house is placed west or to the left and so we want to put the pool right behind the house. So the house is 10 feet from the west neighbor and we want to continue the pool in that same I O feet line of which it is an eight-foot-wide pool, eight foot of water, wide pool. And to move it to the east moves it closer to the neighbors complaining but more so puts it in the middle of the yard so you won't be able to see it from the house and also makes the yard completely pool in the middle and not usable for anything else to the right where there already is a garden and trees and everything kind of blocking the east neighbor who complained, she can't see us because there is already has a garden, so for me to pay the money for a pool I want to be able to use it and see it. I am not putting a big pool and I do not like to break any rules. There are many houses on this street that have a pool or a garage that is 10 feet from the side neighbors, And so I am a good swimmer, J went swimming in the ocean last summer but a wave came and knocked me down and a lifeguard had to come get me, and so I can't swim in the ocean anymore. And so I want to be able to keep, able to be able to walk. I am sorry about the emotions. So the pool is not just for aesthetics, it is for therapeutic, it is totally for therapeutic. And if we move it closer and closer to the house now, we are talking about the variance from the back of the house if we move it in closer than 12 feet, then we are getting close to the Bilco, and you won't be able to get into the Bilco, and that makes that Bilco and that basement unusable, That is where the 12 foot came from to be able to use the basement.

Mr. McGuirk: And Laurie, we had it at 10 feet previously from the back of the school.

Ms. Wiltshire: No, yes, she moved it two feet further from that driveway.

Mr. McGuirk: Okay. Anybody have any comments? I think I can live with it.

Mr. O'Connell: I think I really want it centered. I mean I am very sympathetic to your position but you are in a position where you can meet the side yard setbacks on both sides.

Ms. Shaw: But I won't be able to see it from the house at all because there is no windows there so I can't see the pool so there is no benefit to have a pool tucked away from the house, The house I want it centered on the house so I can see it and also so I ean reach it. The farther away you put it from the entrance which is on

that west side of the house, then you are making it further for me to get to the pool. So I say to you J want to be able to reach it and what's making you not and you know I do not want to break rules.

Mr. O'Connell: We are compromising on the setback on the back, the Other compromise is that it gets centered so that you meet setbacks. It is part of our job to find...

Ms. Shaw: Okay so why, other houses on the street have a garage that is there that is much bigger or their house or any other type of built-in thing that is much bigger on that side. We are just talking about eight feet and that is the neighbor that we are friendly with and okay With it. And otherwise to me it is not worth it because I can't see the pool.

Mr. McGuirk: Okay.

Mr. O'Connell: That is a choice you will make then. Thank you.

Mr. McGuirk.' All right, Joe, do you have any comments?

Mr. Rose: Yes, I have a question/comment and it has to do with tucking the pool closer to the house regarding setback. The Bilco door that you are concerned about is located where?

Ms. Shaw: It is located...

Mr. Rose: That what says CE, cellar entry, is that what...

Ms. Shaw: Yes.

Mr. McGuirk: Yes.

Ms. Shaw: Yes,

Mr. Rose: Okay. And how far now, what is the distance between the pool and cellar entry?

Ms, Wiltshire: I have a scale here.

Mr. McMullan: About eight feet, What is the required setback from the side yard?

Mr. Hajek: If I could just interrupt, I am trying to share my screen I do not know if everyone can see that, I put the survey up.

Mr. McGuirk: That is great Billy.

Mr. Hajek: That is helpful? so the swimming pool, if I could just interject, is 12 feet off of the rear yard lot line which is the school and the variance that is being sought is 10 feet from the westerly property line. The required setback is 20 feet. So the swimming pool would have to be shifted 10 feet to meet the required side yard setback which would put it, the westerly side of the pool would put it roughly where my mouse is to be in a conforming location.

Mr. Rose: Billy, what's the rear yard setback require?

Mr. Hajek: The required rear yard setback is 20 feet and it is proposed to 12.

Ms, Wiltshire: But do not forget in the aerial photograph what's behind us, first of all this entire property is completely screened with stockade fencing and very tall trees, evergreens, very tall. So, it won't be seen from the school or from the neighbor.

Mr. Rose: Can I. . .

Ms. Wiltshire: But also, it is not a school that is behind us, it is a driveway for the school.

Mr. Rose: I would just like to understand what the dimension actually is between the entrance to the Bilco door and the edge of the swimming POOL

Ms. Wiltshire: It is eight feet which is probably the amount of distance you would need to be able to turn and move your chaise lounges downstairs for the winter.

Mr. McMullan: And that wood deck there is about 18 feet wide, correct?

Ms. Shaw: It is not a deck.

Ms. Wiltshire: The little wood deck?

Mr, McMullan: Yes, the steps going outside they're about 18 feet wide.

Ms. Wiltshire: Yes.

Mr. Vlajek: That is correct. Jimmy, I just scaled it, it is 18 feet.

Mr. McMullan: Yes, so if the pool was moved 10 feet to adhere to the side yard setback, you'd still have eight feet of the pool being able to be seen from the windows there or the doors,

Ms. Shaw: It would not be in the, it would be all the way over. I have drawn it out so to see that and you can't, so if you are in the house, sitting at the table there, and if the pool was 20 feet to the, let me make sure I get my directions right, to the

east, which is closer to the neighbor, then besides destroying the garden that is there and the trees that are there, you cannot sit in the house and see it, you won't be able to see it. So it is way too, it will be out of sight.

Mr. McGuirk: Okay,

Ms, Wiltshire: I mean I am just, because you can't see it, I am really just, this is such a big deal, I understand setbacks are setbacks for a reason but it is fully screened, no one's going to be able to see this pool, and it is even got sound attenuation by the stockade fencing and large evergreens.

Mr. O'Connell: You know if you take that cannot be seen argument to its logical conclusion, you wind up, you can build out anything that you can screen.

Ms, Shaw: Well firstly the windows are not 18 feet, the deck is 18 feet, the windows are not 18 feet.

Mr. McGuirk: Laurie,

Ms. Shaw: It is not, and that is not the argument. The argument is not to build anything that you so you can see it. The argument is that it is a therapy pool and so I am fighting for my therapy.

Mr. McGuirk: We are not, we are giving you your pool.

Mr. Rose: Mr. Chairman, I think we have had...

Mr. McGuirk: Yes.

Mr. Rose: I think the Board can deliberate on it. Is there any new, additional information that we need for the pumpose of the hearing? I mean I think there is a discussion that we will have to have about this but I do not know if there is a need for.

Mr. McGuirk: Yes, we are going around in circles here,

Ms. Shaw: So, can I just say we want to be sure that the neighbor that is where we want to put closer is okay with it to the west, It is the neighbor to the east that was complaining about it and that is the one we had the buffer, So if you move it over to the east, it is closer to the complaining neighbor and it destroys the garden that is there, and it makes the whole yard the pool.

Mr. McGuirlc We will duly note that. So have a motion to close the hearing?

Mr. Rose: So moved.

Mr. McGuirk: Second?

Mr. O'Connell: Second.

Mr. MeGuirk: All in favor?

Mr. O'Connell: Aye.

Mr. Rose: Aye.

Mr. Humphrey: Aye.

Mr. McGuirk: Okay, Thank you. Pam, are you back on?

Ms, Bennett: I am here.

ORIGINAL HEARING

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

Mr. McGuirk: Can you please read 38 Two Mile Hollow LLC?

Ms. Bennett: sure. Application of38 Two Mile Hollow LLC SCTM#301-10-1-32 for a Variance from Chapter 124 Preservation Of Dunes Section 124-1.B.(2)(a) and (d) to permit the planting of ornamental vegetation south of the 20-foot contour line where disturbance of native vegetation and planting of non-native vegetation is prohibited. The subject property is 108,015 square feet in area and is located at 38 Two Mile Hollow Road in Residence District R-160, The property adjoins the ocean beach and this project is classified as a Type Il Action in accordance with SEQR.

Mr. MeGuirk: Is the applicant here?

Ms. Reichert: Yes, hi my name is Martha Reichert, Twomey, Latham, Shea, Kelley, Dubin & Quariararo, 33 West 2nd Street, Riverhead, New York 11901. I am here on behalf of the applicant 38 Two Mile Hollow LLC. May I share my screen?

Mr. McGuirk: Yes.

Ms. Reichert: Okay. All right so I have prepared a PowerPoint to sort of walk us through what we are dealing with here. This is the applicant's property 38 Two Mile Hollow Road. It is an adjacent to the Two Mile Hollow Beach public parking lot. As you can see this lot is very narrow and long and what we are dealing with is a 2.4-acre lot in the R-160 zone, this is a Type Il action pursuit to SEQR, and the

applicant, 38 Two Mile Hollow Road, only recently purchased this property in August 2020. And what we are looking to do here, this yellow line right here is the 20-foot contour line which you can see forms the southerly edge of the existing pool is we want to plant 10 arborvitae south of the 20-foot contour line and the reason for this is because the applicant needs a privacy screening. As everyone knows here Two Mile Hollow Beach is a very popular beach at all hours of the day and throughout the year. The pool, the patio, and the spa area are highly visible from all parts of parking lot. I walked the parking lot and there was no, at no point was there any part of the parking lot where I did not have a clear View of the area right here which is where we are seeking to plant the privacy screening. You know I counted the number of parking stalls and it is actually about 205 parking stalls so you know during the summer every one of those stalls is generally filled, but also another thing to take into account is that on the westerly path leading to the beach over the primary dune is also a beach access point. So you have vehicles traversing past the applicant's property as well and so those are really the overarching needs to put some screening. there are parking spots right here in the parking lot which are about you know anywhere from 30 to 45 feet from the spa, the patio, and the area, so the application is hoping that this tree will provide year-round sort of privacy for them and they have minor children so that is a concern for them. So the proposed plantings, as I showed you before, are 10 trees they will go right here, they are proposed south of the 20-foot contour line and they do need a variance from 124.1B 2a and d although I do want to stress that there will be no actual clearing, grading, or fill being brought in this is an already disturbed area of the property, and but I believe that you know once we have a chance to go over this today, you will see that the application meets the variance standards. And for the first one, there will be no undesirable change to the character of the neighborhood or a detriment to nearby properties. Privacy screens are used commonly throughout the village. This is the intersection of Further Lane and Two Mile Hollow just to show how close to the neighborhood we are talking about, Here we have very tall privet hedge and across the street even if technically that is in the Town of East Hampton you can see the use of conifers and arborvitae as a privacy screen.

Mr. McGuirk: Martha, can I interrupt?

Ms. Reichert: Yes,

Mr. McGuirk: But they are not in the Double Dune area,

Ms. Reichert: No, I completely understand that.

Mr. McGuirk: That is a big difference.

Ms. Reichert: Sure, I think that what I what I want to sort of bring home with this particular photo is that it is common for the public on a public street or byway so I

am thinking of the impact on people coming to the Two Mile Hollow parking lot who would probably be the people seeing the landscape screen first that it is common to see this. And I do note that but I will address that a little bit more further on in my presentation. So the other question here is you know the next standard if whether or not the benefit can be achieved by some method other than a variance. This property is constrained because of its narrow width that is something that this Zoning Board has recognized in prior approvals. This is sort of to show you again the area that will be screened by the arborvitae, but you know there is really no place to put this because the 20-foot contour line forms is part or the southern edge of the pool. So in order to create any sort of privacy screen you would have to go below the 20-foot contour line. There is no other place to do it. You know we looked at all the different options, I think that a fence would be an even greater variance. Trees are more minimal and you know provide year-round screening. as for the third variance standard whether or not the variances are substantial, J would hold that they are the minimum necessary, I also put forth that there is no other location to do this without having to go south of the 20-foot contour line. And you know if you look at the benefit that the applicant is trying to achieve here which is privacy in their home especially in an area that is exposed to a tremendous amount of traffic, I mean if we were looking at a parking lot that was only you know only 10 stalls it'd be a different thing but this is a very busy public beach with a lot of glare from cars and just visibility. So these two photos that I have here are to show the prior existing conditions. This Board granted variances in 2012 1 believe to the prior owner, So the area where we are talking about putting in the arborvitae was previously lawn and as this Board made a finding of fact in that 2012 decision it was a mix of lawn and ornamental and invasive species, Since then there have been native plantings put in, but to go back sort of to the 2012 finding that the ZBA made they found that this would not negatively impact the integrity of the Double Dune system and there was a report in that prior decision submitted by Inter-Science finding that you know although we are in an area below the 20 foot contour line, this property is a little bit different from a lot of the other Double Dunes properties in that you are really looking at more of a succession area that is not actually dune and that was confirmed by McDonald Geoscience doing test holes and looking at the soil characteristic and the Board noted that in their 2012, . ,

Mr. McGuirk: I think we believed it was filled in over time with soil.

Ms. Reichert: I beg your pardon?

Mr. McGuirk: I believe we thought it was filled in with soil over time.

Ms, Reichert: I did not read that in the decision and I did not watch the hearing so that may have been something that was discussed. But you know I just wanted to focus on that it is of course an adjacent area and that is important when it comes to protecting the integrity of the dunes, I fully admit that, But I just wanted to sort of

give a little context that we are not clearing virgin, native vegetation here. This is an area that has been disturbed prior and you know and was sort Of, this Board granted variances for you know I think much more intensive development of the property. Here we are sort of looking at 10 trees to provide some much-needed privacy screening for the applicant, and I think that that you know is I believe the benefit that the applicant seeks to achieve here should be taken into consideration for the plantings. There are currently several bayberry bushes that are there and the applicant's landscape architect who is also available for questions by the Board. You know will be able to keep them on the property so we won't have a loss of any of the native plants that were put there. This is sort of an area to show you that these are the arborvitae trees that are currently in place on the property that are north of the 20-foot contour line and this is the area where they would be planted. You can see the parking lot here. You know I think that when we considered the alternatives and what to do, we felt that the arborvitae were perhaps the best choice only because they are you know although not native, they are not an invasive species. They do not self-seed and saplings tends to be quickly nipped in the bud by deer browsing, they tolerate the sea spray and the ocean climate and require a lot less maintenance than other vegetation. You know we looked at cedar trees but they really do not do well in this environment unless they're planted as very young saplings which again would require the applicant to wait many years before achieving the needed privacy. So you know we felt they were a much better choice than something like privet which would provide the privacy screening but I think we have found quickly spreads into places where we do not want it.

Mr. Humphrey: Can I ask a question?

Ms. Reichert: Yes?

Mr. McGuirk: Go ahead.

Mr. Humphrey: Where you just showed those arborvitae, they're arborvitae, right?

Ms. Reichert: Yes.

Mr. Humphrey: Okay. Then it is that line of trees stops. If you were to walk behind those trees is where the wire fence is?

Ms. Reichert: Yes, if you look at the picture that is on the screen right now you can see there is the wire fence.

Mr. Humphrey: Right, That is below the 20-foot contour line, right?

Ms. Reichert: Pardon?

Mr. Humphrey: That fence is below the contour line,

Ms. Reichert: Correct. The fence is below the 20-foot contour line and...

Mr. Humphrey: So, you are not going to put these trees anywhere but on the contour side of the fence, right? Ms. Reichert: Absolutely

Mr. Humphrey: Okay,

Ms. Reichert: Yes. So you can see right here we have a couple bayberry bushes, Mr.

Humphrey: Yes.

Ms. Reichert: They will be swapped out for the trees and we will find a place on the property for them.

Mr. Humphrey: John, as far as I am concerned as long as these trees do not go beyond that wire fence, I am fine with this.

Mr. McGuirk: Thanks Craig, Do we have any anybody else on the line here who would like to talk about this besides a Board member? Okay. Any of the Board members like to jump in here or Billy would you like to make any comments?

Mr. Hajek: Good afternoon. Sure. I just would like to add a few, I mean I have had some history with this property, some experience with it in the last...

Ms, Baldwin: Billy just has to get sworn in, sorry.

Mr. Hajek: Oh.

Ms. Bennett: Sorry Billy,

Mr. Hajek: It is okay,

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

Mr. Hajek: Billy Hajek, 88 Newtown Lane, Village ofEast Hampton.

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

Mr. Hajek: I do.

Ms. Bennett: Thank you.

Mr. Hajek: So as I indicated the, or as Martha said, the current owner purchased the property in August of 2020 and prior to that real estate closing the prior owner was in the process of securing a C. of O. and it was discovered that they had encroached into the what was the undisturbed or re-vegetated Double Dune area. So that area was restored, they brought back vegetation so that it was consistent with the 2012 approval from the Zoning Board. And that property owner was then issued a C. of O, and the real estate transaction occurred. About a month later this property owner was issued a notice of violation for reintroducing the plantings which are subject of this application. So they removed, put the plantings in, removed them again, we signed off on the vegetation that is shown on this photograph, So this is the third round of putting arborvitaes back in an area that, in 2012, I just want to point out what the Zoning Board had done in that application it was a variance for the swimming pool which was I believe the Zoning Board had five or six work session or hearing meetings to discuss that project which started out with a swimming pool that was south of the 20-foot contour line, and as a compromise, the Board accepted the argument by the applicant that the pool was being proposed in an area that was at the 20 foot contour line which violated the setback but the idea was to adhere to the contour line and that the area south of the contour line would be restored with a heath-type of dune, you know a dune environment that was, the northern end of the Atlantic Double Dunes transitions from a traditional dune system to a heath, to a heath forest which consists of highbush blueberry, lowbush blueberry, pine trees, oak trees, sassafras it is a diversity of vegetation, but it is still technically a dune environment and what the Board had approved was a transitional re-vegetation plan for that area, So that was considered to be mitigation for the variance for the swimming pool, So what this project would do would be eliminating that mitigation that was required in the 2012 determination. My personal opinion or recommendation would be to fully explore the possibility of proposing a native you know a native planting plan here that would act as screening and I think the prior owner had received permission to put in cedar trees along the property line adjacent to the parking lot so I am not sure that the photograph that was shown of the house under construction, I do not think that was completely reflective of the current conditions of the property, I think actually here you can actually see some of the cedar trees that were planted to

act as a buffer. So you know I think one good question of the applicant would be to fully explore the possibility of native trees. I understand the issue of deer browse but you know arborvitaes are suspect to deer browse just as much as cedars or holly trees are so.

Mr. McGuirk: Okay thank you Billy. I agree with Billy. I think we spent a lot of time on this in 2012 trying to get this right. I think that a native planting plan really should be in effect at this property. Any other members like to comment?

Mr. Rose: Mr. Chair I think that is correct. I agree with Billy, I agree with what you just said, and I think that the especially where the Board has heard it before where there are conditions that are imposed as mitigation and where there is an agenda that is, the applicants desire for enhanced screening is understandable. The advice from the town planner to use native and explore more fully native vegetation is correct.

Mr. McMullan: I agree with that.

Mr. O'Connell: I also feel that the, I concur with what was said previously, I feel that the applicant went into this with eyes wide open knowing what they were getting, and I would like to see native a native planting plan as opposed to arborvitae,

Ms. Reichert: I believe that we have the applicant himself and also, we have our landscape architect, Could we, would the Board consider hearing from them?

Mr. McGuirk: I do not, we can hear from them but I do not think it is going to change our mind, but if you'd like to go ahead, please.

Ms, Reichert; If Geoffrey Nimmer is there, I would love for him to be able to sort of address some of the native planting requests of the Board. Just perhaps we can even get further clarification. Mr. Nimmer: I am here,

Ms. Reichert: All right great.

Mr. McGuirk: Geoffrey you going to get sworn in by Pam. Pam?

Mr. Nimmer: Sure.

Ms. Bennett: Please raise your right hand and state your name and address for the record.

Mr. Nimmer: My name is Geoffrey Nimmer. My address is 123 Stephen Hands Path, East Hampton.

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

Mr. Nimmer: I do.

Ms. Bennett: Thank you.

Mr. McGuirk: Go ahead Geoffrey.

Mr. Nimmer: SO I am a big fan of native plants and red cedars in particular. The issue with them here is that, as Martha said earlier, small ones will do okay and become acclimated to this seaside exposure, but to bring in decent sized trees that will actually make a difference in the screening they do not typically do well was my biggest concern.

Mr. McGuirk: Anybody have a comment?

Mr. O'Connell: Some things take time.

Mr. McMullan: Would there be anything else that you could use other than the red cedar?

Mr. Nimmer: There is American holly but they're the same way.

Mr. McMullan: Yes, and if these things are planted kind of along the property line or along the parking area, if there is deer browse, would that be low enough that you would not kind of see it because that that hill kind of progresses up to the house so you are really looking for the top portion of these trees to be blocking the view from the parking lot, is that correct?

Mr. Nimmer: That is correct.

Mr. McGuirk: Okay. Manha, you have anybody else that would like to speak?

Ms. Reichert: Yes, I have the applicant himself, Tim Luke, would like to speak as well.

McGuirk:

Mr. Okay Tim, Pam has to swear you in please.

Ms. Bennett: Please raise your right hand and state your name and address for the record.

Mr. Luke: Okay my name is Tim Luke. I am a resident at 38 Two Mile Hollow Road in East Hampton.

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

Mr. Luke: I do.

Ms, Bennett: Thank you.

Mr. McGuirk: Go ahead Mr. Luke,

Mr. Luke: Thank you and thank you all so much for being kind enough to hear our application for a variance here. The idea for us here is that, clearly as you can see the house is next to a very large carpark and the people in the carpark have direct view into our house and all we are trying to do is to achieve a point where we do not have the people in the carpark looking at our children and have direct view of the carpark in order to have a small degree of privacy there. Obviously, there will be noise but the sort of visual impact is significant. So, we are just trying to be thoroughly respectful to all the things that Billy has been kind enough to let us know you would like us to do in terms of native plantings etc. in any way we possibly can. We just wanted to add 10 trees there to prevent the carpark viewing us and prevent us viewing the carpark, that was all. And we were just looking for the most visible and efficient and the best outcome for you and for us in order to be able to do that. The strong advice that we had had from the experts being Geoffrey who has been vety active in the area was that the only way to do that really was to choose this particular type of tree, hence we had wanted to use 10 of those trees, And we obviously wanted to do that just Yvithin the confines of the property and the fence and do it in as a minimally disruptive manner as we possibly could, I have to say when we moved into the property, we did not know that it would not be possible to have something that screened out the carpark. The prior owner the property has, as you know, had never lived in the property. So, we obviously moved into the property and the first thing we wanted to do was to provide some screening from the 200-person carpark that was all. Happy to take any questions. And again, appreciate you are taking this and considering it,

Mr. Anybody, Jimmy or Joe?

McGuirk:

Mr. Luke: And again, we are flexible, we are really trying to do this in the least disruptive way possible and the most respectful way to the Board, to the natural habitat which we adore, and trying to be, and to do whatever you think is the prudent thing but also at the same time to have something which does act as a screen from the 200-10t carpark that is all John.

Mr. McMullan: I take into consideration what you said John before that that you were on the Board before when the previous came in front of the Board and you guys had some long discussions about this. I would really hope that they could really go back and see if they could find some alternative that maybe is in keeping with the natural vegetation, I feel for you and I know how privacy is something that everyone wants especially from a parking lot but I think if we can find something else maybe that can be used, I then would not have a problem with it.

Mr. Luke: Okay.

Mr. McMullan: Something more native.

Mr. Luke: May I ask Geoffrey, who is the expert, is there anything else that you could consider might work? Because otherwise you just have a house next to a 200-person carpark with no screening.

Mr. Nimmer: Based on the list of native plants it is the stuff that we talked about already red cedars or American hollies which like I said bringing in you know bigger ones that will actually make a difference they typically do not do well in that setting.

Mr. Rose: My only observation, Mr. Chairman, would be that it is likely that in order to get the applicant's desired effect, it may take, the reality is using the natural, the native vegetation may take a little time for it to grow into the appropriate level, but that is a reality of the condition,

Mr. McGuirk: You know, I am sympathetic to your needs, but I think that we did spend a lot of time back in 2012 on this to get this right and we(d really like to see native vegetation.

Ms. Reichert: Could I share my screen and show the plan that was approved by the Board in 2012?

Mr. You can,

McGuirk:

Ms, Reichert: All right. Just one second. This is the 2012 ZBA decision and let me make this a little bit bigger for you to see, What we are talking about here is so we would be putting the proposed plantings right here which in 2012 is where the ZBA had approved the path. And it looks there were plantings proposed along here and you know in looking at that, I do not know if that would actually achieve again the applicants benefit of having any privacy. I mean it would certainly grow in over time and do something but I am seeing bayberry, you know barberry, you know pretty low, low plantings but you know I just I want to sort of like bring it back to the fact that we would be here on the inside or the fence and that previously this was where the pathway was supposed to go. So I do not know if that that changes the Board's calculus to see what was actually approved in 2012 but you know when I met with Billy, you know there is not a lot of places where we could do mitigation work here. You know we have proposed that any of the bayberry bushes that get moved, we would keep on the property, there is some space over here. You know I do not know if the Board would consider something because you know the, below the 20-foot contour line we have, you know it is very densely vegetated so there is not really any mitigation work we could do there. J would also ask the Board to consider I mean we will go back and we will look to see if we can do anything differently re-vegetation-wise but this is really the only option that we have right here to achieve that that desired effect of privacy because it is very exposed. I walked the property myself. The photographs that I showed with the construction are not from 2012 they're from January 2020, So those are recent photos and it is an exposed area. When you are at the top of the dune you can certainly see what everyone is doing on the patio on the porch so I would ask the Board to keep all that in mind as they consider this application,

Mr. McGuirk: So Martha, we can close the hearing or do you want to come back with an alternative plan?

Ms. Reichert: NO, J would like to keep it open and we will sort Of, we will confer we will see if we can come back with an alternative plan. I have heard the Board's recommendations and suggestions. So we would like to come back at a later date.

Mr. McGuirk: That is great. Okay. So let us adjourn this hearing, Pam.

Ms. Bennett: Yes.

Mr- Luke: Thank you for your time,

Mr. McMullan: Thank you.

Mr. McGuirk: Thank you.

Ms. Reichert: All right. will be at the next meeting or a future meeting?

Mr. McGuirk: I think when you are ready, Pam?

Ms. Bennett: Let us do May 14th and then we will go from there.

Ms. Reichert: Thank you, Pam, I appreciate it.

Ms. Bennett: You are welcome.

Mr. McGuirk: Thank you.

Mr. McGuirk: Pam, can you, and I am not sitting on this application, I believe Andy Baris is,

Ms. Bennett: Okay.

Mr. McGuirk: Thank you.

ORIGINAL HEARING

Michael S. and Joan B. Hass — 19 Dunernere Lane
SCTM #301-9-4-1

MS, Bennett: Application of Michael S, and Joan B, Hass SC 1-9-4-1 for Area Variances from Chapter 278 Zoning to construct an addition to an existing residence. A 777 square foot variance is requested from Section 278-3.A.(13)(a) to permit an 80 square foot addition resulting in a residence containing 3,195 square feet of gross floor area where the maximum permitted gross floor area is 2±41 8 square feet. The legally preexisting residence contains 3,115 square feet of gross floor area. An 8,2-foot variance is requested from Section 278-3 to construct the addition 21.8 feet from the front yard lot line where the required setback is 35 feet and any other relief necessary. The subject property is 14,178 square feet in area and is located at 19 Dunemere Lane in Residence District R-40. This project is classified as a Type Il Action in accordance with SPQR.

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Mr. McMullan: Thank you Pam. I believe the representative for the applicant is here. Trevor, would you like to kind of walk us through this first

Mr. Darrell: Certainly, Good morning, Trevor Darrell, Fleming and Darrell PLLC, on behalf of the Hass's who are the applicants here and they I think they're also on the video as well. What we have here is, I think to give the Board a little reprieve for the morning has nothing to do with any natural features, we are dealing with straight setback variances and a GFA variance which, as Billy noted in his memo to the Board, the variance actually that we are requesting is a 777 square foot variance but that is misleading in that what we are actually asking for is an 80-foot, 80 square foot additional bump out to an existing nonconforming residence. So the applicant, Mrs. Hass eunently uses a walker and she does not use the stairs, she can go about you know one or two stairs up, it is all she is able to handle, and she may ultimately be in a situation where she is needed to use a wheelchair so the bedroom that they use is on the first floor currently is the same room where we are proposing bump out, It does have a clean bed for her and her husband but she has there is no space to get around the bed with the use of the walker. So we are asking for the additional 80 square feet bump out which is the 4 by you know distance that allows her then would give her the ability to traverse around the bedroom to get into the side of the bed which would allow her access and mobility to that bedroom. The front yard setback is based on the location of the current existing bedroom so we are adding onto the structure where it is and not going up so the roof line where it comes out continues off of the existing house out towards the street, From the roadside looking at the residence, while we are asking for setback relief from the road frontage, the neighboring parcels both on our side of the street to our east and our west actually sit nearer the street than our proposed new addition would sit. So we are certainly staying within conformity to the neighborhood and while the variance, like I said appears substantial what we are actually asking for as far as relief is minimal for what we would need to accomplish the benefits to the applicant. And I think certainly the benefit to the applicant outweighs any detriment that is created by this application in that the applicant needs this addition, it is not a want variance, tllis is a need variance, and we have come forward with the most minimal application that you know benefits the applicants and allows them to obtain the additional square footage that they need.

Mr. McMullan: Great. Actually, it does appear that this is the most minimal application you could do- You are asking for four more feet out to allow for access for the resident around the bed and everything. So I do not really see a problem

with this on my end. I would ask that the other Members of the Board please give their opinion. Andy?

Mr. Baris: I think it is pretty minimal. I have no problem with this application.

Mr. McMullan: Okay. Joe?

Mr. O'Connell: Anybody from the public?

Mr. McMullan: Oh, I am sorry, yes, is there anyone from the public that would like to speak?

Mr. Gambino: Currently there is no callers on the line,

Mr. McMullan: Great. Joe?

Mr. Rose: I think there is a legitimate case that has been made. I do not have a problem,

Mr. McMullan: Okay, Craig?

Mr. Humphrey: No, I do not have any problem. Do the shrubs that are there will they be disturbed or can you move them out or can you just leave them alone? Mr. Darrell: Yes, I believe they can be left alone, the ones on the street you mean?

Mr. Humphrey: Yes, I am fine with this.

Mr. McMullan: Okay. Great thank you. And how about you Phillip?

Mr. O'Connell: I do not see any other way to accomplish what the applicant's trying to do in this situation and I also concur with what Mr. Darrell said about it fitting into the neighborhood based on if you are facing the home, the houses to the left and the right and where they sit in relation to the street, So I would be in favor of this application.

Mr. McMullan: Okay. Thank you. So I would ask that we move to close the hearing on this for determination.

Mr. O'Connell: I make a motion.

Mr. Humphrey: I will move.

Mr. Baris: Second.

Mr. McMullan: All in favor.

Mr. Humphrey: Aye.

Mr. Rose: Aye.

Mr. Baris: Aye,

Mr. McMullan: Thank you. I will turn it back over to John.

Mr. Darrell: Thank you.

Ms. Baldwin: Here he comes, John, you just have to hit start video,

Ms. Bennett: And unmute.

Ms. Baldwin: And unmute.

Mr. McGuirk: Okay, Thank you, Jimmy, Pam, can we move on to the next hearing?

ORIGINAL HEARING

Orion Properties LLC — 40 Further Lane — SCTM #301-9-6-10.3

Ms. Bennett: Sure. Application of Orion Properties LLC SCTM#301-9-6-10.3 for Area Variances from Chapter 278 Zoning to make alterations to a single-family residence, Variances of 22.4 feet 8.7 feet and 15 feet are requested from Section 278-3.A.(3)(a) to construct alterations 27.6 feet 4 L3 feet and 35 feet from the side yard lot line where the required setbacks are 50 feet and any other relief necessaw. The subject property is 100,585 square feet in area and is located at 40 Further Lane in Residence District R-160. This project is classified as a Type Il Action in accordance with SEQR,

Mr. McGuirk: Laurie, please?

Ms. Wiltshire: Yes, hi, Pam, do you want to swear me in?

Ms. Bennett: Sorry. Please raise your right hand and state your name and address for the record.

Ms. Wiltshire: Laurie Wiltshire with Land Planning Services, 231 C Pantigo Road in East Hampton.

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

Ms. Wiltshire: I do.

Ms. Bennett: Thank you.

Ms. Wiltshire: The application is for three, oh by the way, Bailey Heck, the project architect, is on the call too so I am sure he will address you when J am done. This application is for three side yard variances to construct two shed dormers and to remove an existing landing and a stair and change the door to windows. All the requested variances are required due to the location of the preexisting nonconforming residence, the front porch of which is only 36.5 feet from the north property line and the house itself sits 9.2 feet from the east property line. Granting the requested variances will not cause a change in the character of the neighborhood or produce a detriment. This is a flag lot which is heavily landscaped with shrubs and mature trees, The neighboring properties will not see any of this proposed work. The shed dormer and the windows on the north side of the house are proposed in order to add light and openness to the kitchen. The southerly dormer is decorative, The exterior landing and stairs have been removed and the door changed to windows because the door opened into the middle of a newly constructed stair ease going down to the basement presenting an unsafe situation for the contractor and his employees who are currently doing interior renovations and installing a cupola. Due to the location of the pre-existing nonconforming one-story residence and the odd shape of the lot along the northerly property line, there is no other way to achieve the benefits other than the variances. Since the requested variances may be considered substantial, this is due strictly to the location of the house and that should not preclude the granting of the variances. There will no adverse impact on the environment or the physical conditions of the neighborhood. The nearest structure to the area of the house where the work is proposed is a one-story framed garage just to the east of the residence- The front side and rear yards are already well screened visually with fencing and extensive landscaping. There are no wetlands and the property is environmentally benign, Given the location of the existing residence the alleged difficulty is not self-created and there is no alternative method other than obtaining the variances.

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Mr. McGuirk: Okay, Thank you, Laurie, Are there, anybody on the line that would like to speak about this from the public?

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

Mr. McGuirk: Okay. Thank you. Anybody on the Board like to make a comment?

Mr. O'Connell: Yes, I would like to make a comment. I am in support of this application.

Mr. McGuirk: I am also in support.

Mr. McMullan: I am as well. It does not seem like it is changing any really the footprint or anything it is just letting some natural light in. It is not seen from the street or anything so I do not have a problem with it.

Mr. McGuirk: Okay. All right, I think, Joe, you are okay?

Mr. Rose: Yes.

Mr. McGuirk: Okay. Motion to close the hearing.

Mr. Humphrey: So moved.

Mr. McGuirk: Second?

Mr. McMullan: Second.

Mr. McGuirk: All in favor.

Ms, Wiltshire: Thank you.

Mr. Rose: Aye,

Mr. Humphrey: Aye,

ORIGINAL HEARING

25 Cross Highway LLC - 25 Cross Road - SCTM #301-134-7

Mr. McGuirk: Now onto our last hearing. Pam would you please read the notice?

Ms, Bennett: Sure. Application of 25 Cross Highway LLC SCTM#301-13-4-17 for Area Variances from Chapter 278 Zoning to construct a covered patio fireplace and to legalize a shed within the front yard setbacks. A 25.7-foot variance is requested from Section 278-3.A.(5)(a) to construct a covered patio and outdoor fireplace 9.3 feet from the front yard lot line where the required setback is 35 feet. Variances of 22.2 feet and 17.4 feet are requested from Section 278-3.A.(5)(a) to construct a patio 12.8 feet and 17.6 feet from the front yard lot lines where the required setbacks are 35 feet. A 27.6-foot variance is requested from Section 278-A.(5)(a) to legalize a shed located 74 feet from the front yard lot line where the required setback is 35 feet. Variances of 13.9 feet and 20 feet are requested from Section 278-3.A.(3)(a) to construct a portico 16.1 feet and 10 feet from the front yard lot line where the required setbacks are 30 feet and any other relief necessary. The subject property is 16,65 1 square feet in area and is located at 25 Cross Road in Residence District R-80. This project is classified as a Type Il Action in accordance with SEQR,

Mr. McGuirk: Is it Andy or is it Lenny?

Ms. Baldwin: Just one second, just make sure Joe has recused himself I believe? Just so we know who the Board members are here,

Mr, McGuirk: Pam, can you please read who's sitting on this application? Pam?

Ms. Bennett: I keep getting thrown off my internet.

Mr. McGuirk: Go ahead, Pam,

Ms. Bennett: Yes. Mr. Rose has recused himself? Yes?

Ms. Baldwin: Joe, can you just state for the record that you've recused yourself from this application?

Mr. Rose: Sorry. I state for the record that I recuse, thank you.

Ms. Bennett: Thank you,

Mr. Rose: I am going back on mute.

Ms. Bennett: Thank you. So, it Will be Mr. McGuirk, Mr. McMullan, Mr. O'Connell, Mr. Humphrey, and Mr. Baris.

Mr. McGuirk: Okay.

Mr. Goldstein: Andy's going to take it, John,

Mr. McGuirk: Okay. Andy?

Mr. Goldstein: Thank you. Andrew Goldstein, Ackerman and Partners, for the applicant. The applicant is a young family, a married couple, with a 20-month-old infant expecting another child actually in the next several months. They bought the property in 2019 and having lived in it were using the area on the south side of the house to sit and to BBQ and to eat outside. And that use led to plans to create a more livable space, a covered patio and an outdoor fireplace to be used principally to cook. The need for the variance is prompted by the triangular shape of the property and its small size and the fact most importantly that it has two front yards it is at the confluence Of Baiting Hollow Cross Road and Accabonac not
Accabonac, Apaquogue I am sorry. This property is located in the, if you look at the comprehensive plan and the map of the neighborhoods that were delineated in the comprehensive plan, it is located on the cusp and the border of the Jericho neighborhood and the historic summer colony neighborhood. [t is probably, in terms of its character, I think it the historic is probably more aligned with Jericho neighborhood which is essentially relatively large houses on relatively large lots, And this house in some, this property is an outliner because it exists on this 16,000 square foot lot and there is been, as near as I can make out, there is been a house on this property and here's a building I was able to locate was 1963. But there has been a house on this property, as, and that little strip on Baiting Hollow Road was developed with three quarter acre lots, and this house and its location has been a part of the neighborhood probably for 60 years. The house has been renovated sinee then but it is essentially been in the same location. the as I said the property the applicants use that area of the property for seating and dining and so the use of the property as is contemplated through these proposed structures, is not going to change and it is not going to be intensified. This is the way the property has been used since it was acquired at least by the applicant. So as we go through the variance standards, the first question, does it create an undesirable change in the character of the neighborhood or any detriment to any nearby neighbor? And what we are seeking is a covered patio which looks like a porch and an outdoor fireplace, And these are typical residential amenities, There is nothing unusual about them in this neighborhood. In fact, I will note that there is an outdoor fireplace on the property to the rear of this on 148 Georgica Road and the property immediately adjacent at 48 Baiting Hollow has a fire pit and a patio both of which actually received variances from this Board which some you even voted for. So is this, we have on the screen a sort of a rendering of what, of where this covered patio and fireplace are going to be relative to the screening on the Baiting Hollow side, and Nicks could you throw up the other one that, that is what it looks like from the Cross Road side. So the structures are pretty much obscured by the hedges, they do not loom over any neighbor and any neighbors actually has a street between them, and while we do not have a picture of it the picture of the property at the confluence of the three streets, the apex of the triangle you can't see back through it at all because there are a number of pine trees, fir trees, cryptomeria trees vvhatever they are that completely obscure

the view from the apex of the triangle. So, while I know Mr. O'Connell pointed out that that is not a rationale but the fact is zoning is not a metaphysical construct, [inaudible] to have an effect and there is no visual impact from these structures at all. And I think the question is when one talks about an undesirable change in the character of the neighborhood, this is a very nice neighborhood, I have lived there for myself for 30 years and the question is will this in any way derogate the character of the neighborhood? And I say no, I mean people are still going to move to this neighborhood, People aren't going to say reject the neighborhood because it does not introduce any commercial activities. It facilitates the residential activity, a purely residential activity, which has been going on since the applicant purchased the propeny, So I do not, this is not, it does not create an undesirable change in the character or the neighborhood, Indeed, area variances are not uncharacteristic of the neighborhood. The property next door received sort of a similar variance for a patio and a fire pit and that was held, not to that variance and the proximity of those structures to the property line was held not to violate, create an undesirable change in the character of the neighborhood. So if there is a contrary feeling on the Board as to that aspect, I guess I would ask for when you discuss the application. We would also say that it does not create an undesirable change, a detriment to any nearby property owner, And in that regard three neighbors do not like this application, and I think it pays to sort of look at what they have to say and see whether or not there is any rebuttal and whether or not these objections are well-founded, The properw at 17
Apaquogue Road has filed a letter in which it complains about a fire pit in the apex of the triangle and I think the Board can take judicial notice that there is no fire pit on this property, and it talks about the amount of parw noise that travels from their current fire pit in the triangle section of their property. This is a family with an infant. They haven't, and recently in the last since they've owned the propeny, we have been under COVID rules. So I am not sure what parties there are being complained about. I mean the applicants the client reports to me, the applicant reports to me that there was an instance you know there they did have four people over four New Year's Eve and they did BBQ lamb in the, there is a BBQ outside now, it is some kind of smoking BBQ, they said they were indoors by 8:00 o'clock. And again, I am not sure what noise could've been created here. This is a desire to have a patio and it is just so people can sit outside and talk and to the extent that noise is a threat, the applicant would certainly agree that, there should never be, and speakers and to certainly enforced that would file a covenant and restriction on the properties to that effect. So I am not sure, I spoke to Mr. Reid, he said that he went over once and there was some spinning going on, it may have been the barbecue that they saw but again that would not have been late at night, and I note that Mr. Reid's property, using the rough estimates from the GIS, Mr. Reid's property is 200 feet from the edge of the applicant's property, Mr. Reid's house is 250 feet from the edge of our property. So that is actually from the side of the proposed patio. So that is Mr. Reid's. Mr. Slifka has just beat the clock and got in a comment letter.

And again, I have to say I am surprised at this because I spoke to Mr. Slifka and when I explained what was going on he had no problems with it at all, but [guess Mr. Slitka does not seem to understand what's being proposed because letter is also unclear exactly what the proposed addition encompasses. Well, I mean I do not know if he saw the plans or what. He makes the point he says the proposed structure will be ugly enclosed unnecessary noise, Well, I do not think it is an ugly structure it looks like any other porch. I note it is not going to loom over Mr. Slifka's yard which is across the street and has his own 15-foot edge. So I am not sure Mr. Slitka could really be able to see it, I note that the Village does not llave architectural review for private residences that are not in a historic zone but I do not, I think that this not a neither a fireplace, nor the shed, nor the patio, covered patio, are any way out of character with the architecture in the neighborhood. You know, unnecessary noise, I mean again this is a family a small family that just like to sit outside in an area that won't get muddy. You know maybe eat outside but in an area that does not get muddy I am not sure what the big complaint about this is. He has a vehement objection but again I am not sure that it is well founded, And now we turn to the last which is the properw at 25 or 23 Apaquogue Road which Mr. Whalen represents them, I do not know if he's here to comment on this or not but Mr. Whalen filed on behalf of this property a letter which is well-crafted. And I think the first thing we have to note about 23
Apaquogue Road is that the edge of this property is 135 feet away from the apex of the triangle, And I guess the most salient fact about this property is that it is vacant, There is no house on it. And if there were a house to be built, the house would be 205 feet from the apex of the triangle and so possibly, I misspeak, it is from the patio not the apex of the triangle, So, Mr. Whalen on behalf of this vacant property writes a letter in which he talks about zoning and what the zoning is designed to prevent, and then he talks about what might possibly ensue here and I would suggest to you that the effect of all of this, is what he's complaining about is totally speculative since there is no house on the property. But he talks about present application proposes to set a busy outdoor dining and entertainment area, So again, you have two adults and one and a half infants living in this house. I do not know how busy it is going to be even if they invite a couple over for dinner once or twice, I mean I am not sure if that is an untoward activity, The nature of the proposed use is such that it would encourage outdoor social activity. Now think about that. If you are going to say that the outdoor physical activity in an area, albeit nonconforming, that is used for that purpose now would propose a detriment to a neighbor is basically using zoning to cycle all you know just ordinary life. I mean I find it, he talks, he complains that we want to incorporate the actual patio into the flow of the life of the house itself.

Mr. McGuirk: We just lost Andy.

Mr. McMullan: We lost Andy.

Mr. Spadola: Give me one moment I will try to get him back.

Mr. McGuirk: Okay. Oh, I am having the same issue here,

Mr. Goldstein: So in any event, Mr. Whalen complains that the, that somehow this outdoor patio we intend to incorporate into the flow and the use of the house as though that that is somehow inappropriate, and somehow a detriment to this neighbor. Again, I think it is entirely speculative to the extent that this could be used for any kind of noise, speakers, I mean there will be no speakers and we are willing to C. and R. to that effect. They bring up the other side of the house as a potential location for this, and I will note that this house received a variance to trying to enlargement and the enlargement also within the setback as it happens, Nick, could you put that the survey with the marking with the black line around it?

Mr. Spadola: I apologize, Andy, can you repeat that?

Mr. Goldstein: Could you put the survey with the yellow marking with the with black line around it?

Mr. Spadola: Yes, my apologies,

Mr. Goldstein: So that is the area, that is an approved addition to that house and it is right on top of the swimming pool, and you could say well you know he does not have to build the addition and he does not have to build the addition, actually he does not intend to build the addition, but the problem with washing that away is

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that it is built into the value of the house and he paid for that, as part of the purchase price. So I think it would not be right to require him to...

Mr. McGuirk: But on the 2004 ZBA decision, it shows on here that the original decision, it shows a proposed porch and enclosed porch. So that is what he has the right to build as of now, right?

Mr. Goldstein: I do not know what he has, yes, but he does not want it there John.

Mr, McGuirk: Okay.

Mr. Goldstein: I mean let us be clear. That requires, that will require a variance also and when all is said and done, and the issue here is that the feasibility of that site is measured by the applicant. And so, the applicant's use of the property which he's using in this way right now.

Mr. McGuirk: Can I just make one more comment, not arguing with you. If you put the front porch on this house and, listen, I love front porches, nobody sits on their porch more than I do, if you take that porch and put it out further, it is going to push the barbecuing and the grilling because you are not going to grill underneath the porch, and it is going to push it out even further.

Mr. Goldstein: Well, we asked for the out, it is in the fireplace, that is where we want to do it,

Mr. McGuirk: So let us, thank you, anybody on the line would like to. . .

Mr. Goldstein: But we I am not finished.

Mr. McGuirk: Okay go ahead,

Mr. Goldstein: So again, the question becomes what this area of the property is used for now. And it is, again, patios in particular are not deemed to be significant structures, this is a porch, like you yourself like porches.

Mr. McGuirk: Love them.

Mr. Goldstein: And the question is what real negative effect will this have on any neighbor? This is a significant variance. It is a big variance on a percentage basis but the mitigation on that is that the nature of the property and the nature of the two front yards, the shape of the property has two front yards, will mean that this will have actually, virtually no precedential effect. I do not know how many triangular pieces of property there are in the Village of East Hampton but those are the only other neighbors their properties that could say, okay, you did it here now you've got to do it for us. There is no discernible change, no change in the neighborhood character at all as a result of this. and I believe that the complaints from the neighbors are not substantive and one in particular is totally speculative the piece Of vacant land but there is no environmental issues with this the application. And while the applicants purchase the property with the zoning in place, it is the shape of the property and the two front yards of the property that caused the problem. I will note that the area, probably the patio at least, would conform to an accessory[r] structure setback which you know they can't use because ofthe two front yards, You may go.

Mr, McGuirk: Thank you, Somebody like to speak, anybody in the public out there?

Mr. Whalen: Richard Whalen.

Mr. McGuirk: Good morning Mr. Whelan.

Mr. Whalen: Good afternoon actually now.

Mr. McGuirk: It is, very much so.

Mr. Whalen: You can hear me okay?

Mr. MeGuirk: Yes sir.

Ml', Whalen: All right. Good afternoon Members of the Board, Richard Whalen, I represent, as Mr. Goldstein indicated, I represent the owners of 23 Apaquogue Road. That is pretty much due south of the subject property. It is right across the other side of Apaquogue Road and I would argue probably the property that would be most affected by the proposed variance. I submitted a letter yesterday, I just want to make sure that you have received that.

Mr. McGuirk: We have, yes, we have. Pam?

Mr. Whalen: Well I am, okay if you have my letter, I am not going to add much to it.

Ms. Bennett: Yes, we have the letter.

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Mr. McGuirk: Okay, Thank you,

Mr. Whalen: All right, thank you. I just have a couple of points here. I mean Mr. Goldstein's arguments are well put but the nature of the family occupying the house right now I do not think is that relevant. The variances that would be granted would run with the land. Viltually all the proposed covered patio was within the front yard setbacks either from Cross Road or from Baiting Hollow Road. So the structure almost all of the structure requires a front yard variance, and I am including in that the you know the fireplace as well. In 2004, as Mr. Goldstein indicated, the Zoning Board did grant a rather small variance from Baiting Hollow Road for an addition to this existing house. The addition was never built but it is pretty clear from the variance in 2004 that it was granted because the Zoning Board felt that the most appropriate place to add onto this house if an addition is been to be made, whether it is a house or a patio is to the north of the existing structure because then you can put the addition, the new construction either fully or primarily within the legal

building envelope. so, I think that is the obvious place to build something new on the property, is not south of the existing house where you are building almost entirely within the required front yard but north of the house, and that gives the applicant an alternative, obviously it is not their ideal alternative, but there is a legal place on the property to build an addition and you know that is where we think that that should be built. My last question, my last comment I just want to make the point that while 23 Apaquogue Road, my clients own that property, is currently vacant, they do have plans to build a house on that property in the near future. So, you know their concerns here are not merely speculative.

Mr. McGuirk: Just for the record here they have the shed that is put on the side there is that part of the application?

Mr. Goldstein: Yes,

Mr. McGuirk: Okay,

Mr. Goldstein: The shed is on there, so the shed is like a closet.

Mr. McGuirk: Yes, we saw it, I do not think anybody has, I do not have an issue with the shed part. Anybody else with shed part?

Mr. Ackerman: John, John this is Lenny. Could I just spend just two minutes on this application for a minute?

Mr. McGuirk: Okay.

Mr. Ackerman: John, you know your judgment is very good on these things, and I am not patronizing you, what were you suggesting when you were talking to Andy, I had some difficulty hearing, what were you suggesting with respect to perhaps either making this patio projection application smaller or?

Mr. McGuirk: I just think that you know if you are going to put that porch on there, you are actually going to push the, you know we were up there, there is three grills, they like to barbecue, I love it, but they've got a smoker, they've got a grill, and I think they have something else, it looks like they make paella with, or I do not know I was with Jimmy, going to push them actually further out because you are not going to cook on that porch.

Mr. Ackerman: Andy, Andy wait one second, just one second.

Mr. Saper: Can I explain, sorry, this is Alex Saper, I am one Of the owners, can I explain how I would use it?

Mr. Ackerman: Sure Alex.

Mr. Saper: Just to respond in to that.

Ms. Bennett: Let me swear you in.

Mr. Saper: Sure.

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

Mr. Saper: Alex Saper, 25 Cross Road,

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

Mr. Saper: Yes.

Ms. Bennett: Thank you.

Mr. Saper: So let me just, I just want to hit that point very quickly so you understand. I do love to cook, I am in the food business, it is one of my favorite things to do, part of the reason that I wanted to do this is because you know in my opinion having kind of these three grills the way it is it is just a mess and you know there is not really a good place to put it right now. There is no pavement on it, it ruins the grass, and my kitchen and all the doors face out that way which is why we did not want the porch on the other side because it just does not make any sense with the house right now. You really have to redo the whole entire house in order for it to make sense. And so the reason we were going to do the fireplace is because I can do everything that I do currently with those grills within that fireplace. And so, I would not want to see those grills, I would not be grilling outside furthering to where that is. The whole reason for that fireplace is that I was going to use that to grill. There is a nice ledge there that I can put food, I have some storage, and so just so you understand that it is not going to change where I grilling fact if anything will just make it much more palatable because I do not have to have you know three grills there. So, I just wanted to explain that piece of it because I thought it was important so people did not get the wrong idea.

Mr. McGuirk: Thank you, Any comments from the Board?

Mr. O'Connell: Yes. So you know one of the tests is whether the benefits sought by the applicant can be achieved by some other feasible method. In this case you already have a variance that allows you to build a porch as well as an enclosed porch, So, it is very clear, although it might not be the most desirable spot that you know you have that opportunity back there, and the variance is substantial, it is 65 percent approximately on the Baiting Hollow side. And it is just under 50 percent on the Cross Road side. I think it will have an adverse physical impact of the massing you

know as you come out to the triangle, the house already protrudes into the front yard setbacks and will intensify that mass, you know the neighbors are talking about the noise. I personally like hearing people around but you know, and it is self-created, The applicant knew what they were buying. Even a lay person can look at that lot and see obviously they were advised, as Andy said, because pan of the value of what they paid was that pre-approved, the approval from the ZBA to get that addition on the back, So you know this is not something I am in support of.

Mr. Goldstein: May I just say something, When we talk about feasibility, Phil, you, Mr. Saper has just said that in order for them to utilize the porch on the other side of the house, you have to redo the entire house in order to get the same benefit from putting the porch on the south side of the house. So know that certainly goes against the feasibility of that. The other aspect of that is that the proximity of an open porch to the swimming pool, you know, with one and soon it is going to be two small children, I mean I think that part of this was to separate from the swimming pool so that they could be able to watch the children a little better. So, you have a safety issue, and, again, feasibility and with regards to substantiality, again, I think you have to deal with the entire circumstances of the application and there is, I would be curious to see how, what someone could say about how this affects neighborhood character at all, let alone an adverse effect on neighborhood character.

Mr. O'Connell: And your points are well taken. And with regard to the pools and the safety of you know, we constantly see baby fences around pools or child gates around pools until children are old enough to swim, while they're not the prettiest things, they are probably the safest things to have there, I note that there is a door going right into where the enclosed porch will be on the back. You know many of these smaller houses are older houses you have to walk through, you know down a hallway or out to get to your backyard.

Mr. Goldstein: Is the architect...

Mr. McGuirlc Excuse me, Andy, Andy, excuse me.

Mr. Goldstein: Yes. The architect is on the call also.

Mr. McGuirk: Andy, I would like to hear from the other Board members first up before we talk to tlle architect,

Mr. Goldstein: Maybe he could influence them,

Mr. McGuirk: Andy, what do you, Andy Baris?

Mr. Baris: Yes. I agree with Phil. I mean I think that I disagree with the fact that you can't see it from the street, I think it'd be it would be very visible from the

street. I feel like there would be other places to put this. I think the size is, I do not like the application at all as is.

Mr. McGuirk: Okay, Craig?

Mr. Humphrey: Is, you can't do both of these things, is that con-ect, because of the size of the lot? You can't, let us say right now they put something on the back, could they turn around and then later on put the porch on the front?

Mr. McGuirk: Billy?

Mr. Goldstein: It is a variance, they're allowed to do that,

Mr. McGuirk: Yes, they are. The variance runs in perpetuity.

Mr. McMullan: One question I had to build off yours Craig, is that they have a variance already in place for the rearMr. Humphrey: The back.

Mr. McMullan: Addition, yes, rear edition with the porches and the covered porches, if that is in place and now we have this other one going in, I mean I think we are opening ourselves up to a lot of, I mean this thing is going to grow exponentially and on a small lot it is definitely, , ML Saper Do you mind if I just...

Mr. Goldstein: There is no coverage in GFA's.

Mr. McMullan: Yes, but the problem is is the massing and everything is in the front setback lines, and the other thing that I had from your rendering is I do not think that chimney is an actual accurate display of what that is going to be because there is a code that says A wood burning fireplace has to be two feet higher than anything within 10 feet. So that chimney is going to go about halfway up that roof, so it is going to be a much taller chimney and that is nothing about the design of it, it is just the code and that has to be taken into account as well

Mr. McGuirk: So we have heard from Andy, Craig?

Mr. Humphrey: Well I did not really think much about the backyard and the fact that they've got a go on that already and it takes the activity inside the lot more so than the front porch does the noise thing may in fact be reduced. So it is a tough call for me. I like the idea of the porch in the front as proposed but I think that if they already have permission to do it in the back and it is going to reduce the possibility of noise being transferred outside the property, I think I am going to have to go with that,

Mr. Saper: Do you mind if I just say one more thing? I am sorry. Is that okay?

Mr. McGuirk: GO ahead.

Mr. Saper: Thanks very much. I appreciate it. Just to give the full picture. Look, I fully understand if people think that it is not going to look good, you know I am happy to work on what the size of it is, whatever it is, but I think what we decided when we bought this place is it is not worth investing another million or whatever it costs to do the expansion on the other side. It is just not the way we want to use the house.

Mr, Humphrey: The back you mean.

Mr. Saper: So in order to use the house, hold on let me just let me just finish.

Mr. McGuirk: Let him finish, Craig.

Mr. Saper: So in order to use the house the way you guys are proposing, I would really have to redo the house because of the way that I live. I realized that that is specific to me but I am just kind of trying to explain to you guys what the impetus. I am not really going to stop using the house the way that I use it so if you say I can't do this patio because of looks or whatever it is I mean, you know, it is up to the Board, and I understand that, and that sort of is what it is, but I am still planning on cooking out there and still planning, it is just easier because of where the doors are with all that stuff. The way that I live my life, the way that we live our lives it is going to be more on that side, So I was hoping that we could clean up that area a little bit and make it look nicer and make it feel more like a home from that perspective. I fully understand the argument about that it is already approved, that it needs to be on the other side, but that was real envisioning a different form of house. When the original owner took that into, when the original owner wanted to do it. And with regard to noise, I just want to say one thing because it is really surprising to me that there were noise complaints. I understand that this is also in perpetuity, someone else could come, and maybe it is not, but it was just very surprising that someone said there was noise because if anyone ever said to me you are making too much noise, we try' to be very respectful neighbors. Like Andy said, we have one child, we have another one on the way, we do not play loud music, we do not have panies. So I was really surprised to hear that the spinning thing was me barbecuing on New Year's Eve, and, like I said, I had four people over and we were inside by eight o'clock. So to the extent that there was anyone Who ever had a

problem with noise that I was making, I would love to just that so we can be quieter because regardless, I am going to sit on that side of the house. That is just the way I am going to use the house because of where the doors are and because of what's more comfortable, So you guys, everyone can decide the patio does not make sense here from a visual perspective but in terms of the way that I am going to use the house, it is really not going to change from that standpoint. And if there is an issue with noise, I would love to know about it so that I can make sure that we aren't noisy in any way, shape, or form, So I just want

Mr. Ackerman: Alex, just hand on for a second. John, just everybody, just give me two more minutes, Alex, I have to ask you a question, Alex, would you forego the variance on whatever that is the north side or the south side?

Mr. Saper: Sure.

Mr. Ackerman: In lieu of this?

Mr. Saper: Yes, because I am not going to, J am never going to make that investment.

Mr. Ackerman: Okay, okay, Alex, that is okay. John, that is a significant mitigation. Could we think about that?

Mr. McGuirk: Yes. I think we could think about it, I think we have

Mr. Ackerman: You know without making any decisions could you think about it.

Mr. McGuirk: Yes, I do not know if I can make it today, I have to talk to Beth.

Mr. Ackerman: No, no, I do not want you to make it today.

Mr. McGuirk: Okay.

Mr. Goldstein: Adjourn, adjourn,

Mr. Ackerman: I think you should think about it, I think I should think about it. I think it is significant, I think this, the prior variance was done by another family, at another time, different circumstances with different neighbors, Alan Slifka was not in his house, Randy was in his house, I do not know the owners of the vacant lot business so I am not getting into that, but I think that is a significant piece of mitigation here. Why everybody is ganging up over a patio, I do not know, but nevertheless I think that is something that should be considered, And we'd like to put that out there for you, and since there is not going to be a determination made for another month anyway, why not use that opponunity to consider and think about

it and we would make that offer in writing you know post hearing, Is that okay, John?

Mr. McGuirk: Let us talk to our Counsel and we will we need to think about this a little bit so.

Mr. Ackerman: Okay, no, of course John, I understand. so let us keep the record open, okay?

Mr. McGuirk: So Pam. , ,

Mr. Ackerman: Thanks for your time everyone. Thank you.

Mr. McGuirk: Pam?

Mr. Saper: Thank you.

Mr. Ackerman: Bye, bye.

Mr. Goldstein: So the hearing would be continued until the next meeting.

Mr. Ackerman: Yes Andy.

Mr. McGuirk: Pam?

Ms. Bennett: Yes?

Mr. McGuirk: The next meeting?

Ms. Bennett: Yes.

Mr. Ackerman: Thanks everybody.

Mr. McGuirk: Thank you.

Mr. Whalen: Just to clarify, will this be continued at your next meeting?

Mr. McGuirk: Yes.

VIV. McMullan: Yes.

Mr. Whalen: Okay,

Mr. McMullan: May 14th at this point.

Mr. McGuirk: Pam?

Ms. Bennett: Yes?

Mr. McGuirk: So note that May 14th, please.

Ms. Bennett: Yes.

Mr. McGuirk: So any, no new business or old business? I would like to make a motion, I know I do not want to make a motion, can somebody make a motion to close the hearing?

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

Mr. Baris: Second.

Ms. Bennett: Close the meeting.

Mr. O'Connell: Close the meeting, I am sorry, my bad.

Mr. McGuirk: Okay, Second please,

Mr. Baris: Second. Mr.

McGuirk: All in favor,

Mr. Humphrey: Aye.

Mr. McMullan: Aye,

Mr. McGuirk: All right, thank you all.

The meeting was adjourned at 2:10 p.m.

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, April 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. The applications can be viewed on the Village's website easthamptonvillage.org by clicking on the "Alerts" tab, Application Of 106 Briar Parch Rd LLC, SCTM*301-12-4-21.1, 19.2 and 20.2, for Variances from Chaptcr 27B, Zoning and Chapter 163, Freshwater Wetlands, to raze the existing improvements and construct a two-story residence, patios, retaining walls, and a swimming pool. A wetlands permit and variances are requested in accordance with Sections 163-2 and 163-3 and 2783.A.(8) which require structures be set back 150 feet from wetlands and clearing be set back 125 feet from wetlands. Variances of 74,4 feet, 75 feet, 75 feet. 131 feet and 52 feet are tequircd to construct a two-scory residence 75.6 feet from wetlands, patios, the nearest being 75 feet from wetlands, a swimming pool 75 fccc from wetlands, fencing 19 feet from wetlands. and a retaining wall 52 feet from wetlands. A 75foot variance is requested from Section 278-3.A.(8) to permit clearing of vegetation and revegetation approximately 50 feet from wetlands where a 125-fooc setback is required, and any other relief necessary. The subject property is 79,032 square feet in area and is located at 106 South

Briar Patch Road in Residence District R-160. The property adjoins Georgica Pond and rhe project requires a wetlands permit from the New York State Department of Environmental Conservation. 'Ihis project is classified as a "I}pc Il Action in accordance With SEQR.

Application of 38 Two Mile Hollow LLC, SCTM#301-10-1-32, for a Variance from Chapter 124, Preservation Of Dunes, Section 124 1.B.(2)(a) and (d) to permit the planting of ornamental vegetation south of the 20-foot contour line where disturbance of native vegetation and planting of non-native vegetation is prohibited. The subject property is 108,015 Square feet in area and is located at 38 Tivo Mile Hollow Road in Residence District R-160. Thc ptoperty adjoins the ocean beach and chis project is classified as a Type Il Action in accordance with SEQR.

Application Of Michael S. and Joan B. Hass, SCTM#301-94-1, for Arca Variances from Chapter 278, Zoning, to construct an addition co an existing residence. A 777 square foot variance is requested from Section 278-3.A.(13)(a) to permit an 80 square foot addition resulting in a residence containing 3,195 square feet of gross floor area where the maximum permitted gross floor area is 2.418 square feet. The legally preexisting residence contains 3, 115 square feet of gross floor area. An 8.2-foot variance is requested from Section 278-3. to construct the addition 21.8 feet from the front yard lot line where the required setback is 35 feet, and any other relief necessary. The subject property is 14.178 square feet in area and is located at 19 Dunemere Lane in Residence District R-40. This projecc is classified as a TYpe Il Action in accordance with SEQR.

Application of Orion Properties, LLC, SCTM*301-9-6-10.3, for Area Variances from Chapter 278, Zoning, to make alterations to a sin-glc-family residence, Variances of 22.4 fcct, 8.7 fect and 15 feet are requested from Section 278. 3.A.(3)(a), (a)co construct alterations 27.6 feet. 41.3 feet, and 35 feet from the side yard lot line where the required setbacks are 50 feet, and any other relief necessary. The subject property is 100,585 square feet in area and is loca:cd ac 40 Further Lane in Rcsidcncc District R-160. This project is classified as a "IYpe Il Action in accordance with SEQw

Application of 25 Cross Highway LLC, SCTM#301-13-4-17, for Area Variances from Chapter 273, Zoning, to construct a covered patio, fireplace, and to legalize a shed within •the front yard setbacks, A 25.7-foot variance is requested from Section 273-3.A.(5Åa) to construct a covered patio and outdoor fireplace 9.3 feet from the front yard lot line where the required setback is 35 feet, Variances of 22.2 fcct and 17.4 feet are requested from Section 273-A.(5 to construct a patio 12,8 feet and 17.6 feet from the front yard lot lines where the rcquircd setbacks are 35 feet, A 27.6-foot variance is requested from Section A.(5)(a) to legalize shed located 7.4 feet from the front yard lot line where the required setbick is 35 feet. Variances Of 13.9 feet and 20 feet are requested from Section 278-3.A.(3)(a) to construct a portico 16.1 feet and 10 FILED fect from the front yard VUAGE OF EAST HAMPTON, NY lot line where the required setbacks are 30 feet, and any other relief necessary. The subject property is 16,651 square feet in area and is located at 25 Cross Road in Residencc District R-SO. This project is classified as a Type Il Action in accordance with SEQR.

Said Zoning Board of Appcals will at said time and place hear all persons who wish to be heard in person, by agent, on by attorney.

Dated: March 19, 2021

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

37-2

DATE: May 17, 2021
TIME: 9:30 a.m.