

Zoning Board of Appeals
April 24, 2020
11:00 a.m.
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Those present were:

Lysbeth A. Marigold, Chair
Raymond J. Harden, Vice Chair
Lawrence A. Hillel, Member
Craig R. Humphrey, Member
Christopher A. Minardi, Alternate Member
Elizabeth Baldwin, Village Attorney
Billy Hajek, Village Planner
Alfred Wojciechowski, Architect on behalf of David Andrew Trust Revocable Trust
Daniel Gelormini, Architect on behalf of David Andrew Trust Revocable Trust
Leonard I. Ackerman, Attorney on behalf of c/o The Maidstone, James D. Danella, Zee I LLC, Zon II LLC, 34 Darby LLC, and 49 Hunting Lane, LLC
Samantha Thompson, Attorney on behalf of Pond Acquisition Corp.
Michael McCaffrey, Architect on behalf of Georgica LLC
Rick McMaster, Agent on behalf of Georgica LLC
Jason Nower, LTV Moderator
Pamela J. Bennett, Deputy Clerk

Ms. Marigold: Good morning ladies and gentlemen, let us start by calling this first Zoom meeting of the East Hampton Village Zoning Board to order. Jason at LTV has the agenda and he will be posting a phone number to call in if you have comments or objections. And he also said there is about a 40 second delay so be prepared for that. First, we have to approve the minutes of February 14, 2020, if there are no additions or corrections, I would like a motion to accept the minutes as submitted.

Mr. Harden: I make a motion.

Mr. Minardi: Second.

Ms. Marigold: All in favor?

Mr. Harden: Aye.

Mr. Hillel: Aye.

Mr. Humphrey: Aye.

Mr. Minardi: Aye.

DETERMINATION

**Edward W. Williams QPRT and Lisa B. Williams QPRT –
200 Lily Pond Lane – SCTM #301-15-2-8.1**

Ms. Marigold: Next we have three determinations written by our Village Attorney, Beth Baldwin, after which Ms. Bennett will poll the Board. If anybody wants more information, the complete application is on file at Village Hall. The first determination is Edward W. Williams QPRT and Lisa B. Williams QPRT from 200 Lily Pond Lane, the application is granted.

Ms. Bennett: Ms. Marigold?

Ms. Marigold: Yes.

Ms. Bennett: Mr. Harden?

Mr. Harden: Yes.

Ms. Bennett: Mr. Hillel?

Mr. Hillel: Yes.

Ms. Bennett: Mr. Humphrey?

Mr. Humphrey: Yes.

DETERMINATION

Ron J. Vinder – 10 Baiting Hollow Road – SCTM #301-8-11-17.1

Ms. Marigold: The next determination is Ron J. Vinder, 10 Baiting Hollow Road and that application is hereby granted.

Ms. Bennett: Ms. Marigold?

Ms. Marigold: Yes.

Ms. Bennett: Mr. Harden?

Mr. Harden: Yes.

Ms. Bennett: Mr. Hillel?

Mr. Hillel: Yes.

Ms. Bennett: Mr. Humphrey?

Mr. Humphrey: Yes.

DETERMINATION

**Nedenia C. Rumbough and Donald E. Handelman as Trustees –
8 West Dune Lane – SCTM #301-9-4-21**

Ms. Marigold: And the third and last one is Nedenia C. Rumbough and Donald E. Handelman as Trustees of 8 West Dune Lane and that disposition of application is also granted.

Ms. Bennett: Ms. Marigold?

Ms. Marigold: Yes.

Ms. Bennett: Mr. Harden?

Mr. Harden: Yes.

Ms. Bennett: Mr. Hillel?

Mr. Hillel: Yes.

Ms. Bennett: Mr. Humphrey?

Mr. Humphrey: Yes.

REQUEST for SCREENING APPROVAL
David Andrew Trust Revocable Trust – 27 Windmill Lane –
SCTM #301-10-1-12

Ms. Marigold: We have a request for screening approval of the David Andrew Trust Revocable Trust at 27 Windmill Lane. Is the applicant present?

Mr. Nower: The applicant is currently not on the phone right now but, because of the delay, I suggest we wait for them to make sure. The phone number is displayed on the bottom of the screen for 27 Windmill Lane.

Ms. Bennett: And it will be Daniel or Alfred calling in.

Ms. Baldwin: Pam, the information is also available on line, right?

Ms. Bennett: Yes, it is.

Ms. Baldwin: All the files have been scanned by Pam and are available for the public to view on line.

Ms. Bennett: Correct.

Ms. Baldwin: On the Town's website, Village's website, sorry, force of habit.

Mr. Harden: With John McGuirk not being at the meeting, we are going to have Chris sit in on these, correct?

Ms. Baldwin: Yes.

Mr. Minardi: That is great.

Ms. Marigold: We can skip to the next one and go back if someone comes on line. The next one is c/o The Maidstone, premises of Lexington Lounge LLC, 207 Main Street, to request to amend a determination. Is the applicant present on this one?

Mr. Nower: There are currently, oh, one person just came in, let me go see. Applicant, you are on the air. One second, let me mute them and unmute them. Applicants, can you please mute your tv in the background. I have two applicants on the line and both of you are unmuted, could you please state your names.

Mr. Wojciechowski: Can you hear us? This is Daniel and Alfred.

Ms. Marigold: Okay, so we will go back to, this is the David Andrew Trust Revocable Trust, 27 Windmill Lane.

Mr. Ackerman: Yes, Lenny Ackerman is here.

Mr. Wojciechowski: You have Alfred Wojciechowski and Daniel Gelormini from CBT Architects on the line.

Mr. Nower: I will unmute the two applicants for this proposal and then I will go down the line. Thank you. Applicants, you are unmuted.

Mr. Wojciechowski: You have Daniel Gelormini and Alfred Wojciechowski from CBT Architects.

Ms. Bennett: You can state your proposal.

Mr. Wojciechowski: Could you repeat that please.

Ms. Marigold: You can state your proposal. Sir, if you want to tell us why you are here for 27 Windmill Lane.

Mr. Wojciechowski: Yes, as part of the condition to build the garage and the accessory buildings, we need to submit a screening plan to the Zoning and Planning Boards so we have submitted that screening plan to your Board for review for adequacy of screening.

Ms. Marigold: Okay, so you are putting the garage in the far-left corner.

Mr. Wojciechowski: The northeast corner of the site.

Ms. Marigold: Right, and is there enough turning room to get back onto the driveway?

Mr. Gelormini: Yes, yes there is.

Ms. Marigold: Okay and I assume all the other violations are cleared up?

Mr. Wojciechowski: That is correct.

Ms. Marigold: Okay.

Mr. Harden: Billy, you saw the planting plan, correct? You are okay with it?

Mr. Hajek: What was submitted is not necessarily a planting plan. What was submitted is an existing conditions plan and I think the applicant's point is that there is adequate screening currently for, that supports constructing the garage and the pool house. So, they are not proposing to add anything new, they are just showing us that, or showing the Board that there is adequate existing screening.

Mr. Harden: Okay.

Ms. Marigold: And there is the high fence and there is that great big tree is going to stand in that corner?

Mr. Hajek: I do not know about the tree but there is an existing fence.

Ms. Marigold: Right.

Mr. Gelormini: All of the trees are staying in place, we have designed the buildings around the trees so that beautiful cherry tree that is well over 100 years is staying.

Ms. Marigold: Oh, that is good, I was worried about that.

Mr. Gelormini: Yes, it is an absolutely beautiful tree so the buildings have been designed around the root system.

Ms. Marigold: Well you have had letters from various landscapers, all commenting on your non-use of pesticides and your care for the earth which is certainly a positive. So, there are no other callers. Ray, do you want to say something?

Mr. Harden: I am okay with it...

Mr. Nower: Pardon me, there are a few other callers on the line, if I can unmute them to make sure that they have nothing to say?

Ms. Marigold: Okay.

Mr. Nower: Applicants, please mute your tv's in the background. Caller?

Mr. McCaffery: I am on for Georgica Road, that application, sorry.

Mr. Nower: Okay, understood, we will keep you muted until your thing. Do we have another caller on the line?

Mr. Ackerman: This is Len Ackerman, I am on for the next matter, Maidstone.

Mr. Nower: Okay, understood, thank you. And there is one more caller on the line. Okay, they are not responding, I will mute their microphone. Thank you very much.

Ms. Marigold: Larry, do you have a comment? You are muted.

Mr. Minardi: Larry, you can repeat yourself, you were muted, no one heard what you had to say.

Mr. Hillel: Can you hear me now?

Ms. Marigold: Yes.

Mr. Hillel: Okay, I am okay with it.

Ms. Marigold: Okay. Craig?

Mr. Humphrey: I am fine. I think we have been through this property before and I have always been impressed with it and the support letter this time is a beautiful letter so I have no problem.

Ms. Marigold: Okay, and Chris?

Mr. Minardi: I agree with Craig. There is plenty of screening and I think they did a good job, so I am okay.

Ms. Marigold: Okay, do I have a motion to close this?

Mr. Humphrey: So moved.

Mr. Harden: Second.

Ms. Marigold: All in favor?

Mr. Harden: Aye.

Mr. Hillel: Aye.

Mr. Humphrey: Aye.

Mr. Minardi: Aye.

Ms. Marigold: Aye.

REQUEST to AMEND DETERMINATION
c/o The Maidstone – Premises of Lexington Lounge LLC – 207 Main Street –
SCTM #301-8-7-30.4

Ms. Marigold: Okay, now we will go to the Maidstone and we do have the applicant present.

Mr. Nower: I will unmute their microphone. Applicant, you are unmuted.

Mr. Ackerman: Yes, this is Lenny Ackerman, are we ready for Maidstone?

Ms. Marigold: Yes.

Mr. Harden: Good morning Lenny.

Mr. Nower: Lenny, please mute the tv in the background.

Mr. Ackerman: Does that mean you want me to turn off the sound?

Mr. Nower: Yes.

Mr. Ackerman: And just listen on the telephone, correct?

Mr. Nower: Yes.

Mr. Ackerman: Okay, I got it, thank you. First of all, I am appearing on behalf of Maidstone, however, I just want to compliment Pam Bennett for all the effort and work she has done to bring this about. This is a tremendous achievement and I

want to compliment her and Becky Molinari (sic) and the entire Board of the Village for working so diligently to bring Village government back to this operational level. Now with respect to The Maidstone, this morning we received objection letters from several neighbors and I will defer to the Chair on this. I think we have adequately addressed these concerns. It is our position that there is no need to have a fence under common ownership. I believe that the owner of the house and the owner of Maidstone, both being beneficial owners, have a right to enjoy their property undisturbed. The pretext on which this application is made basically at in the event they are single and separate ownership, unrelated, then of course a fence could be installed that, considering the basis in the history of this application and how this determination was made which we are seeking to amend, I think it is reasonable and sensible to allow the properties to be open and undisturbed.

Ms. Marigold: Well okay, until we got those letters yesterday, I actually thought it was a slam dunk, no problem and everything but I do understand that the neighbor just to the south who is worried about the disturbance, and I think this is like the start of an opportunity, it is up to the Village Board at some point to make a balance between the historic inns and the historic neighborhood. A six-foot double fence with noise baffling does seem to me, since they are in the same ownership, is a little bit over the top. I mean we did not require that for the 1770 House which is what this is based on as far as outdoor dining but they bring up a valid point that it should not be co-mingled. I think Daryl Westfall had used those words. Ray, what do you think about that?

Mr. Harden: I am in agreement with you. I mean if there could be some type of separation, I think it would be good. I do not think it should just be free-nilly walking back and forth. I think there should be something there.

Ms. Marigold: Yes, maybe a post and rail fence, I do not know. Some separation.

Mr. Ackerman: What I suggest to the Chair then, I would like to put it over, let me consult with the client based upon the comments of the Board and we will then come back to you with a response.

Ms. Marigold: Some reasonable thing to separate the two without it being so tall and so looming over everybody.

Mr. Ackerman: I understand. Could we put this over to...

Ms. Marigold: Do you have a comment, Craig?

Mr. Humphrey: The concern to put up a fence is not a concern to the owner because they own both places, it is for the neighborhood.

Ms. Marigold: Well it was originally for the, there was a separate owner when this went through the court system so it was a protection for a totally different neighbor which I think Mr. Ackerman made in his summary.

Mr. Ackerman: Yes, that is correct.

Ms. Marigold: Larry?

Mr. Hillel: I agree, I think there would be some separation, one is residential, it is in a residential neighborhood, and I think there should be a separation.

Ms. Marigold: And Chris, we would like to hear from you.

Mr. Minardi: Hey Lys, I agree with you, I was okay with this but as per the letters and the Board's direction on this, we can adjourn it and see where we go with this.

Ms. Marigold: Okay, all right, so do I have a motion to adjourn this application?

Mr. Hillel: Motion.

Mr. Harden: Second.

Ms. Marigold: All in favor?

Mr. Minardi: Aye.

Mr. Hillel: Aye.

Ms. Marigold: Aye.

Ms. Bennett: May 8th.

REQUEST to AMEND DETERMINATION
Pond Acquisition Corp. – 291 Montauk Highway – SCTM #301-6-1-9.1

Ms. Marigold: And the last one is the application of Pond Acquisition Corporation at 291 Montauk Highway. Is the applicant present for this one?

Mr. Nower: I will unmute, we have a few new callers on the line. Caller, you are on the air. Hello, caller you are on the air.

Mr. McCaffrey: When you unmute, you talk to everybody, but I am not here for the Pond Acquisition.

Mr. Nower: Understood, thank you, if you could call back for your application, that would be best, thank you. I have a few people on the line.

Ms. Marigold: I believe it is Mr. Ackerman again.

Ms. Baldwin: No, it is not.

Mr. Ackerman: No, I have an adjournment on Mullen for a full hearing, it is set forth in my letter request.

Ms. Marigold: It is going to be Samantha Thompson and Emily Hatch.

Mr. Nower: I have one Thompson calling in, let me make sure.

Ms. Thompson: Hi, this is Samantha Thompson.

Ms. Marigold: Good morning. Would you state what you would like to do?

Ms. Thompson: Yes, so we, as per the ZBA determination from April 2018, we were instructed and when we were in the process of installing an upgraded septic system for the entire property at 291 Montauk Highway, given, as I am sure you all know, we had kind of a catastrophic fire that pushed all of our items for a number of months and now we are, I am sorry, I am following along on my computer and the text is a little confusing, but then in addition with this pandemic, we are also currently in a position where we are unable to complete the installation of the septic system at this time. We are in the process, we have ordered all the materials and we have a number of the, we are trying to keep contractors come into the property but just given safety concerns, distribution, manufacturing, and labor delays as a result of the pandemic, we are requesting an extension. At this point we believe we will complete it by June, by the end of June, given the current state

of things and it is quite fluid but we are hopeful that we can get it installed by Friday, June 26th.

Ms. Marigold: I think that is perfectly reasonable. Craig?

Mr. Humphrey: That is fine.

Ms. Marigold: Ray?

Mr. Harden: I have no problem. If they are putting in a new system, I am all for it.

Ms. Marigold: Larry?

Mr. Hillel: Okay, no choice.

Ms. Marigold: And Chris?

Mr. Minardi: Absolutely.

Ms. Marigold: No problem. Do I have a motion to accept?

Mr. Harden: I make a motion.

Ms. Marigold: Second?

Mr. Hillel: Second.

Ms. Marigold: All in favor?

Mr. Hillel: Aye.

Mr. Harden: Aye.

Ms. Marigold: Aye.

Mr. Minardi: Aye.

ADJOURNMENTS

Nicole and Allen Salmasi - 73 Davids Lane – SCTM #301-3-9-15

Donald R. Mullen Jr. – 67 Cross Highway – SCTM #301-5-2-12

Ms. Marigold: All right, we have two requests for adjournments. One of them is Nicole and Allen Salmasi, right here on 73 Davids Lane, it seems to me I think I said to Pam this is the fifth request for adjournment. I think if they want to adjourn the next time, they have to start all over again, but this is just a warning. And the second one is Donald R. Mullen Jr., 67 Cross Highway. We can have a motion to accept the adjournments?

Mr. Harden: I make a motion.

Ms. Marigold: Second?

Mr. Minardi: Second that.

Ms. Marigold: All in favor?

Mr. Hillel: Aye.

Mr. Harden: Aye.

Mr. Humphrey: Aye.

Mr. Minardi: Aye.

The Salmasi hearing is adjourned until May 8, 2020, and the Mullen hearing is adjourned until June 12, 2020.

CONTINUED HEARING

James D. Danella – 49 La Forest Lane – SCTM #301-12-6-7

Ms. Marigold: Okay so now we are going to the continued hearings. The first one is James D. Danella, 49 La Forest Lane, is the applicant present?

Mr. Ackerman: Yes, Lenny Ackerman again. Lys, you have my April 20th letter which I indicated that we have reduced the request to 470 square feet of first floor of 248 and 222. I have also added a substantial mitigation offer here based upon the fact that we have filed with Drew Bennett an application with respect to the additional bedroom that was not covered under the prior Health Department approval, and based upon our interpretation of the Code Section 233-2 Septic permit requirements we would not without this offer of mitigation be required to

upgrade to a low nitrogen IA system and I think that offer of mitigation should be seriously considered as a reasonable offer by the Board in granting this application.

Ms. Marigold: Okay, well, speaking of that letter, there are a couple of things that I disagreed with. I have talked to Ken Collum about the history of this house and the letter states categorically that they are entitled to it because it is a preexisting nonconforming whatever but in truths the history of this house was that it was a very small cottage and they asked for a renovation and instead of just renovating, they built this rather large and lengthy house because the way the property is done, the house goes practically from one side to the other because it is sort of a pie shaped lot and it was over the GFA and so they designated part of the second story as attic and storage space and then it sort of morphed into bedroom and bath space. So, it was not totally a clean thing and I also reached out to Beth Baldwin to find out if indeed we had to start at the higher number of GFA or whether we go with the approved Village number. Beth, could you weigh in on this?

Ms. Baldwin: Sure. It has always been my opinion that in the situation where you have a nonconforming building and they are then asking for a variance, that the variance is actually the difference between the, what is permitted in the district and what the applicant is asking for, not what the applicant has per their preexisting number to what is they are asking for, so I disagree, Lenny, with your letter as far as how you are calculating the variance. I think Billy's notice and how everything has been calculated is substantial difference, or the difference between that. I think you can consider and the Board can consider when they are reviewing an application and reviewing the substantiality of a variance, the Board can consider what the preexisting number is when they are looking at it but as for actually calculating the variance request, I believe it is the, what is permitted in the Zoning District and what is asking.

Mr. Ackerman: Right, and what number, what is your calculation, your percentage calculation?

Ms. Baldwin: I do not have that number, Billy, I am sure...

Mr. Hillel: I do, it is 25 percent...

Ms. Baldwin: There you go.

Mr. Hillel: Because you are asking for 7,071 versus the max of 5,679. And also, I have another issue. In the proposal it says existing is 6,417 and, in your writeup you are saying it is 200 square feet higher.

Ms. Marigold: 6,617.

Mr. Hillel: Right, so I think there is a discrepancy but again, you are talking about 25 percent variance of the current max and I think that is substantial.

Mr. Ackerman: Obviously we disagree, we disagree on the law and that is why we have Courts to make a final determination. I do not think you are correct on the law, Beth, but I do not want to argue the law now.

Ms. Baldwin: It is okay.

Mr. Ackerman: So, whatever your determination is, let us close the hearing, make your determination and we will move on. I understand. I disagree but I do not understand how you could get to such an incredible number when historically with all the precedent we have always based the increase on what was preexisting nonconforming.

Ms. Marigold: No, we have not. No, talk to the Building Inspector, we have not based it on that.

Ms. Baldwin: And I think that is something the Board can always consider when they are making a determination but when you are putting out what the actual variance is, I think it is the difference between what is permitted and what the applicant is asking for, absolutely the Board can consider that there is a preexisting number here and that can calculate into the substantiality of it but as for actually what the request is, I think it is the difference between what is permitted versus what you are asking for.

Mr. Ackerman: All right, well, you will write the determination as you write the determination and we will go from there I guess.

Ms. Marigold: Okay.

Ms. Baldwin: I think the Board can still review the application, I think that was just one aspect of it.

Mr. Ackerman: Right, right.

Ms. Marigold: I would like to also clear up something that keeps popping up in your letters which is that since it is behind a high hedge, it does not matter in a neighborhood. I totally disagree with that. I think the Village Code is valid whether it is behind a high hedge, whether it is on a flag lot, or whatever, just because you cannot see it, it does not mean that you can do whatever, build whatever you want so that is my two cents.

Mr. Humphrey: I agree with that, the business that you cannot see, therefore, you can do it, I do not like that at all.

Ms. Marigold: Okay. Ray, do you have a comment?

Mr. Humphrey: Yes, the Code is the Code and whether you can see it or not does not make any difference to me.

Mr. Ackerman: No, I understand. Larry, can I just respond, Lys, can I just respond to Larry's point about the extra 200 square feet.

Ms. Marigold: Of course you can.

Mr. Ackerman: That comes about because of the recalculation of double-height ceilings. Also, I wish to point out that all these improvements that Ken Collum has referred to and Lys has referred to by reference were done by the prior owner. And in the purchase of this house, the present owner and the present applicant, relied upon the C. of O. that was granted which gave us a starting number of a preexisting nonconforming GFA and that is the basis on which we are making the addition.

Ms. Marigold: Yes.

Mr. Ackerman: Really it is 470 square feet, it is not 25 percent expansion, that poisons the well when you use a term like that, it is 470 square feet over what is existing but I understand that that is your position and we will have to review it after we get the determination.

Ms. Marigold: Okay, Ray?

Mr. Ackerman: Could we close the...

Ms. Marigold: Not yet, I want to hear from my Vice Chair.

Mr. Harden: I have to recuse myself, Pam.

Ms. Marigold: Oh right, you have to recuse yourself, sorry, too bad. And Chris, you are not on this because it is a continued hearing. So, all right, let us make motion to, should we close the hearing, Beth?

Ms. Baldwin: If the applicant does not have anything else, you can close the hearing.

Ms. Marigold: Okay.

Mr. Ackerman: Right, no.

Ms. Marigold: A motion to close the hearing?

Mr. Humphrey: So moved.

Mr. Hillel: Second.

Ms. Marigold: All in favor? Aye.

Mr. Humphrey: Aye.

Mr. Hillel: Aye.

Mr. Ackerman: Can I just interrupt for a second please. So who is voting on this, I am sorry, who is voting on this?

Ms. Marigold: Well it is me, Larry, and Craig, there are three of us because John McGuirk, who was sitting on it is not on today because his father is not well. So, it is three.

Mr. Ackerman: Oh, I see, okay, all right.

Ms. Marigold: The only three of us.

Mr. Ackerman: Okay, got it.

CONTINUED HEARINGS
Zee I LLC – 19 Chauncey Close SCTM #301-15-1-6
Zon II LLC – 23 Chauncey Close SCTM #301-15-1-5

Ms. Marigold: Another continued hearing which we are doing together are Zee and Zon on Chauncey Close. Is the applicant present?

Mr. Ackerman: Yes, it is Lenny Ackerman.

Ms. Marigold: Okay.

Mr. Ackerman: As I noted in my April 15th letter, Rich Warren's office Inter-Science and the Grime's team worked very diligently with the plan and we have accepted the conditions and recommendations of Billy Hajek in his most recent memo so I believe we are prepared to move forward with this application and close the hearing.

Ms. Marigold: Okay well we deferred to Billy on this one, Billy, do you have something you would like to say?

Mr. Hajek: I think the plan was amended, I met with the applicants on a number of occasions, we have reviewed the plan multiple times, they were receptive to making changes and incorporating my suggestions and I am pretty satisfied with the latest plan that is before you right now. As long as they are agreeing to the conditions of approval or conditions that I recommend on the project, I have no other concerns with it at this time.

Ms. Marigold: Good. Then can we close the hearing, motion?

Mr. Hillel: Motion to close.

Ms. Marigold: Second?

Mr. Harden: Second.

Ms. Marigold: All in favor?

Mr. Hillel: Aye.

Mr. Humphrey: Aye.

Mr. Harden: Aye.

Ms. Marigold: Okay, then we will have a determination at the next meeting.

ORIGINAL HEARING

Georgica LLC – 283 Georgica Road – SCTM #301-12-2-1.1

Ms. Marigold: Now we turn to the new hearings portion. Next is the application of Georgica LLC, 283 Georgica Road. Ms. Bennett, will you read the notice.

Ms. Bennett: Yes. Application of Georgica LLC, SCTM#301-12-2-1.1, for Area Variances from Chapter 278, Zoning, to reconstruct with alterations a preexisting and nonconforming accessory building. Variances are sought from Section 278-3.D.(1) to reconstruct with alterations a 1,964 square foot accessory building containing multiple rooms where accessory buildings are limited to 250 square feet in gross floor area and cannot contain more than one room. A 1,986 square foot variance is requested from Section 278-3.D.(7) to permit the reconstruction of an accessory building where the combined gross floor area for all existing accessory buildings totals 3,564 square feet and the maximum permitted accessory building gross floor area for this lot is 1,578 square feet. The subject property is 115,736 square feet in area and is located at 283 Georgica Road in Residence Districts R-80. This project is classified as a Type II Action in accordance with SEQR.

Ms. Marigold: Chris, you are going to be sitting on this also?

Mr. Minardi: Yes.

Ms. Marigold: Okay. Is the applicant present?

Mr. McCaffery: Yes, Michael McCaffery for the applicant on Georgica, I am the architect for the project.

Ms. Marigold: Would you like to describe what you are planning to do?

Mr. McCaffery: We have an existing accessory structure which had a badly deteriorated roof, it had been used to store artworks of Susan Tepper. In looking at repairing the roof, it came to light that the structure was minimal and not capable of supporting the new roof. If we had to structure the new roof, we would have to have stronger walls to hold it up, if we had the stronger walls to hold it up, which we felt we could do under kind of a repair in kind, then we would need a new

foundation to support the new walls and the new roof because it is so much heavier than the two by four construction that is there now. So basically, putting in the foundation wall or new foundation walls to support the walls and the roof of the building that is basically the alteration that kicked us into the Zoning Board of Appeals. We are not looking to expand the footprint, we would like to have exactly what we have back again but it is 17 feet high and the Zoning precludes that beyond 14 feet so to be in a smaller degree of nonconformance, we are suggesting that we reduce the height to 14 feet. We know that we are over the area but it is an existing nonconforming C. of O. legal space, and, in addition, since we are obliged to undertake a great volume of work, we also at the same time wanting to put, to make a cellar under the building because for zoning square footage it is not counted and it will allow us to separate the storage that can be in the barn, which was the Susan Tepper artworks, which she had used that barn/building as a studio throughout the late 70's and early 80's and since she passed away in early 1991, the paintings have been stored in the building. When the roof problem came to light, the artwork was removed and cleaned and restored, it is being stored off site now but the hope is to bring it back and to put it into, back where it was, into the world where it was created. We also use that space to store seasonal furniture, it goes in and out every year and threatens to damage the artwork and we want to separate the storage of that frequently moved bulky furniture from the artwork so that is why we include the cellar as part of the application.

Mr. Humphrey: Did I hear you correctly that the artist is passed away?

Ms. Marigold: Yes.

Mr. Hillel: 1991, right?

Mr. McCaffery: She did pass away in 1991. She started the East Hampton Artist Collaborative in 1985 which is still in operation, and interestingly enough, after the cleaning there was some new interest in the artworks and if you wanted to see them you can go to the East Hampton Library in August, there will be a show of Susan Tepper artwork.

Ms. Marigold: Ray, as our resident builder, would you like to weigh in?

Mr. Harden: Well I want to make sure it is only going to be used for storage, for one, that there is living or anything like that in there.

Mr. McCaffery: Correct. No living, just storage.

Mr. Harden: It is not going to be heated and cooled, correct?

Mr. Hillel: I think it has to if there is artwork.

Mr. McCaffery: We want to create a space where the art will not deteriorate.

Ms. Marigold: What is it going to be used for, besides storage?

Mr. McCaffery: Storage of the seasonal furniture.

Ms. Marigold: So, it is not going to be used as an art...

Mr. McCaffery: The daughter of the applicant has expressed an interest in painting, maybe it is in the genes, but she might want to use the space as an art studio. She is a teenager now.

Ms. Marigold: Oh.

Mr. Minardi: Hey Ray, how is your review of their construction protocol in the applicant's description on what they were doing with the roof and the basement. How did that sound? Again, you are the builder.

Mr. Harden: That is all okay, for sure. I am concerned with heating and cooling because if this is a storage building, it should not be insulated and sheet rocked, it should be unfinished.

Mr. Hillel: But if you have art, do you not have to have the right temperature in winter, summer otherwise it will get destroyed.

Mr. Minardi: Can we put something in the determination that maybe it is conditioned for the sake of preserving artwork, however, it is not limited to occupancy of some issue. I agree with Ray but I think we may have to allow them to store artwork, we have done that before.

Ms. Marigold: You know, they could also store artwork in the basement, they could have a room that is humidified in the basement and then in the main part of the building not have any finished walls.

Mr. Harden: My concern, is this turning...

Mr. McCaffery: The C. of O. says the building is air conditioned and it does have a heater but it was determined that the heater should not be used. I do not think we are asking for an expansion of what we already had, it has an air conditioner now that you have the C. of O. for.

Ms. Marigold: Yes, but once you are taking it down, things are no longer allowed.

Mr. McCaffery: I am not looking for more than I already have, I am just looking to get back what, and a proper art storage space, I mean really it is not usable, it is art storage, if it lacks heating and cooling, it is not appropriate.

Ms. Marigold: Larry?

Mr. Hillel: As I said, if it is for storage of art that you want to preserve, you have to have the proper heating but I think we have to limit it that it is just for storage and nothing else.

Mr. Minardi: I agree with Larry, I do not understand why we cannot allow them their proper climate for the artwork and just make it very clear in the determination that it is a storage space for artwork.

Ms. Marigold: And other furniture. Okay, I was only suggesting because I know other places that they carved out part of it and had that room sort of humidified or dehumidified and then the rest of it was left kind of in a rough state but it is up to you.

Mr. McCaffery: There was an awful lot of artwork, it was pretty filled to the gills with artwork and that is why it made it very difficult to move the seasonal furniture in and out, putting the artwork at risk.

Ms. Marigold: Okay. Is there anybody that wants to call in on this one for 283 Georgica?

Mr. Nower: I have four callers on the line, I will unmute them accordingly.

Mr. McMaster: Hi, I am Rick McMaster.

Ms. Marigold: Yes?

Mr. Nower: Caller, please mute your tv in the background.

Mr. McMaster: My tv is muted right now, this is Rick McMaster, I have been working on the property since 1979...

Mr. Nower: Give me a second. All right. It was one of the other callers. Thank you.

Mr. McMaster: It is okay.

Mr. McCaffery: Go ahead Rick.

Mr. McMaster: Hi, it is Rick McMaster. I have been working on the property since roughly 1979, 1978 when my father introduced me to Aerial's mother and father, and I was fortunate to be able to see her doing her artwork while she was working in the art studio and prior to them purchasing this land, it was a working farm and the structure that we are referring to right now I think it used to house the cows or horses that were particularly on the farm at that particular point in time. Martin Tepper then renovated that back in 1977 for his wife to be able to do her artwork there. Through the course of many, many years as Mr. McCaffery was just saying, it has gone to disarray and the art that was there if my memory serves me well, it is near 400 pieces of art, ranging in size from probably two by two up to six by eight foot pieces of art which is pretty amazing if you ask me. So one of the issues that we had been having on that particular piece of property was for a very long time when the process of renovating the main house, the garage and etc. we left the studio for last because we were not sure what was sure what was going to happen to it. I know that Miss Tepper wanted us to resurrect it as her mom's art studio so that therefore she could still have her children be able to go in there and do some artwork in there so hence the reason why. It has always been heated and air conditioned, one, to save the art but also so that can go in there and do this. Michael McCaffery and I and also Brian King, who is the builder, we were wanting to be able to use the space down below to be able to use an acclimated system to be able to preserve the art in the basement and then therefore on portion of that and then the storage could be either upstairs or downstairs for the furniture.

Mr. McCaffery: Have you all seen the property at all?

Ms. Marigold: Yes, we all have gone to there.

Mr. Humphrey: Yes.

Mr. Harden: As long as it is not a sleeping space, I am okay with it.

Ms. Marigold: Chris?

Mr. Minardi: I agree with Ray, as long as it is not a sleeping space, we can note that in the determination but I have no problem with allowing them to condition it for artwork and storage.

Ms. Marigold: Craig?

Mr. Humphrey: I have seen the property and it needs a lot of re-conditioning so is it going to be completely torn down and start again?

Ms. Marigold: Yes.

Mr. McCaffery: Yes, that is why we are here at the Zoning Board of Appeals.

Mr. Humphrey: What are the rules on nonconforming structure being improved.

Ms. Baldwin: That is why he is getting the variance.

Ms. Marigold: When it is being torn down, it does not have any more preexisting nonconforming because it is not preexisting any more. If we do grant this variance, we are giving them permission to rebuild because the timbers are all rotted out and it is going to collapse.

Mr. Harden: And they are lowering the height of the ridge.

Ms. Marigold: Right.

Mr. Hillel: Now I have a question. We are saying that there could proper temperature all year round and are we saying that it can also be used as a semi art studio or just for storage? We have to clarify that.

Mr. McCaffery: Using it as a studio would be a nonconforming use, only can be used for storage per zoning regulations, however, the current C. of O. calls it a studio and gives it the ability to be used as an art studio. Because there is a daughter who has an interest in becoming an artist, question mark, you never know about teenagers, we would like to be able to continue that nonconforming use of art studio as well as storage. I do not think it would be too much of a stretch and I do not think it is too much of a probability that it would be, you know, a great studio for a long time, I just want to keep both in the possibility at this point.

Ms. Marigold: Okay, well I am all for encouraging the young artists so I would be fine with that.

Mr. Harden: And Beth can certainly put the wording in the determination I would assume.

Ms. Baldwin: No problem.

Ms. Marigold: Okay, do I have a motion to close this hearing?

Mr. Humphrey: So moved.

Mr. Hillel: Motion.

Mr. Harden: Second.

Mr. Minardi: Second.

Ms. Marigold: All in favor?

Mr. Humphrey: Aye.

Mr. Hillel: Aye

Mr. Harden: Aye.

Mr. Minardi: Aye.

Mr. McCaffery: Thank you very much.

ORIGINAL HEARING
34 Darby LLC – 34 Darby Lane – SCTM #301-8-12-17

Ms. Marigold: Moving right along to 34 Darby LLC at 34 Darby Lane, Ms. Bennett?

Ms. Bennett: Application of 34 Darby LLC, SCTM#301-8-12-17, for Variances from Chapter 278, Zoning, to make alterations and construct an addition to a preexisting nonconforming residence. Variances of 28.9 feet and 6 feet are

requested from Section 278-3.A.(4)(a) to make alterations to an existing residence located 21.1 feet from the side yard lot line and to construct additions 44 feet from the side yard lot line when the required setbacks are 50 feet. The subject property is 96,506 square feet in area and is located at 34 Darby Lane in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR.

Mr. Nower: Pam, can you repeat the last part, we could not hear you.

Ms. Bennett: This project is classified as a Type II Action in accordance with SEQR.

Mr. Nower: One more time, we cannot hear you.

Ms. Bennett: This project is classified as a Type II Action in accordance with SEQR.

Ms. Marigold: Okay. Is the applicant present? Mr. Ackerman?

Mr. Ackerman: Yes, Lenny Ackerman here. As I have indicated in my letter of April 15th, this is a de minimis application, it is a lovely restoration by Mrs. Rayner. They are installing a chimney and a small renovation to the kitchen. I think this should be recognized as a very sensible variance application and the least amount of variance necessary to achieve this restoration. Thank you.

Ms. Marigold: It is a beautiful property, I know its history, and I have a soft spot for this property. It is unfortunate, the house was cited very close to the side property line and it has a big lawn and a swimming pool that looks like it is part of a grotto from some Italianate villa and the old owner lived up over the swimming pool so this was sort of a second house on the property and then they split it. I have no problem. You want to install a large mantelpiece in the library?

Mr. Ackerman: Yes, that is right.

Ms. Marigold: Ray, would you like...

Mr. Harden: I have no problem with it.

Ms. Marigold: Craig?

Mr. Humphrey: This is fine, that is quite a kitchen they are going to put in but...[inaudible]...the house.

Ms. Marigold: And Larry?

Mr. Hillel: I am okay with it.

Ms. Marigold: And Chris? What do you say?

Mr. Minardi: I am okay. Everything is being done to the interior of the property, not to the sides, and they seem to screen the air conditioning units well and the property is screened in, so I do not have any problem with this either. Thank you.

Ms. Marigold: And I think it is the first time the applicant has come to us ahead of time instead of asking forgiveness and for that we are very grateful, Mr. Ackerman. Is there is a motion to close this hearing?

Mr. Hillel: Motion.

Ms. Marigold: Second?

Mr. Humphrey: Second.

Mr. Minardi: Second.

Ms. Marigold: All in favor?

Mr. Harden: Aye.

Mr. Humphrey: Aye.

ORIGINAL HEARING

49 Huntting Lane, LLC – 49 Huntting Lane – SCTM #301-3-8-9.2

Ms. Marigold: Next we have, next and last, we have 49 Huntting Lane, LLC, 49 Huntting Lane. Ms. Bennett?

Ms. Bennett: Application of 49 Huntting Lane, LLC, SCTM#301-3-8-9.2

Mr. Nower: Ms. Bennett, we cannot hear you.

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Ms. Marigold: Pam, you have to speak up.

Ms. Bennett: Application of 49 Huntting Lane LLC, SCTM #301-3-8-9.2 for Area Variances from Chapter 278, Zoning, to construct...

Mr. Nower: Pam, wait, we still cannot hear you. There might be something wrong with your connection.

Ms. Baldwin: Does anyone else have the notice maybe they can read.

Mr. Hajek: I have the notice, would you like me to read it?

Ms. Baldwin: Maybe Billy can read it.

Mr. Hajek: Is that okay?

Ms. Baldwin: Yes.

Mr. Minardi: Read it Billy.

Mr. Hajek: Okay. Application of 49 Huntting Lane, LLC, SCTM #301-3-8-9.2, for area variances from Chapter 278 zoning to construct a swimming pool and patio. A 9.1 foot variance is requested from Section 278-3.A.(5)(b) to construct a patio 0.9 feet from the side yard lot line where the required setback is 10 feet. A 18.8 foot variance is requested from Section 278-3.A.(5)(c) to construct a swimming pool 1.2 feet from a side yard lot line where the required setback is 20 feet. A Variance is requested from Section 278-1.A. to permit the construction of accessory structures on property without a principal building. The subject property is 16,541 square feet in area and is located at 49 Huntting Lane in Residence District R-40 and the Huntting Lane Historic District. This project requires approval of the Village Design Review Board and is classified as a Type II Action in accordance with SEQR.

Ms. Marigold: Is the applicant present?

Mr. Ackerman: Yes, Lenny Ackerman. As has been set forth in summary in my April 15th letter to the Chair and to Members of the Board, we have located this in both a conforming location as to any future development of the property either as single and separate lots or as merged lots. I think this is an opportunity again, as we have done in the past with tennis courts, this applicant has set aside at this point

in time to having just the pool and not be forced to develop a single family primary or a secondary residence unnecessarily just to satisfy the zoning code. So I think it is a sensible application and the least amount of variances necessary to reach the goal here. Thank you.

Ms. Marigold: I think when you moved it, the first go around it was so close to the property line that everybody was shocked, what is going on there, but when you moved it to the center into a conforming location we have also previously accepted a children's playset on that property as a separate without building on it. I do not have a problem with it now. Ray?

Mr. Harden: I agree. It is much better moved.

Mr. Hillel: Now obviously the property never can be sold, it always has to be part of the contiguous property, it cannot be sold separately, can it? Should that be a stipulation?

Ms. Marigold: Why can it not be sold?

Mr. Minardi: That is not our problem.

Mr. Hillel: In other words, if it is sold, if I just buy or a third party and I just have a swimming pool there and nothing else, is that fair? It is almost like a recreation facility.

Ms. Marigold: But Larry we do not have to look to the future because actually I think it can be sold and a small house built on it but that really is not our concern.

Mr. Ackerman: Larry, you cannot limit the alienability of someone's property and tell them they cannot sell it. No one is going to buy it.

Ms. Baldwin: I think the issue would be...

Mr. Hillel: I think the issue is that if somebody buys it and it is just a swimming pool and nothing else...

Ms. Baldwin: You have to get an updated C.O. but you cannot get an updated C.O. if there is no residence on the property.

Mr. Hillel: Okay, okay so we are saying the same thing.

Ms. Marigold: Right.

Mr. Ackerman: Yes, that is right, thank you.

Mr. Hillel: Okay, I have no problem.

Ms. Baldwin: Is there anyone on line that wanted to comment on this application? You should ask Jason.

Ms. Marigold: I assume that Jason will tell us if a caller comes in.

Mr. Nower: We had one additional caller that was on the line and we unmuted them during the previous hearing and no one was there to the best of our knowledge and then they hung up. That is about it. There is currently no one on the line.

Ms. Baldwin: Okay.

Ms. Marigold: All right. Chris Minardi?

Mr. Minardi: We have done this before for a property up in Georgica and I do not have any problem with this either so it is okay.

Ms. Marigold: Yes, it is a young family with kids, they want their own swimming pool and they probably do not want to merge the properties for financial reasons.

Mr. Minardi: I am okay.

Ms. Marigold: It is certainly not going to hurt the neighborhood and it is not substantial. Is there anybody else who wants to talk about this?

Mr. Ackerman: No but I just want to say that this went off very well, again, compliments to everyone for indulging and keeping me busy. I thought I was going to be on the screen, Beth, for some reason so I got all dressed up, I got out of my swimming trunks, Beth.

Ms. Baldwin: You only have to worry about the top half Lenny.

Mr. Harden: Lenny, you had the monopoly today.

Mr. Hillel: So, you are still in Florida?

Ms. Marigold: You had swim trunks but we have pajamas to get out of, so is there a motion to close...

Mr. Ackerman: Thank you everyone.

Ms. Marigold: Is there a motion to close the hearing on Huntting Lane?

Mr. Harden: So moved.

Mr. Minardi: Second.

Ms. Marigold: All in favor?

Mr. Hillel: Aye.

Mr. Humphrey: Aye.

Ms. Marigold: And now is there a motion to close the meeting?

Mr. Hillel: Motion.

Mr. Harden: Second.

Ms. Marigold: All in favor?

Mr. Harden: Aye.

Mr. Minardi: Aye.

Ms. Marigold: Thank you everybody. Good job.

continued on next page

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**NOTICE OF
HEARING**

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Incorporated Village of East Hampton will hold a public meeting at the Emergency Services Building, One Cedar Street, East Hampton, New York, on Friday, March 13, 2020 at 11:00 a.m. on the following applications and to conduct such other business as may come before the Board:

Application of Georgica LLC, SCTM#301-12-2-1.1, for Area Variances from Chapter 278, Zoning, to reconstruct with alterations a preexisting and nonconforming accessory building. Variances are sought from Section 278-3.D.(1) to reconstruct with alterations a 1,964 square foot accessory building containing multiple rooms where accessory buildings are limited to 250 square feet in gross floor area and cannot contain more than one room. A 1,986 square foot variance is requested from Section 278-3.D.(7) to permit the reconstruction of an accessory building where the combined gross floor area for all existing accessory buildings totals 3,564 square feet and the maximum permitted accessory building gross floor area for this lot is 1,578 square feet. The subject property is 115,736 square feet in area and is located at 283 Georgica Road in Residence Districts R-80. This project is classified as a Type II Action in accordance with SEQR.

Application of Donald R. Mullen Jr., SCTM#301-5-2-12, for Variances from Chapter 278, Zoning, to make alterations and construct additions to an existing residence. A 1,060 square foot variance is requested from Section 278-3.A.(13)(a) to construct additions and permit a residence containing 10,560 square feet of gross floor area. The maximum gross floor area permitted by zoning is 8,726 square feet and the existing residence contains 9,500 square feet. A 7.9 foot variance is requested from Section 278-3.A.(4)(a) to make alterations to a residence located 42.1 feet from the side yard lot line where the required setback is 50 feet. A 10.6 foot variance is requested from Section 278-3.B(2)(c) to permit a low pitch roof 45.4 feet from the side yard property line where the required setback for a low pitch roof is 56 feet, and any other relief necessary. The subject property is 110,853 square feet in area and is located at 67 Cross Highway in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR. Application of 34 Darby LLC, SCTM#301-8-12-17, for Variances from Chapter 278, Zoning, to make alterations and construct an addition to a preexisting nonconforming residence. Variances of 28.9 feet and 6 feet are requested from Section 278-3.A.(4)(a) to make alterations to an existing residence located 21.1 feet from the side yard lot line and to construct additions 44 feet from the side

yard lot line when the required setbacks are 50 feet. The subject property is 96,506 square feet in area and is located at 34 Darby Lane in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR.

Application of 49 Hunting Lane, LLC, SCTM#301-3-8-9.2, for Area Variances from Chapter 278, Zoning, to construct a swimming pool and patio. A 9.1 foot variance is requested from Section 278-3.A.(5)(b) to construct a patio 0.9 feet from the side yard lot line where the required setback is 10 feet. A 18.8 foot variance is requested from Section 278-3.A.(5)(c) to construct a swimming pool 1.2 feet from a side yard lot line where the required setback is 20 feet. A Variance is requested from Section 278-1.A. to permit the construction of accessory structures on property without a principal building. The subject property is 16,541 square feet in area and is located at 49 Hunting Lane in Residence District R-40 and the Hunting Lane Historic District. This project requires approval of the Village Design Review Board and is classified as a Type II Action in accordance with SEQR. Said Zoning Board of Appeals will at said time and place hear all persons who wish to be heard in connection with the applications. Interested parties may be heard in person, by agent, or by attorney. Dated: February 21, 2020 By Order of Lysbeth A. Marigold, Chair, Zoning Board of Appeals, Inc. Village of East Hampton 33-2

Due to COVID-19,
the Zoning Board's
March 13, 2020
meeting was postponed
until April 24, 2020.

VILLAGE OF EAST HAMPTON, NY
DATE May 11, 2020
3:30 p.m.

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