

Zoning Board of Appeals
June 12, 2020
11:00 a.m.
via Video-Conferencing and
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Those present were:

Lysbeth A. Marigold, Chair
Philip O'Connell, Vice Chair
John L. McGuirk III, Member
Lawrence A. Hillel, Member
Christopher A. Minardi, Alternate Member
Elizabeth Baldwin, Village Attorney
Billy Hajek, Village Planner
Leonard I. Ackerman, Attorney on behalf of 7 West End Road, LLC
Jodi Gambino, LTV Moderator
Jason Nower, LTV Moderator
Pamela J. Bennett, Deputy Clerk

Mr. Gambino: And we are live.

Ms. Marigold: Good morning ladies and gentlemen. Let us start by calling this third Zoom meeting of the East Hampton Village Zoning Board to order. First, we have to approve the minutes of May 8, 2020. Does anybody have any additions or corrections? If not, I would like a motion to accept the minutes as submitted.

Mr. McGuirk: So moved.

Mr. Minardi: Second.

Ms. Marigold: All in favor?

Mr. McGuirk: Aye.

Mr. Minardi: Aye.

Ms. Marigold: Next we have five determinations, I will read the name and address, written by our Village Attorney, after which Ms. Bennett will poll

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the Board. For more information, the complete applications can be found on file at Village Hall when you are allowed to visit Village Hall.

DETERMINATIONS

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

Ms. Marigold: The first determinations, we are doing two together, it is Zee I LLC at 19 Chauncey Close and Zon II LLC at 23 Chauncey Close. If you remember, this was to remove Phragmites and to restore the wetlands, it is hereby granted.

Ms. Bennett: Ms. Marigold?

Ms. Marigold: Yes.

Ms. Bennett: Mr. McGuirk?

Mr. McGuirk: Yes.

Ms. Bennett: Mr. Hillel?

Mr. Hajek: Larry is on mute.

Ms. Bennett: Unmute yourself, Larry.

Ms. Marigold: Larry?

Mr. Hajek: There he is.

Ms. Bennett: Still muted though.

Mr. Hillel: Can you hear me now?

Ms. Bennett: Yes, good. Mr. Hillel?

Mr. Hillel: Yes.

DETERMINATION

Aberdeenshire, LLC – 29 Huntting Lane – SCTM #301-3-8-5

Ms. Marigold: The next one is Aberdeenshire, LLC, 29 Huntting Lane, this was to legalize coverage, walkways, and patios and that has been granted.

Ms. Bennett: Ms. Marigold?

Ms. Marigold: Yes.

Ms. Bennett: Mr. McGuirk?

Mr. McGuirk: Yes.

Ms. Bennett: Mr. Hillel?

Mr. Hillel: Yes.

DETERMINATION

Brian Francis Watson and Edwina Brooke LeMaistre –
10 Jones Cove Road – SCTM #301-7-4-7

Ms. Marigold: Then we have Brian Francis Watson and Edwina Brooke LeMaistre at 10 Jones Cove Road to legalize coverage and an existing patio, that too has been granted.

Ms. Bennett: Ms. Marigold?

Ms. Marigold: Yes.

Ms. Bennett: Mr. McGuirk?

Mr. McGuirk: Yes.

Ms. Bennett: Mr. Hillel?

Mr. Hillel: Yes.

DETERMINATION

117 Lily Pond Lane LLC – 117 Lily Pond Lane – SCTM #301-13-12-4.3

Ms. Marigold: And 117 Lily Pond Lane LLC at 117 Lily Pond Lane, a request to make an alteration to the preexisting nonconforming residence and to add a cellar stairwell, that too has been granted.

Ms. Bennett: Ms. Marigold?

Ms. Marigold: Yes.

Ms. Bennett: Mr. McGuirk?

Mr. McGuirk: Yes.

Ms. Bennett: Mr. Hillel?

Mr. Hillel: Yes.

ADJOURNMENTS

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

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

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

Eric and Lori Blatstein – 211 Lily Pond Lane – SCTM #301-15-4-12

Justin G. and Elizabeth P. Sautter – 3 Georgica Road –
SCTM #301-8-12-5.10

John and Cecilia Ford – 90 Pantigo Road – SCTM #301-4-7-24.1

Ms. Marigold: Next we have an unprecedented six requests for adjournment and as John McGuirk says, they are afraid of Zoom. For the next meeting, July 10, 2020, is it okay if I do all six together?

Ms. Bennett: Sure.

Ms. Marigold: Okay, one is c/o The Maidstone, premises of Lexington Lounge LLC, 207 Main Street, next we have Donald R. Mullen Jr. at 67 Cross Highway, James D. Danella at 49 La Forest Lane, Eric and Lori Blatstein at 211 Lily Pond Lane, Justin G. and Elizabeth P. Sautter, 3

Georgica Road, and last the continued hearing of John and Cecilia Ford at 90 Pantigo Road. Do I have a motion to accept?

Mr. Hillel: Motion.

Ms. Marigold: Second?

Mr. Minardi: Second.

Ms. Marigold: All in favor?

Mr. Hillel: Aye.

Mr. McGuirk: Aye.

Mr. Minardi: Aye.

ORIGINAL HEARING

7 West End Road, LLC – 7 West End Road – SCTM #301-15-4-7

Ms. Marigold: Okay now we turn to the new hearings. Next is the application of 7 West End Road, LLC, that is at 7 West End Road, and Ms. Bennett, would you please read the application.

Ms. Bennett: Application of 7 West End Road, LLC, SCTM#301-15-4-7, for Variances from Chapter 101, Coastal Erosion Hazard Areas, and Chapter 124, Preservation of Dunes, to clear vegetation, import fill, grade land and plant vegetation. A Coastal Erosion Hazard Area Permit and Variances are required in accordance with Sections 101-9.(B) and 101-19. to clear vegetation, grade, and import fill and plant vegetation seaward of the Coastal Erosion Hazard Area line and situated on a primary dune. An approximate 80 foot variance is requested from the provisions of Chapter 124-1.A.(2) to clear vegetation, grade, and import fill and plant vegetation at a point commencing approximately 70 feet from the edge of beach grass where no clearing, disturbance, grading land or damaging existing vegetation is permitted within 150 feet of the edge of beach grass. The subject property is 154,772 square feet in area and is located at 7 West End Road in Residence District R-160. The property adjoins the ocean beach and is located in FEMA Flood Zone VE (el. 17), Zone AE (el. 10) and Zone X. This project is classified as a Type II Action in accordance with SEQR.

Mr. Gambino: Just want to let you guys know we have a caller on the line.

Ms. Marigold: Can the caller make themselves known on the application.
Caller on the line?

Mr. Gambino: Hi caller, you are on the line.

Mr. Ackerman: Yes, Lenny Ackerman.

Ms. Marigold: Mr. Ackerman?

Mr. Ackerman: Yes, I am here. Are you ready because it is delayed, I am still hearing Pam speak?

Ms. Marigold: Yes, we are ready.

Mr. Ackerman: Thank you. First, I want to welcome Phil to the Board, nice to see you Phil. This application is for a Coastal Erosion variance for re-veg and some fill in connection with the installation of a boardwalk to the cottage that sits within the Coastal Erosion. We have reviewed Billy Hajek's memo and are satisfied with that memo and the conditions.

Ms. Marigold: Okay well I have to say this is one of those properties that when I read about it, I was alarmed but when I went over to see the property and I read Billy Hajek's very intensive memo on it, I completely changed my mind on it. I thought that this was a total new build, it is replacing a preexisting walkway but you are making it even more ecologically correct and Billy at some point do you want to read your conditions for approval that the applicant has agreed to.

Mr. Hajek: Sure, just some background, they are importing about 840 cubic yards of clean sand fill material and restoring the backside of the dune with native vegetation. The current conditions, it is a dune scape but it is full of obnoxious and non-native vegetation so overall I think the restoration is a good project. If the Board is ready to approve it, I would suggest the following conditions which is the temporary use of irrigation only while the plants are established and then removal of the irrigation once the plants are well established, that it be only sand fill material used in the restoration, that they not mulch it to treat it like a landscape, that it is treated like a

beachscape so they would mulch it with only clean sand, and then project limiting fence be installed along the crest of the dune so that they do not encroach onto the seaward side of the dune and to maintain all equipment on the backside of the dune and that the Village be notified before and after the project starts and finishes so that we can keep tabs on the work that they are doing. So that is it, if you have any questions for me, I would be happy to try to answer them.

Ms. Marigold: Are they taking out large plants and putting in little, tiny ones?

Mr. Hajek: Well the larger vegetation, there is some larger vegetation that is being removed but it is Japanese Black Pine, technically they are non-native, they have kind of, they are very common in the dunes but by strict definition they are non-native and they are putting back some pretty mature Bayberry and I believe some Cedar trees are called for the plan and then a lot of beachgrass. So, it is going to be a more naturalized landscape.

Mr. O'Connell: I have one comment.

Mr. Hajek: Sure.

Mr. O'Connell: So in the past the revetment that it is out in front of the small beach cottage, the sand has not looked like clean sand so I would just ask that when they actually do this project, the applicant is very conscience of what they are placing in there, just as your memo said, because one time it was like a dark, dark gray and then another time it did not really match the beach so I would just ask them to be conscience of that.

Mr. Hajek: Phil, so when we get notified of the project commencement, we will try to get out there and look at the material they are using and if need be, we can ask for a sieve analysis which is a grain size analysis to insure that it is beach compatible material.

Mr. O'Connell: Great, thank you.

Ms. Marigold: Does anyone have any other questions? Any comments? Larry?

Mr. Hillel: I am in agreement.

Ms. Marigold: Who else is sitting on this? Craig is not on, is he?

Ms. Bennett: It will be the five of you.

Mr. McGuirk: I think Billy covered it all Lys in the memo to be honest with you.

Ms. Marigold: Yes. All right, are there any other phone calls on line about this project?

Mr. Nower: There are currently no other phone calls on the line.

Ms. Marigold: Okay, then is there a motion to close the hearing?

Mr. Hillel: Motion.

Mr. O'Connell: Second.

Ms. Marigold: All in favor?

Mr. Hillel: Aye.

Mr. Minardi: Aye.

Mr. O'Connell: Aye.

Mr. McGuirk: Aye.

Ms. Marigold: And I think this is a new record. A motion to close the meeting?

Mr. McGuirk: So moved.

Ms. Marigold: Second?

Mr. Minardi: Second.

Ms. Marigold: All in favor?

Mr. O'Connell: Aye.

Mr. McGuirk: Aye.

Mr. Hillel: Aye.

Mr. Minardi: Aye.

Note: The application of 101 LPL LLC, 101 Lily Pond Lane, SCTM #301-13-12-6.2 has been withdrawn.

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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, June 12, 2020 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. The applications can be viewed on the Village's website easthamptonvillage.org by clicking on the "Alerts" tab.

Application of Justin G. and Elizabeth P. Sautter, SCTM#301-8-12-5.10, for Area Variances from Chapter 278, Zoning, to construct a detached garage and pool house/cabana. A 2.3-foot variance is requested from Section 278-3.D.(6)(c) to construct a garage 22.3 feet in height when the maximum permitted height of a garage is 20 feet. Variances of 15 feet and 14.5 feet are required from Section 278-3.A.(5)(c) to construct a pool house/cabana in a building to be located approximately 25 feet from the side yard lot line and 25.5 feet from the rear yard lot line where the required setbacks are 40 feet, and any other relief necessary. The subject property is 43,806 square feet in size and is located at 3 Georgica Road in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR. Application of Eric and Lori Blatstein, SCTM #301-15-4-12, for Area

Variances from Chapter 278, Zoning, and Chapter 160, Flood Damage Prevention, to construct a detached garage. Variances are required from Sections 160-14.(B)(2)(c), 160-14.(B)(3) and 160-14.(C)(1)(a) to construct a basement and install mechanical equipment below the base flood elevation requirements. A variance is required from Section 278-3.A.(5)(f) to construct a detached garage within the front yard area of the lot. Variances of 33.6 feet and 35 feet are required from Section 278-3.A.(5)(a) to construct a detached garage and cellar egress 21.4 feet and 20 feet from a front yard lot line where the required front yard setbacks are 55 feet. An approximate 2.5 foot variance is required from Section 278-3.D.(6)(c) to construct a detached garage approximately 22.5 feet in height when the maximum permitted height is 20 feet. Variances are required from Sections 278-1 (definition of garage) and 278-3.D.(4)(a) to permit an exercise room in a detached garage where detached garages are limited to storage and parking automobiles. An 845 square foot variance is requested from Section 278-3.A.(9) to permit 11,474 square feet of coverage where the preexisting coverage is 10,629 square feet and zoning limits coverage on this property to 10,394 square feet, and any other relief necessary. The subject property is 52,630 square feet in size and is situated at 211 Lily Pond Lane and fronts on the Atlantic Ocean. The property is

located in Residence District R-160 and is in FEMA Flood Zones VE and AE. This project is classified as a Type II Action in accordance with SEQR.

Application of 7 West End Road, LLC, SCTM#301-15-4-7, for Variances from Chapter 101, Coastal Erosion Hazard Areas, and Chapter 124, Preservation of Dunes, to clear vegetation, import fill, grade land and plant vegetation. A Coastal Erosion Hazard Area Permit and Variances are required in accordance with Sections 101-9.(B) and 101-19. to clear vegetation, grade, and import fill and plant vegetation seaward of the Coastal Erosion Hazard Area line and situated on a primary dune. An approximate 80 foot variance is requested from the provisions of Chapter 124-1.A.(2) to clear vegetation, grade, and import fill and plant vegetation at a point commencing approximately 70 feet from the edge of beach grass where no clearing, disturbance, grading land or damaging existing vegetation is permitted within 150 feet of the edge of beach grass. The subject property is 154,772 square feet in area and is located at 7 West End Road in Residence District R-160. The property adjoins the ocean beach and is located in FEMA Flood Zone VE (el. 17), Zone AE (el. 10) and Zone X. This project is classified as a Type II Action in accordance with SEQR.

Application of 101 LPL LLC, SCTM#301-13-12-6.2, for Variances from Chapter 101, Coastal Erosion Hazard Areas,

Variances from Chapter 278, Zoning, to legalize light fixtures and swimming pool equipment and install two security cameras mounted on poles. A Coastal Erosion Hazard Area Permit and Variances are required in accordance with Sections 101-9.(B) and 101-19. to legalize two light fixtures and swimming pool equipment and to construct and install two security cameras mounted on poles all located seaward of the Coastal Erosion Hazard Area line and situated on a primary dune. Variances of 14.1 feet and 13 feet are requested from Section 278-3.A.(5)(b) to install two security cameras mounted on poles located 5.9 feet and 7 feet from the side yard lot line where the required setbacks are 20 feet. The subject property is 131,397 square feet in area and is located at 101 Lily Pond Lane in Residence District R-160. The property adjoins the ocean beach and is located in FEMA Flood Zone VE (el. 17) and Zone X. This project is classified as a Type II Action in accordance with SEQR.

Said Zoning Board of Appeals will at said time and place hear all persons who wish to be heard in connection with the applications. Interested parties may be heard in person, by agent, or by attorney. Dated: May 22, 2020 By Order of Lysbeth A. Marigold, Chair, Zoning Board of Appeals, Inc. Village of East Hampton 46-2

FILED
VILLAGE OF EAST HAMPTON, NY
DATE: July 10, 2020
TIME: 12:34 p.m.

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