

Zoning Board of Appeals
August 13, 2021
11:00 a.m.
Emergency Services Building
One Cedar Street, East Hampton

Those present were:

John L. McGuirk III, Chairman
James H. McMullan, Vice Chairman
Philip O'Connell, Member
Joseph B. Rose, Member
Carrie Doyle, Member
Andrew Baris, Alternate Member
Vincent J. Messina Jr., Village Attorney
Billy Hajek, Village Planner
Thomas Preiato, Building Inspector
Brian Stanis, Applicant, 15 Pleasant Lane, LLC
Robert Connelly, Attorney on behalf of Margaret Van Ert
Margaret Van Ert, Applicant
Pamela J. Bennett, Village Clerk

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

Carrie Doyle

Chairman McGuirk welcomed Carrie Doyle to the Zoning Board of Appeals.

MINUTES

Upon motion of Joseph B. Rose, duly seconded by James H. McMullan, the Board unanimously approved the minutes of **July 9, 2021.**

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

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DETERMINATION

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

Upon motion of Philip O'Connell, duly seconded by James H. McMullan, the Board unanimously approved the request to legalize existing gross floor area and swimming pool equipment and to legalize and expand coverage.

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

DETERMINATION

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

Upon motion of Philip O'Connell, duly seconded by Joseph B. Rose, the Board unanimously approved the request to construct a staircase, ramp, floating dock and storage sling.

Chairman McGuirk – Aye
Member O'Connell – Aye
Member Rose – Aye
Alternate Member Baris – Aye

DETERMINATION

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

Upon motion of Philip O'Connell, duly seconded by Joseph B. Rose, the Board unanimously approved the request to construct a pool house within an existing building/barn.

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

DETERMINATION

106 Briar Patch Rd LLC – 106 South Briar Patch Road – SCTM #301-
12-4-21.1, 19.2, and 20.2

Upon motion of James H. McMullan, duly seconded by Philip O'Connell, the Board unanimously approved the request to raze existing

improvements and to construct a two-story residence, patios, and swimming pool.

Chairman McGuirk – Aye
Vice Chairman McMullan – Aye
Member O’Connell – Aye
Member Rose – Nay

A D J O U R N M E N T S

The applications of JABR LLC – 209 Further Lane – SCTM #301-5-2-14.2, Howard and Nancy L. Kurz – 5 Jones Road – SCTM #301-12-7-4, 234 Cove Hollow LLC – 234 Cove Hollow Road – SCTM #301-12-3-4, and 34 Darby LLC – 34 Darby Lane – SCTM #301-8-12-17 are adjourned until September 10, 2021.

C O N T I N U E D H E A R I N G

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

Chairman McGuirk called the hearing to order at 11:04 a.m.

Brian Stanis appeared and stated that he revised the plans which reduced the number of requested variances; the swimming pool and the pool equipment itself only require a rear yard setback variance. With reference to gross floor area, originally proposed at 441 square feet or 26 percent over what was allowed, has been reduced; the overall size of the house has been reduced and he now requests a 182 square foot gross floor area variance or 10.7 percent variance which is more in character with the sizes of the houses on the street.

Mr. O’Connell asked Mr. Stanis if he proposes to sink the pool equipment. Mr. Stanis said yes, within a railroad tie pit to help with any noise. Mr. O’Connell noted that the applicant abuts commercial property. Mr. McGuirk stated that he has no objection to the application and asked if anyone in the audience wished to be heard. (no) Mr. McMullan thanked the applicant for listening to the Board and making the adjustments as it is a big help. Mr. Stanis stated that the adjustments turned out to be a better layout and overall project.

Upon motion of Philip O’Connell, duly seconded by Joseph B. Rose, the Board unanimously closed the Public Hearing.

Chairman McGuirk – Aye
Vice Chairman McMullan – Aye

Member O'Connell – Aye
Member Rose – Aye

ORIGINAL HEARING

Margaret Van Ert – 14 Mill Hill Lane – SCTM #301-8-4-27

Chairman McGuirk called the hearing to order at 11:08 a.m. and the Notice of Hearing, as duly published in the East Hampton Star, was read.

Application of Margaret Van Ert, SCTM#301-8-4-27, for Variances from Chapter 278, Zoning, to legalize coverage and the expansion of accessory structures. A 434 square foot variance is requested from Section 278-3.A.(9)(a) to allow 2,585 square feet of coverage to remain where the legally preexisting coverage appears to be 2,151 square feet. The maximum permitted coverage by zoning is 1,678 square feet. A 23-foot variance is required from Section 278-3.A.(5)(a) to legalize the expansion of a patio located approximately 12 feet from the front yard lot line where the required setback is 35 feet. A 2-foot variance is required from Section 278-3.A.(5)(b) to legalize the expansion of a patio located approximately 8 feet from the rear yard lot line where the required setback is 10 feet, and any other relief necessary. The subject property is 5,892 square feet in area and is located at 14 Mill Hill Lane in Residence Districts R-40 and R-80. This project is classified as a Type II Action in accordance with SEQR.

Robert Connelly Esq. appeared on behalf of the applicant and stated that he is appearing today in hopes of legalizing violations on the property some of which existed since at least 2004. The masonry and stone walls, walkways, air conditioning units, and window wells were neglected to be included in the lot coverage calculation by the prior surveyor in 2006. Based upon that survey, the Zoning Board granted a prior owner a variance to allow 2,151 square feet of coverage. Had the coverage been calculated properly back in 2006, it would have been determined then that it was 2,604 square feet. With respect to the expansion of the west patio, the neighbor has indicated that the patio has been in its current configuration since at least 2014 when they purchased their property. The west patio had an odd configuration which the prior owners most likely squared off to make it more useful making it 42 square feet larger. Mr. McGuirk noted that it appears the expansion comes back toward the house. Mr. Connelly stated that the east patio was increased in size at some point by 72 square feet. The total lot

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coverage today, 2,585 square feet, is less than what it was in 2007 which was 2,604 square feet.

Mr. Connelly stated that the grant of the requested variances would not have any adverse impact on the character of the neighborhood and the improvements that require relief are not visible from the street and that the only neighbor that could have a conceivable objection supports the application. There will be no physical or environmental impacts by the grant of the variances. The variance is substantial; however, the substantiality is mitigated by the fact that the relief requested will have no impact on the surrounding properties and that the items that were excluded from the lot coverage calculation were all depicted on surveys that were on file with the Village and were included on the last Certificate of Occupancy. This is not a self-created hardship. The property was purchased in December 2020, an application for an updated C.O. was made but the applicant had to close prior to the physical copy of the updated C.O. being issued because Ms. Van Ert was moving across the country and her daughter was starting school in January and was told by the seller's attorney that the house had passed the updated C. of O. inspection on the day of closing.

The Board found no objection except Mr. Rose questioned if the Village is on top of reviewing the surveys going forward so an oversight does not slip by in terms of calculations. Mr. Hajek stated that the Village does their best but it is hard because you rely on a licensed land surveyor to provide the calculation. Mr. Preiato echoed Mr. Hajek's response. Mr. O'Connell noted that had the surveyor calculated the coverage correctly prior and what is being asked for today is 19 square feet less. Mr. Connelly said agreed. Mr. O'Connell found no objection.

Philip O'Connell made a motion to close the hearing and no one was in the audience to be heard. Village Attorney Messina suggested that if no one is opposed, a motion can be made to grant the application subject to a written determination which will be provided if the Board so wishes. Mr. O'Connell agreed and James H. McMullan seconded the motion. Mr. McGuirk stated that there are a couple of motions on the table, one to close the hearing, Joseph B. Rose seconded, and all were in favor. Mr. McGuirk asked for a motion to grant subject to a written determination, Joseph B. Rose made the motion, John L. McGuirk III seconded, and all were in favor. A poll of the Board was taken as follows:

Member Doyle – Aye

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

Upon motion of Joseph B. Rose, duly seconded by James H.
McMullan, the Board unanimously adjourned the meeting at 11:15 a.m.

Chairman McGuirk – Aye
Vice Chairman McMullan – Aye
Member O’Connell – Aye
Member Rose – Aye
Member Doyle – Aye

continued on next page

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Incorporated Village of East Hampton will hold a public meeting at the Emergency Services Building, One Cedar Street, East Hampton, New York, on Friday, August 13, 2021 at 11:00 a.m on the following applications and to conduct such other business as may come before the Board.

Application of Margaret Van Ert, SCTM#301-8-4-27, for Variances from Chapter 278, Zoning, to legalize coverage and the expansion of accessory structures. A 434 square foot variance is requested from Section 278-3.A.(9)(a) to allow 2,585 square feet of coverage to remain where the legally preexisting coverage appears to be 2,151 square feet. The maximum permitted coverage by zoning is 1,678 square feet. A 23-foot variance is required from Section 278-3.A.(5)(a) to legalize the expansion of a patio located approximately 12 feet from the front yard lot line where the required set-

back is 35 feet. A 2-foot variance is required from Section 278-3.A.(5)(b) to legalize the expansion of a patio located approximately 8 feet from the rear yard lot line where the required setback is 10 feet, and any other relief necessary. The subject property is 5,892 square feet in area and is located at 14 Mill Hill Lane in Residence Districts R-40 and R-80. This project is classified as a Type II Action in accordance with SEQR.

Application of 234 Cove Hollow LLC, SCTM #301-12-3-4, for a Variance from Chapter 278, Zoning, to legalize coverage. A 45 square foot variance is requested from Section 278-3.A.(9)(a) to allow 10,499 square feet of coverage where the maximum permitted coverage is 10,454 square feet, and any other relief necessary. The subject property is 53,024 square feet in area and is located at 234 Cove Hollow Road in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR.

Application of Howard and Nancy L. Kurz, SCTM#301-12-7-4, for Variances from Chapter 278, Zoning and Chapter 163, Freshwater Wetlands, to legalize swimming pool equipment and an outdoor shower. A wetlands permit is requested in accordance with Sections 163-2 and 163-3 and variances of approximately 75 feet and 103 feet are requested from Section 278-3.A.(8) to legalize swimming pool equipment located approximately 75 feet from wetlands and an outdoor shower located approximately 47 feet from wetlands where the required

setbacks are 150 feet. A 17.7-foot variance is requested from Section 278-3.A.(5)(c) to legalize swimming pool equipment located 22.3 feet from the rear yard lot line where the required setback is 40 feet. A 2.2-foot variance is requested from Section 278-3.A.(5)(b) to legalize an outdoor shower located 17.8 feet from the rear yard lot line where the required setback is 20 feet, and any other relief necessary. The subject property is 62,202 square feet in area and is located at 5 Jones Road in Residence District R-160. This project may require a wetlands permit from the New York State Department of Environmental Conservation 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: July 23, 2021

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

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FILED
VILLAGE OF EAST HAMPTON, NY
DATE: 9/27/21
TIME: 9:10 AM

Pamela J Bennett

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