

Zoning Board of Appeals
September 24, 2021
11:00 a.m.
via Video-Conferencing and
Published by Local TV Inc.

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 Messina, Village Attorney
Thomas Preiato, Building Inspector
Billy Hajek, Village Planner
Leonard I. Ackerman, Attorney on behalf of 34 Darby LLC
Andrew E. Goldstein, Attorney on behalf of 34 Darby LLC
Pietro Cicognani, Architect on behalf of 34 Darby LLC
Joel Snodgrass, Architect on behalf of 34 Darby LLC
Anne Walker, Architectural Historian on behalf of 34 Darby LLC
Daniel Hays, Neighbor of 34 Darby LLC
Jonathan Tarbet, Attorney on behalf of 50 East Hollow LLC and Oeuvre, LLC
Nancy Marshall, Attorney on behalf of Bayberry Close Corp.
Jody Gambino, LTV Moderator
Pamela J. Bennett, Village Clerk

Mr. McGuirk: Welcome to the Village of East Hampton's Zoning Board of Appeals' meeting for Friday, September 24th.

MINUTES

Mr. McGuirk: We have the minutes from August 13, 2021. Can I have a motion?

Mr. Rose: So moved to adopt.

Mr. McGuirk: Can I have a second please?

Mr. McMullan: Second.

16556

Mr. McGuirk: All in favor?

Mr. McMullan: Aye.

Mr. O'Connell: Aye.

Mr. Rose: Aye.

Ms. Doyle: Aye.

DETERMINATION

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

Mr. McGuirk: We have two determinations today and the files are available at Village Hall for reviewing. So, Pam on the first application of 15 Pleasant Lane, we do not need to know who is sitting on it, right?

Ms. Bennett: No, I will poll the correct people.

Mr. McGuirk: In the application of 15 Pleasant Lane, LLC, 15 Pleasant Lane, Suffolk County Tax Map number 301-2-2-13.3, to construct a single-family residence, swimming pool and pool equipment is approved. May I have a motion?

Mr. McMullan: I make a motion.

Mr. McGuirk: Second?

Mr. O'Connell: Second.

Mr. McGuirk: Pam, can you poll the Board?

Ms. Bennett: Sure. Mr. McGuirk?

Mr. McGuirk: Yes.

Ms. Bennett: Mr. McMullan?

Mr. McMullan: Yes.

Ms. Bennett: Mr. O'Connell?

Mr. O'Connell: Yes.

Ms. Bennett: Mr. Rose?

Mr. Rose: Yes.

DETERMINATION

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

Mr. McGuirk: And we have a second determination in the application of Margaret Van Ert, 14 Mill Hill Lane, Suffolk County Tax Map number 301-8-4-27 to legalize coverage and expand accessory structures is approved. May I have a motion?

Mr. O'Connell: Motion.

Mr. McGuirk: Can I have a second?

Mr. Rose: Second.

Mr. McGuirk: Pam, please, poll the Board.

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. Rose?

Mr. Rose: Yes.

Ms. Bennett: Ms. Doyle?

Ms. Doyle: Yes.

ADJOURNMENT

Lisa and Gary Seff – 43 Mill Hill Lane – SCTM #301-8-7-18

Mr. McGuirk: Moving along here on the adjournment today, we have Lisa and Gary Seff, 43 Mill Hill Lane to be adjourned until October 1, 2021. I do not need a motion for that, right?

Ms. Bennett: No.

Mr. McGuirk: So now we are onto our hearings, we have 34 Darby, 34 Darby Lane, Pam, can you please read the notice.

ORIGINAL HEARING

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

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 21.6 feet are requested from Section 278-3.A.(4)(a) to make alterations to an existing residence located 21.1 feet from the side yard lot line and to construct an addition 28.4 feet from the side yard lot line where the required setbacks are 50 feet. The subject property is 96,506 square feet in area and is located at 34 Darby Lane in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: Thank you. Pam, please indicate who is sitting on this application, I believe it is the full Board and there are no alternates on this?

Ms. Bennett: That is correct, unless someone has recused themselves.

Mr. McGuirk: And nobody has, okay.

Mr. Gambino: We have the applicant on the line too if you want me to unmute them?

Mr. McGuirk: We should just have the Counsel for 34 Darby Lane.

Mr. Messina: Who has identified themselves as the applicant, Mr. Gambino?

Mr. Gambino: Daniel Hays.

Ms. Bennett: He is a neighbor, Jody.

Mr. Gambino: Sorry.

Mr. Ackerman: Good morning, Mr. Chairman, this is Lenny Ackerman on behalf of the applicant. It is a pleasure to appear this morning on behalf of this applicant owner. As all of you I am sure have experienced upon visiting the property, this is an unusual piece of property with a lot and substantial historical value. I have as witnesses today, the architect on the project, Pietro Cicognani, I also have two architectural historians who submitted reports and have very brief presentations to make and answer any questions Joel Snodgrass and Anne Walker of Peter Pinoyer. First, I want to thank Billy for his excellent memo outlining the history of the property which dates back to an original house in 1895 that was remodeled in 1927. This iconic parcel was the subject of prior numerous articles in the Star having been designed by a well-known architect, Fullerton Weaver, and later remodeled by Alexander Gorlin, a very important architect of this period. Over the years this home has been renovated and rebuilt with the original architecture, aesthetics remaining essentially intact. Joel Snodgrass will speak to the historical components, complimentary architecture of what is proposed, and Anne Walker will speak to the alternatives and the furthering of the Gorlin design which is part of this application. My task as a lawyer, not as an architect, is to demonstrate as set forth in Billy's memo the satisfaction of the five criteria that show the benefit to the applicant outweigh a detriment to the health, safety and welfare of the neighboring community. With respect to the first criterion, character of the neighborhood, I think our positions, papers that we have submitted in support, our legal memorandums and the plans and the reports of our architectural historians demonstrate that there will be no substantial change in the character of the neighborhood by virtue of what is proposed. There is no visual impact due to the location of additional significant plantings on the property which we have provided a memorandum on to deal with the issues with respect to the length of construction that this project took principally due to the impact of COVID. We have indicated in our September 8th letter that in our dealings with Mrs. Robbins' Counsel I believe we have resolved her issues with respect to noise during this lengthy period of construction with plantings and fencing as well as dates of construction and limitation of hours. With respect to the benefit sought by the applicant, the issue is whether they can be achieved other than by a variance. What we are going to demonstrate through our expert witnesses today is that the owner is expanding on the symmetry, not just more space. Alternative locations have been considered and

it is our position and we will demonstrate that they are not aesthetically in sync with the historic program of this property. The third criterion to be balanced, is the variance substantial. As Billy points out, although we are seeking only 700 square feet, plus or minus, with respect to expansion by virtue of the double height ceiling, the actual application is in excess of that. With respect to environmental impacts on the neighborhood, there are no wetlands here. This is a very modest addition and the fifth and final criteria, is this self-created, yes, it is in terms of the fact that this property was acquired, purchased in 2020, with applicable zoning in place, however, as Billy has noted out in his memo, when this house was originally built some time ago, the setbacks were half of what they are today which renders it in some respects not self-created. So, I would ask Pietro and Mr. Chairman I have indicated to all of our witnesses to keep their remarks very short so that the Board can interact and ask any questions. So, Pietro, could you make your presentation please.

Mr. Cicognani: Good morning, Pietro Cicognani, Cicognani Kalla Architects. I have been working in your area for the last 34 years...[inaudible]...Paris and Columbia University, I have great respect for your zoning rules and regulations. In fact, we may start with some images. This is the master plan that we are dealing with...

Mr. McGuirk: We cannot see anything, it is not up on the screen.

Mr. McMullan: You have to share your screen.

Mr. Cicognani: Is it working now?

Mr. McGuirk: Thank you, sorry to interrupt.

Mr. Cicognani: On the left you see a master plan of the area, the house in question is now located where the sunken lawn is on axis with the pool in the middle of the image on the left, and on the right, you see a historical photo of the pool, retaining wall, and pavilions that we have added. Next. This is a panoramic view of the reason why our client bought this property, it is remnants of something built in the 20's and 30's. Again, it is a pool right in the middle with a retaining wall and we are currently working on the pool to restore it and make it into a fountain as you can see the pool/fountain in this panoramic view. Next slide...

Mr. Messina: Could you go back to the past slide and make it a little bit larger please so everyone can get a good look at it, one more time, please. There we go, thank you.

Mr. Cicognani: That is clearer?

Mr. McGuirk: Yes.

Mr. Messina: Thank you.

Mr. Cicognani: This is a rendering that we did of the current condition, note the three arches with the grottos that they are trying to restore and note the fountain in the middle of the pool that we just built. Next. This is the house that Mrs. Rayner bought and this was before the start of the work two years ago, two and one-half years ago, you see the master plan how the house is linked on the center, it is symmetrically on the pool and pavilions but the house has a pergola on one side and a smaller...[inaudible]...tower on the other side. This was a, incidentally a drawing that shows a tennis court and for the pergola work permitted at some point in the past but never built. Next. This is the state of the affair when we were hired. Mrs. Rayner restored this with a previous architect and then engaged us because she thought some things were not working, the dining room was too small, there was not enough room for dining and library so this is the loggia on the left that you see and the center part of the formal center body of the house on the right. You noted the three arches on the right and the left which aligning with the three arches facing the grotto and behind the pool. Next. So, what we propose to do is this small addition on the right to balance the loggia on the left creating an octagonal room, double height space on the right, and linking it with a small link as this is a very much classical architecture what you should do when you have a center body and two wings, you should not just have one wing on one side and a truncated situation on the other side so this is really our proposal. Next. This is a model we did to show that not only this works for outside and is the only real way to link and add to the house but also from an internal organization you have a spine that runs east west in the house so the only way to continue is to continue the spine and adding all the main rooms feed off the longitudinal spine. Next. This is a Google map rendition of the current situation as it exists. Next. This is a Google map of our proposed addition. You see how it balances the other side and it creates a symmetry with a pool complex that is facing it.

Mr. Messina: So how close is the nearest structure to your proposed addition, if you know?

16562

Mr. Cicognani: You mean the pool, the swimming pool?

Mr. Messina: If that is the nearest structure, yes.

Mr. Cicognani: I do not know the exact number, I can only speculate.

Mr. Goldstein: It is further away than the existing.

Mr. Messina: Do not speculate, that is fine, thank you.

Mr. Cicognani: I can get you that information later. The drawing showing the non-compliant part of the house, given the fact that the setback doubled in the 90's, half of the house became non-compliant, that is the red portion. Next. Therefore, if you want to add in a way that it architecturally pleasing and accurate, you have to link it and you are in a non-compliant area that is why we seek a variance, this shows it. Next. And this we just build a full-scale burlap prototype to just show the impact on the property, heavy forestation all around it and this is the way that we are proposing to link to the current house. That is it for the images.

Mr. Ackerman: Are there any questions for Pietro?

Mr. McGuirk: Any Board Members have any questions?

Mr. McMullan: I have one, in this last photo, the large tree over on the right, it appears that that is going to have to be removed, and Lenny, you mentioned you are going to do some landscaping to appease the neighbor on the other side of the house. How is that going to impact this area?

Mr. Cicognani: There is no need for any tree removal. We got two different tree experts and we worked out shallow footings in order not to disturb the existing roots so no tree is getting removed and there is enough room in the back of the structures to be able to fit both a fence, an acoustic fence, and a hedge that has been negotiated with the two neighbors, there is plenty of room in the back.

Mr. Ackerman: Can I just respond, Jim. With respect to our September 8th letter outlines our mitigation. There is going to be plantings, there is going to be sound attenuating fencing along the property line, and the dates of construction, the hours of construction are going to be monitored and we have an affidavit of the contractor with respect to his projection of a date by which the construction will be completed, the date by which it will be enclosed. We have had extensive

conversations with Mrs. Robbins' Counsel with respect to the mitigation and we believe that we have satisfied her concerns and those should satisfy the concerns of any of the other neighbors who have filed objections with respect to the length of time that it has taken to obtain a C. of O. from the start here.

Mr. Rose: Can we go back to the architect first before we get into all this?

Mr. Ackerman: Sure.

Mr. McGuirk: Joe, you have a question?

Mr. Rose: Yes, I have some questions to the architect. Can you just go back to the plan and describe the program which is being accommodated in this and the issues as they relate in terms of why it cannot be conforming?

Mr. Cicognani: We will go to the model. And this is probably the best image to explain to answer your question. There is no way to attach, if you want to add a library/dining room which is what we are doing, there is no way to attach it to the front of the house which is the bottom part of this photo which would be not even requiring a variance and we could actually add way more square footage than what we are doing if we added somewhere else. Because of the double height living room that you see in the middle of the model and to the side there is a small dining room and a small library, the only way that I can see architecturally that we can attach ourselves to, is on the short side where we are attaching ourselves to, otherwise you would create a monstrosity that would follow no rhyme or reason. In terms of problem, there is a small dining room that can accommodate eight people and the program was to be able to have a fairly larger library and dining room to accommodate something like 12 to 15 people for dinner which was not possible in the previous scheme.

Mr. Rose: So, is the large octagon at the end, that is the library or the dining room?

Mr. Cicognani: Dining room with books.

Mr. Rose: Got you, okay. And what is the middle corridor area?

Mr. Cicognani: Well, that is just the link in between, you could add a second table if you so desire otherwise books, there is a wall in the back which would be a large bookcase so basically a library leading into a library/dining room situation.

Mr. Rose: Understood, thank you.

Mr. Cicognani: You are welcome.

Mr. O'Connell: I have a question, when you said the footings were going to be shallow, is there no basement under this portion of the house?

Mr. Cicognani: No, no way, it is just slab on grade.

Mr. O'Connell: Okay, thank you.

Mr. McGuirk: So, the new addition is just going to be on a slab or the old build house is on a slab.

Mr. Cicognani: The new portion is a slab on grade.

Ms. Doyle: Can I ask a question. In the dining room, just since I have seen so many iterations, is that a door that opens back toward the Robbins' property in the dining room area?

Mr. Cicognani: It is a window, the window can be fixed, it does not need to be a door at all.

Ms. Doyle: So it is a window?

Mr. Cicognani: Yes.

Ms. Doyle: Okay.

Mr. Rose: Just a quick question. Where is the kitchen?

Mr. Cicognani: Right here.

Mr. Rose: Understood, thank you.

Mr. Goldstein: That is not the kitchen.

Mr. Ackerman: If there are no other questions, I would like Joel Snodgrass to make a very brief presentation and answer any questions with respect to his report and then we will go to Anne Walker just to move things along. Joel?

Mr. Snodgrass: Can you hear me?

Mr. Ackerman: Yes.

Mr. Snodgrass: Good morning, everyone, my name is Joel Snodgrass, 1 View Place, Huntington, New York. My company is Stewart Preservation Services and we specialize in historic preservation consulting and the conservation of historic buildings and monuments. I am going to share my screen, I think it will make things easier, you will have to tell me if you are seeing that. Some of these are similar views to what Pietro showed. So you see my attachments here?

Mr. Ackerman: Yes.

Mr. Snodgrass: Okay great, thank you. All right so we were retained by the design team to look at several things, one was the historic assessment of the property, obviously starting in 1895 and then its development over time and also to explore how the existing dwelling by extension, the proposed addition, how they appropriately compliment the surviving historic context of the property and its landscape components which I gather everything was approved in the late 1980's and so this is now, as Pietro and Lenny have pointed out things have changed, but architectural necessities being designed in a specific way. You have received my report, I am not going to go over that in detail and I will try to keep my comments brief but I think it is important to highlight certain points and helpful which I will do with images. Part of the process was the interaction in relationship of the dwelling to the earliest 20th century landscape and hardscape components and I think that is the theme we really have to focus on here is what was the incentive behind Gorlin's design and the importance of the surviving historic components. And these are all concrete which are interesting at the time it is really using a forms as the texture for the surfaces, it is intentionally known and as you get up close you can see that texture and actually how that moss and everything grows and clings to it but specifically this is, as you can see in the right-hand picture, as Pietro pointed out, it is the pool ensemble which is the rectangular pool which will now will be used primarily as a fountain but it is the recessed grotto flanking ascending staircases, undulating retaining walls with built in components and these flanking pavilions which you saw in his wide framed photo which also has three arched openings each. So, note the formality and the symmetrical and balanced emphasis on these components because this is where it becomes a real stable. This was done by the third owner, Major Spencer Fullerton Weaver when he extensively remodeled and crafted the property for outdoor entertaining in 1927, this photo was from 1929, but actually part of the caption it states this was done

two years earlier. So these are 1927. The thing to note is how prominent this was in Weaver's expanded landscape. He added a polo field, he added extensive gardens, he put in the sunken recessed lawn and all balanced off of his design, folly if you will, of this romantic setting of the grotto and the components of the pool ensemble and note the intentionally designed access. You can see the line straight through the middle-arched opening of the grotto to the back wall right to the center of the entrance to the lawn and actually extends up even further. So, the ideal is they were intentionally designing this so that the landscape and these components were interacting with each other and it is important to note that these things all still survive to today. So, Weaver was, it was already pointed out, Weaver was a prominent New York City based architect and so the property was showcased in a number of publications at the time. The site plan was from the American Landscape Architect of 1930 and so as I have noted, this is an intentional backdrop with the access line and the ideas that it is now playing a similar role today with the current dwelling which you saw a picture of and then I will go back to it again. So, the symmetrical placement again is the real focus is dead center on the grotto and so what you get is maximum balance of the completely symmetrical landscape or actually hardscape component in the landscape which then is reflected in the house and ties the two together in similar fashion to where these were tied to the formal lawn. These are two more images from the same article in 1927 shown from the northeast side of the property now looking back at the southwest pavilion which you see in the far corner and, again, you can see that this was designed to be a romantic placement of this overall component or assembly or ensemble and worked very well in terms of its setting, that is the whole point. Behind it also is the ascending staircase to the rear and south side of the property, again, this was something that was supposed to be undulating and interacting with really playing off as a very direct balanced component in a balanced and symmetrical landscape. The fifth image is of the original house as remodeled by Weaver in 1927 and this house was originally built by the first owner which was Preston B. Spring in 1895 and designed by architect Joseph Greenleaf Thorp. So, it was re-modeled by Weaver and named Spencecliff after his two sons and it is worth noting that Weaver intentionally as you can see is continuing the tradition of an eclectic Tudor exterior for his primary dwelling which was already in that style but he completely broke that tradition in terms of his landscape elements which then become much more balanced based on classical precedence and based and balance and symmetry. In the sixth image, Gorlin's submission drawings for the house in 1989 and the thing again to note is the access which we have already pointed out is dead center on the center of the three arched columns again. The openings are mimicking what you are seeing in a pool, they were literally inspired by the pool grotto inside pavilions and obviously influenced this entire massing. Here is the

same access drawn dead center on the house so it is confirming that the whole point of this was trying to make these two elements speak and interact with each other. And as also pointed out is the tennis court, pergola, and open-air pavilions at either end were actually placed as a balancing component overall in the landscape. So, in fact it was providing a different kind of symmetry and placement; the problem is they were never constructed so just imagine taking this away and you have a somewhat lopsided fact to what otherwise was supposed to have been something intentionally weighted on either side to speak to each other so you are essentially left with this now and you are missing the massing that was intended for the other side. And the last two images are now showing Pietro Cicognani's design which is really talking about putting a very modestly sized and scaled component onto the house as he has described for the purpose of balance and really the architectural principles are what really move this to the location it was you cannot satisfy those properly if it was done in every other way, any other way, which of course they experimented and now you can see that the effect is minimal, it is not overwhelming the site, it is really a very small, very modest proposal and this actually satisfies a number of preservation principles, size, scale, massing, proportion, siting critical, balance, and symmetry but more than anything else, it is really complimentary introduction into the landscape and into the historic context. As Lenny pointed out, the character of the neighborhood has not changed, it actually, if anything, this enhances the structure, enhances it, but you cannot see this, you cannot see the building at all from the street, you have to walk into the property as I guess you have all seen and actually come around the side until you begin to see where this addition would be so it is completely invisible from anywhere else. And so, by doing this and by adhering to the principles that Pietro used, it is really paying homage to the historic elements of the site and the original historic intent. That same intent was then taken by Gorlin in 1989 and it was also respected because his house is also somewhat restrained and small but you considered it absolutely speaking the formality of the hardscape elements and now Pietro has now added in another way that has complementarily reduced, constrained tasteful and is trying to also build upon that. It really does work quite well. This is actually one of the more successful designs I have seen in a long time in terms of trying to be respectful for historic site components and allow those to read as a very prominent and celebrated component. With that, I will stop and start our questions.

Mr. McGuirk: Anybody on the Board have any questions for Joel?

Mr. McMullan: I do not.

Mr. Rose: I do have one question historically. When was the, so obviously the polo fields, the extensive landscape grounds, when was the property divided up?

Mr. Snodgrass: The property was divided up I believe in the 1950's by the second owner, excuse me, by the fourth owner and I think broken up into six separate parcels, and as you can see from the existing parcel, it is not far from where the grotto is although when the house is placed I think it was already noted, that was basically where the lawn was, so the house is approximately here and it would actually fit within the footprint of that lawn as drawn in its widest part so the house would be here but as you can see it has been chopped up since the time this property was in its full size.

Mr. Rose: Thank you.

Mr. Snodgrass: You are welcome. Anything else? Otherwise I will try to stop sharing my screen.

Mr. McGuirk: Carrie, do you have any questions for the architect?

Ms. Doyle: No.

Mr. Ackerman: I would like to introduce Anne Walker, Anne, can you pop up on the screen.

Ms. Walker: Yes, I am here.

Mr. Ackerman: Okay, great, thank you.

Ms. Walker: Hi, I am Anne Walker, I will ask to pull up the slides that accompany what I am talking about that are in your office in East Hampton. I am Anne Walker, I am an Architectural Historian at Peter Pennoyer Architects, I have a Masters in Historic Preservation from Columbia and I am also an adjunct Professor at NYU. Thank you everyone for listening to Lenny, Pietro, and Joel regarding 34 Darby Lane and I just wanted to reiterate in the simplest of terms why this request is so important primarily the aesthetic benefit of this design cannot be achieved without this variance. As described by Alexander Gorlin in his 1997 book Buildings and Projects...[inaudible]...for the program of this Palladian house was the 200-foot garden wall and the 1927 pavilions from the Fullerton Weaver estate. These remnants harken to East Hampton's golden era and are an important part of that legacy and should remain a highlight and be celebrated on this property. So, I

just wanted to talk about Fullerton Weaver was a prominent architect and developer and he was, I think it is under the Schultze and Weaver tab maybe, right there, just wanted to show this quickly because it is kind of fun. This just shows the stature of Schultze and Weaver's firm, this is a montage of their built work, you can see the Pierre and the Waldorf and the Sherry Netherland, all iconic buildings under New York's skyline as well as the Breakers in Palm Beach. The classical style of his work at Darby Lane recalls the drama and glory of these hotel designs albeit on a much smaller scale.

Mr. Rose: I was thinking this might be the follow up application.

Ms. Walker: We tried to see if the pool was here in the front row but we did not see it but maybe it is there. So then I guess let us just go to the Gorlin site plan. So Gorlin, as Joel mentioned, is a well-known architect, scholar and critic in his own right. This 1989 villa which is one of his very early works after he formed his practice, he intentionally designed it to hug the northwest property line with the long access extending as close to the perimeter as possible. He did this to maximize the lawn between the house and the pool directly opposite giving each breathing room and to ensure that all the rooms in the house had an ample and gracious view of the historic area which he thought evoked, and he wrote in his book, evoked assemblance of ancient Rome. His symmetrical villa evokes the idealized model of the villa, an Italian villa and a landscape. Think of the self-contained pristine quality of the Palladian villa and the Vanetta. The monument mentality of the three arches behind the pool and reflected on the southeast façade, which is here in Pietro's plans or elevations, reflected on the southeast façade reenforces that pure and clear symmetrical and axial dialogue between the two aspects of this property. Cicognani's carefully contemplated design built upon this dialogue perfecting what Gorlin originally intended. It completes the symmetry of the entrance loggia and defers to the clear axial relationship between the house and pool, extending Gorlin's main long access to the northeast as it should be, that is the only way this plan makes sense really. It maintains the lawn and pool as a primary feature, sorry, it maintains the lawn as the primary feature on the property, an intentional part of Gorlin's design in a historic reference to the sunken lawn that once laid before the pool, historically. Any as of right addition which Pietro mentioned could be much, much larger, it also probably takes longer to build, would have to jut out into the lawn to some degree and disrupt this perfect balance. This would greatly upset the carefully sought out inward facing, intimate dialogue between the two features detract from the monumentality of the arches. It would also diminish the idea of the freestanding Italian villa but it would also crowd, any addition would, also crowd the pool area and take away from its importance and

that is the foundation on which this whole scheme from the beginning was built. So, in this case the sought variance of Cicognani's addition would enable an aesthetic benefit that respects its context reflecting both the original historic fabric and the well thought out design of Gorlin in a differential and entirely appropriate manner, any other solution would not. Thank you.

Mr. McGuirk: Thank you, Anne. Mr. Ackerman, do you have any other...

Mr. Ackerman: No, thank you.

Mr. McGuirk: So, Billy, let us maybe get some comments from Billy Hajek here regarding his memo, Billy?

Mr. Hajek: Good morning Chairman, Members of the Board, Billy Hajek on behalf of the Village of East Hampton. I prepared an initial memorandum or report to the Board and it was subsequently revised dated September 2nd where I just outlined the proposed project and some of the history and background with it and I will briefly just summarize that for the Board and you can follow up if you have any questions, I would be happy to try to answer them. So, since I prepared the report, the applicant did submit a revised survey, it is dated August 18, 2021, this is a 96,500 square foot lot, it is located in the R-80 zoning district so it is compliant with the lot area requirements. It is a bit of an unusual shape; I would not say it is necessarily a flag lot but it does have sort of an appendage that connects it to Darby Lane and there is only 81 feet of frontage on Darby Lane which is a one-way street. The existing residence contains 5,215 square feet of gross floor area, there is a roofed pergola as was discussed, there is a patio, there are some additions that were constructed to the residence and the property also contains a detached garage, two accessory buildings, which is sort of the grotto built into the hillside, the swimming pool, gazebo, and a bunch of retaining walls. The property was acquired by the current owner in December of 2018 and in 1994 the Zoning Board granted a variance for an addition on the backside of the residence and it was about 200 square feet and that accommodated an elevator shaft to install an elevator from the first to the second floor. That variance permitted the addition to be 21 feet from the side yard when at the time the required setback was 25 feet. Then more recently in May of 2020, the Zoning Board granted side yard setback relief to allow for alterations to the building and also for the construction of an addition which was at that time 44 feet from the side yard lot line where now a 50-foot setback is required. So as described by Mr. Ackerman, the addition is 953 square feet in gross floor as defined by the Code, that represents an 18 percent enlargement over the existing residence. As all the variations of the plan have

evolved, I think this is number three or four, they have all held the same setback of 28.5 feet from the side yard lot line, all those variations required a 21.5-foot variance and has been discussed, the setback is 50 feet so this translates to a 43 percent deviation of the required setback. This version of the plan has been shortened or reduced in size by approximately five feet so it has been pulled back toward the house by roughly five feet. And just a correction that I need to make in my report to the Board, the existing residence, the original residence on the property was constructed on this particular parcel was constructed in 1955, it was a small one-story ranch style house. This current residence was constructed in 1988 or pursuant to a 1988 building permit and at that time the setback was 25 feet. The setbacks changed in I believe it was 2002 is when the setback changed to a 50-foot side yard setback and as was shown on one of the previous slides roughly I would say about half of the house sits within the required setback. So, any addition proposed on the northerly side of the residence would technically require a side yard setback variance. That was the extent of my report to the Board if you have any specific questions for me I would be happy to try to answer them.

Mr. McGuirk: Board Members, anybody?

Mr. McMullan: No, I am good.

Mr. McGuirk: Philip?

Mr. O'Connell: No, I do not have any questions.

Mr. McGuirk: Billy, can we, they talk a lot about a...

Mr. O'Connell: Can we hear from the public?

Mr. McGuirk: Yes, we will, let me just finish with Billy, we will do the public next. Billy, can we hire our own historian regarding this project just to give us an outline? Or would we?

Mr. Hajek: The property, technically, the property is not in any Village designated historic district, it is not designated as a historic property, it is not a timber-frame landmark so while some elements of the property might have some historical significance from the original architectural designer, the Village does not recognize it as a technically a historic landmark but the Village is free to, if the Zoning Board wants to have their own independent assessment, I am sure you can do that.

16572

Mr. McGuirk: Okay. Thanks for your report. Let so us move onto the public here. Do we have anybody on the line that would like to speak.

Mr. Gambino: Let me unmute them.

Mr. McGuirk: Good morning.

Mr. Hays: Hello?

Mr. Gambino: You are on the line sir.

Mr. McGuirk: Pam, can you please swear this gentleman in and get his name and...

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

Mr. Hays: My name is Daniel Hays, my address is 11 Baiting Hollow Road, East Hampton, New York.

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

Mr. Hays: Yes, I do.

Ms. Bennett: Thank you.

Mr. McGuirk: Go ahead, Mr. Hays, please.

Mr. Hays: Okay, for historical reference which we have heard a lot, I can give you some background on that since my parents and my family have owned the property adjoining 34 Darby for more than 70 years. When we first bought the adjoining property, this house which has been undergoing an excessively noisy renovation for more than two years, did not exist. In front of that beautiful classical pool was a beautiful glade, there was no residence in front of it so historically I see no connection. If you want to talk about the classical integrity of this property, putting, if you would take a look at what they have put in there as a fountain, you would see an absolutely garish installation with something that looks like a drone perched on its head. Back in the early 50's, in addition to there being no dwelling in front of the pool, on the other side of the property there was the 10 acres of lawn

which was used as the polo field. That was chopped up and put into a subdivision type arrangement but what I am concerned about is this seems to be a piecemeal attack on the Village Zoning Code, one variance after another they are going for and coming forward with all kinds of witnesses to somehow make this into a beautiful historical project when it is not a historical project. It has been a constant nuisance creating awful noise for, unless you live next to it and my home is 35 feet from the property line, unless you live next to it you could not believe the racket that this has created for the neighborhood. This has just taken too long and perhaps they lost a month due to COVID but they are still going at it here, just in the last two days they have had earth mover shoveling around to do drainage and it has been going beep, beep, beep constantly. The attorney for the applicant has said that they have made changes that would satisfy the objections well I beg to differ. This does not satisfy my objections at all. If they wanted, if the applicant wanted a house this size, they should have purchased a lot that was big enough. This is just extreme and it is just hard to believe. I wanted to say that I know that a number of neighbors have written to you and I am not sure that all these objections have been answered. I would love to know just what the, how they expect to do this, I find it just intolerable, the noise that they have created and I would hope that you would just tell them that this is not acceptable and I wanted to just...

Mr. McGuirk: Mr. Hays, just for the record, whether they build it in this spot, they have the right to build it somewhere else so unfortunately, I think the noise will go on whether we approve this application or deny this application because they are going to be looking for probably a dining room someplace on the property so I just want to let you know that.

Mr. Hays: If there is anything that can be done to alleviate or seriously limit the decibel level, it would be greatly appreciated if you cannot deny this variance. I will just play you, that is a recording of the noise that I had to listen to constantly when this construction was going on.

Mr. McGuirk: Okay, thank you for your comments. Do we have any other neighbors on the line?

Mr. Gambino: Nobody else is on the line.

Mr. McGuirk: Board Members?

Ms. Doyle: Can I ask one more question just since Anne Walker presented the diagram of the building? Is that a walkway above the addition, is it a balcony or is it just decorative, that railing?

Ms. Walker: I am sorry, on Pietro's addition?

Ms. Doyle: Where you would put the addition up top, is that a walkway up top above the entrance leading to the dining room?

Mr. Ackerman: Pietro, can you answer that.

Mr. Cicognani: Yes, it is a roof but you can walk on it if you wanted to.

Mr. McMullan: Is it intended to be a balcony?

Mr. Cicognani: Not really, no, it is not intended to be a balcony but it can, for maintenance, one can open the door and walk on it.

Mr. McMullan: Okay, thank you.

Mr. McGuirk: Any comments from the Board? I would like to get somebody on our team to give us a, talk about the historical significance of this property, I do not know who we would hire, Bob Hefner?

Mr. Ackerman: John, this is Lenny, I asked Bob Hefner to go to the property and to meet, I do not know if he met with Pietro or...

Mr. Cicognani: Yes.

Mr. Ackerman: Did he meet with you, Pietro?

Mr. Cicognani: Yes, we met for about one-half an hour there, yes.

Mr. McGuirk: I would like to get something to back up the information that was given to us so I do not know if any of the Board Members agree, disagree?

Mr. Cicognani: He was very positive.

Mr. McMullan: I prefer to hear that as well.

Mr. O'Connell: I have a comment that it is a substantial variance, that is a concern. While I do understand what was presented I do have a concern about the magnitude of the variance being requested.

Mr. Messina: That is just, as you know, Mr. O'Connell, one factor, one of five.

Mr. O'Connell: Yes.

Mr. Messina: Just to be clear.

Mr. McGuirk: Go ahead Mr. Rose.

Mr. Rose: So, I think it is a very interesting property obviously with an interesting history and an interesting application. Obviously, there is the capacity in terms of the zoning to build the additional program. In studying this, as I have carefully throughout the various iterations, it seems to me there is, with respecting every one of the points that has been made by the various, by the architect and the historians, that it should be possible to accommodate the program in a way that it is respectful of the architecture and the symmetry of the site that still allows for pulling the library/dining, the new library/dining structure toward the interior to a more conforming location in the same alignment just pulled back to accommodate the setbacks so you can still enter the site, the addition, from the exact same location in a way that does not intrude. As Phil O'Connell pointed out, it is a very substantial intrusion into the setback area and it looks to me like it is possible to achieve the exact same result with a far less significant intrusion into the setback area.

Mr. Messina: Are you saying make it shorter, Mr. Rose?

Mr. Rose: No, just pull it to the, pull it away from...

Mr. Messina: So, then the spine would not be straight, the way we saw it, right?

Mr. Rose: The spine, it is straight it is just, if you pull it...

Mr. McGuirk: Pull it east.

Mr. Rose: Without the drawing in front...

Mr. Messina: Okay, we will go over it.

Mr. Rose: We can talk about it in person.

Mr. Messina: I just want to understand.

Mr. Rose: It keeps the same alignment, it just enters slightly to the, I am not sure if it is the south, I think.

Mr. Messina: Whatever it is.

Mr. McGuirk: Thank you. I would like to keep the hearing open and get some historical information from one of our experts. Thank you, Mr. Ackerman, maybe we will reach out to Mr. Hefner to speak with him or we will hire someone else, I do not know who we have but we will figure that out. So, what do we do Pam, just close the, we do not close hearing...

Mr. Messina: You would adjourn the hearing until next month, Mr. Chairman. A motion to adjourn until next month.

Ms. Bennett: Well...

Mr. McGuirk: Motion to adjourn...

Ms. Bennett: Wait, wait, wait.

Mr. Messina: What?

Ms. Bennett: So next month would be, our next meeting is October 1st.

Mr. Messina: Not October 1st.

Ms. Bennett: So it would be...

Mr. Messina: That is next week.

Ms. Bennett: November 12th. I know, November 12th.

Mr. McGuirk: Thank you. Thank you, Mr. Ackerman.

Mr. Ackerman: Thank you, John. Thank you all.

Mr. McGuirk: So Pam can you read the next hearing please.

ORIGINAL HEARING
50 East Hollow LLC – 50 East Hollow Road – SCTM #301-8-10-42

Ms. Bennett: Sure. Application of 50 East Hollow LLC, SCTM#301-8-10-42, for an Area Variance from Chapter 278, Zoning, to permit accessory improvements on a parcel of land without a principal residential use. A variance is requested from Section 278-1.A. to permit the continued existence of accessory improvements, including a tennis court and tennis pavilion, on a residential lot that will not be improved with a principal single-family residence and any other relief necessary. The subject property is 78,622 square feet in area and is located at 50 East Hollow Road in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: Is the applicant present?

Mr. Tarbet: Jon Tarbet for the applicant. My client owns 46 and 50 East Hollow. Forty-six is a fully improved property that does not have a tennis court and another fully improved property that does have a tennis court. The goal here that not needing two homes is to tear one of the homes down, I think it is generally a good thing, the problem is that the Village Code like a lot of codes on the east end of Long Island says that you can not have an accessory structure on a property that does not have a primary. Because this provision is in a lot of codes, I have seen it before, that section was put in to prevent people from putting workshops on properties so my best guess is they were trying to prevent people from buying a vacant property, putting a garage on there and working out of that garage in a residential neighborhood...[inaudible]...nearby. That is my best guess. The Town of East Hampton has dealt with this by, you may have heard the Seinfeld law, when Jerry Seinfeld built a literally a baseball diamond on the adjacent property next to him and he was cited for having an accessory structure on vacant property without a primary. It kind of made some news so what the Town did was they recognized and changed the code to allow for you to have an accessory structure on a vacant piece of property so long as you own the property next door. So what I am asking this Board for is a variance to basically do that. And we would be more than happy to condition that variance on us continuing to own the adjacent property and there is a couple of examples in the Village of this exact variance having been granted before, I am not aware of any detriment whatsoever. Generally, I believe you all consider less density to be a good thing so I think it is a good variance to grant and I cannot image any objections.

16578

Mr. McGuirk: Thank you Mr. Tarbet. Do we have anybody on the line, any neighbors?

Mr. Messina: Mr. Chairman, when you have a chance, if I may, I would just ask the applicant's Counsel a question.

Mr. McGuirk: Go ahead, please.

Mr. Messina: Mr. Tarbet, you mention there are similar variances that have been granted by this Board. Could you either advise us of them now or submit them.

Mr. Tarbet: I am aware of one that was recently before the Planning Board, I will submit that file into the record.

Mr. McGuirk: I believe we just passed, I do not know off the top of my head, but we just passed one of these in the last few months, I believe.

Mr. O'Connell: I think we did that with...

Mr. Messina: I think you are right, Mr. Chairman, I am sorry Mr. O'Connell, go ahead.

Mr. O'Connell: I think Lenny had one over at the end of Lee and, what is the cross street there, where we raised the house also but left the structure. I cannot remember. It is the old Kilgore.

Mr. Messina: Yes, I just wanted it in the record so that if I write a decision.

Mr. Tarbet: I am happy to do that. I can submit at least one.

Mr. McGuirk: Okay, so there is nobody on the line?

Mr. Gambino: Nobody on the line.

Mr. McMullan: I have a couple of quick questions.

Mr. McGuirk: Go ahead, Jimmy.

Mr. McMullan: In your application it says that there is going to be the removal of all the accessory or all the structures but leaving the tennis pavilion now and the

grass tennis court, what is going to happen with the driveways, and I know in the survey it shows that the things that are to be removed are in dotted lines but there are still some a/c units, there are some a/c units in the back for the tennis pavilion along with the underground tank. Are any of those things inside the setbacks that need to be addressed if this application gets approved?

Mr. Tarbet: I am not sure exactly the question.

Mr. McMullan: You said everything is going to be removed, there are landscaping walls, there are, it shows a garage that is going to be removed, the house is going to be removed, but it does not show any re-configuration of the driveway because...[inaudible]...area that used to go to the house, there is also an a/c unit in the back corner, which is the west corner, are those going to be in violation with new setback laws or do those need to be addressed?

Mr. Tarbet: I understand the question. They would not become nonconforming with regard to setbacks...[inaudible]...but I can tell you, part of your question was about the driveway and the other assorted structures but I cannot say exactly what the plan is. This is intended to be treated as one property. They will continue to be single and separate for zoning purposes, kept in separate names so they do not merge but it will essentially become a three-acre property which will be landscaped and used by one family.

Mr. McMullan: Okay, thank you.

Mr. McGuirk: Thank you. Anybody else have any questions?

Mr. Rose: I have a question but I am not sure if the combination...[inaudible]..., Jon, so I have no problem with the purpose sought here. It all seems reasonable but I guess historically, not here, but in general, do not want to create a situation that turns in retrospect, because they are not being one three acre property, it remains a separate property, so to the extent that things are allowed and then if there were to be a subsequent development of a home of the property in addition to what is there how that relates to an as of right condition is confusing so whatever the appropriate constraints in the determination that do not create a situation that can lead to something down the road that we do not anticipate.

Mr. Messina: Yes, and you hit right on it, Mr. Rose, is that you can control it by covenant which is I think what Mr. Tarbet even suggested earlier in his

16580

presentation that his client would be willing to do but that is the way that you would prevent what was not intended from happening.

Mr. Rose: Exactly.

Mr. McGuirk: Okay. All right, thank you, I do not think we have an issue with this so Vinnie thank you and everybody. I make a motion to close the hearing.

Mr. Rose: So moved or second.

Mr. McGuirk: Second, all in favor?

Mr. McMullan: Aye.

Mr. O'Connell: Aye.

Mr. Rose: Aye.

Ms. Doyle: Aye.

Mr. McGuirk: Thank you, Mr. Tarbet. Pam, can we move onto the next hearing.

ORIGINAL HEARING
Oeuvre, LLC - 9 Hither Lane – SCTM #301-4-8-4.4

Ms. Bennett: Sure. Application of Oeuvre, LLC, SCTM#301-4-8-4.4, for a Variance from Chapter 278, Zoning, to relocate and make alterations to an existing residence. A 4-foot variance is requested from Section 278-3.A.(4)(a) to make alterations and to relocate a single-family residence 30 feet from the side yard lot line where the required side yard setback is 34 feet and any other relief necessary. The subject property is 48,978 square feet in area and is located at 9 Hither Lane in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: Is the applicant present?

Mr. Tarbet: Jon Tarbet again for the applicant. So, what is going to happen here is my client recently bought this property. What he would like to do is to lift it up and put a new foundation under it and make it align straight with Hither Lane. Right now, it is askew, on a little bit of an angle. So, when he came to me I

thought it was a decent application so long as we did not get any closer to anybody else's property lines. [Inaudible]...it out, the eastern property line stays exactly the same in a conforming location at 34 feet. On the western property line, we are actually making it a little better so we are going from what is currently, and it is just a matter of, we shift the house to align it so it is street with the street, it actually makes it a little better on that property line, it goes from 26 to 30 feet. The neighbor on that side is Susan Karches, I have spoken to her, I represent her, her concern was that it does not get any closer to her house. Once I explained to her we are actually getting a little further away, she had no objections to the application. Again, it is pretty straight forward, an easy application, it is just a matter of picking the house up and aligning it with Hither Lane and we are making zoning a little better although it still requires a variance because it is a change to a preexisting nonconforming situation.

Mr. McGuirk: Okay, thank you Mr. Tarbet. Is there anyone on the line, Pam, that would like to be heard?

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

Mr. McGuirk: Board Members, would you like to, anybody have any...

Mr. Rose: Can I just ask a question, you said you represent Ms. Karches, is there a way to reflect that comfort with the application in the record, are you representing that for the record?

Mr. Tarbet: As soon as I said it, I do not want to make it seem like I am her only lawyer, I have represented her before the Board previously so that was my representation.

Mr. McGuirk: Mr. Tarbet represented Ms. Karches on Egypt Close before.

Mr. Messina: She is a former client, right, Jon?

Mr. Tarbet: Former client is a better way to phrase it, thank you. As soon as I said it I was thinking that. My conversation with her was actually just her calling as a concerned neighbor and she called me and I said I actually represent the current applicant and she said what is going on, I explained it to her, and her comment was simply that as long as it was getting farther from her house, she had no issue with it.

16582

Mr. Messina: Also, there is no writing in the record nor has she called into today.

Mr. McGuirk: Any other Board Members have any questions?

Mr. McMullan: I have no problem with this.

Mr. McGuirk: Me neither.

Mr. O'Connell: I have no issue.

Mr. McGuirk: A motion to close?

Mr. O'Connell: Motion to close.

Mr. McGuirk: Second?

Mr. McMullan: Second.

Mr. McGuirk: All in favor?

Mr. McMullan: Aye.

Mr. O'Connell: Aye.

Mr. Rose: Aye.

Ms. Doyle: Aye.

Mr. McGuirk: Thank you. Ms. Bennett, can we finish on the last one, Bayberry Close Corporation.

ORIGINAL HEARING

Bayberry Close Corp. – 92 Ocean Avenue – SCTM #301-13-13-20.3

Ms. Bennett: Sure. Application of Bayberry Close Corp., Cottage 9, SCTM#301-13-13-20.3, for Variances from Chapter 278, Zoning, to construct a pergola. Variances are requested from Sections 278-1.B.(2)(c) and 278-7.C.(2)(d)[2] to make alterations to a preexisting nonconforming use with the construction of a pergola over an existing patio and any other relief necessary. The subject property is 108,410 square feet in area and is located at 92 Ocean Avenue in Residence

16583

District R-160. This project is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: Good morning, Nancy, are you the applicant?

Ms. Marshall: Yes, Nancy Marshall, good afternoon everyone from Fleming and Darrell's office. As Pam just said, this is a simple application for a pergola, it is going to be over an existing slate patio, there will be no increase in coverage. We believe this meets the standards for the variances. There will be no detriment to any of the neighboring properties or the character of the neighborhood. This has been approved by the co-op Board so they are in agreement with it. There are actually no alternatives whatsoever rather than these variances we need. It is a preexisting use that is going to be increased, the location is preexisting, pretty much anything on this property would require a variance as you know. The variance is not substantial, it is a simple 18 x 12-foot pergola and, again, it is just needed for shade because it is in a beachy area where there is really no shade provided and, again, it is over an existing slate patio so there will be no increase in coverage. Again, no detriment to the environment, there is no increase in coverage, it is modest, it should be no impact whatsoever. And finally, it is not a self-created difficulty, again, anyone who purchases in this area needs to come before you for pretty much everything since it is so preexisting nonconforming. Any questions?

Mr. McGuirk: I have no questions. Any Board Members, any questions? Jimmy, I know you had some calculations.

Mr. McMullan: Yes, I have no problem with the application. This is just more clarification. First of all, maybe this is for Billy. Billy, this application, this location of this cottage is actually is in an AE Elevation 10 Flood Zone and the proposed patio is, the elevation shows it at 8.6 feet, I do not know what that entails or if we have to do anything regarding that. The second question I have is for the applicant and it is more of a clarification. The survey actually shows a 14 x 20 patio and pergola, the application itself says 10 x 10 pergola but the drawings show a 12'2" x 18'2" pergola so I think we just need clarification.

Ms. Marshall: Okay.

Mr. McMullan: Again, I do not have a problem with this application, I just want clarification.

16584

Ms. Marshall: It was probably a, it must have been an error on the other one, it would be the drawings that would have the proper measurements.

Mr. McMullan: Okay, thank you.

Mr. McGuirk: Pam, was this noticed correctly?

Ms. Bennett: It was noticed for whatever the file said, it does not give a specific size.

Mr. Hajek: The notice is for the pergola, I did not reference a size because of the discrepancy.

Mr. McGuirk: Okay.

Mr. O'Connell: Can we just attach the drawing to the determination?

Mr. Messina: We reference the drawing specifically in the determination, yes.

Mr. O'Connell: Okay, then I have no problem with it.

Mr. McGuirk: Mr. Rose?

Mr. Rose: Just a quick point, I have no problem with the application, I have relatives who own adjacent properties so for the purpose of disclosure I just wanted to call attention to that effect.

Mr. McGuirk: Thank you, Mr. Rose.

Mr. Hajek: And just to answer Mr. McMullan's question, the pergola does not have to meet FEMA elevation requirements. There are some strapping requirements I believe but in terms of elevation you would not have to elevate it to meet the first-floor elevation requirements.

Mr. McMullan: Thank you, Billy.

Mr. McGuirk: So do I have a motion to close this...

Mr. McMullan: I will make the motion.

Mr. O'Connell: I will second.

Mr. McGuirk: All in favor?

Mr. McMullan: Aye.

Mr. O'Connell: Aye.

Mr. Rose: Aye.

Ms. Doyle: Aye.

Mr. McGuirk: If there is no more business today, I would like to close the meeting. Can I have a motion?

Mr. Rose: So moved.

Ms. Doyle: Second.

Mr. McGuirk: All in favor?

Mr. McMullan: Aye.

Mr. O'Connell: Aye.

Mr. Rose: Aye.

Ms. Doyle: Aye.

The meeting was adjourned at 12:14 p.m.

continued on next page

16586

**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, September 10, 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.

Application of 50 East Hollow LLC, SCTM#301-8-10-42, for an Area Variance from Chapter 278, Zoning, to permit accessory improvements on a parcel of land without a principal residential use. A variance is requested from Section 278-1.A. to permit the continued existence of accessory improvements, including a tennis court and tennis pavilion, on a residential lot that will not be improved with a principal single-family residence and any other relief necessary. The subject property is 78,622 square feet in area and is located at 50 East Hollow Road in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR.

Application of Oeuvre, LLC, SCTM#301-4-8-4.4, for a Variance from Chapter 278, Zoning, to relocate and make alterations to an existing residence. A 4-foot variance is requested from Section 278-3.A.(4)(a) to make alterations and to relocate a single-family residence 30 feet from the side yard lot line where the required side yard setback is 34 feet and any other relief necessary. The subject property is 48,978 square feet in area and is

located at 9 Hither Lane in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR.

Application of Bayberry Close Corp., Cottage 9, SCTM#301-13-13-20.3, for Variances from Chapter 278, Zoning, to construct a pergola. Variances are requested from Sections 278-1.B.(2)(c) and 278-7.C.(2)(d)[2] to make alterations to a preexisting nonconforming use with the construction of a pergola over an existing patio and any other relief necessary. The subject property is 108,410 square feet in area and is located at 92 Ocean Avenue in Residence District R-160. This project is classified as a Type II Action in accordance with SEQR.

Application of Lisa and Gary Seff, SCTM#301-8-7-18, for an Area Variance from Chapter 278, Zoning, to construct a swimming pool and construct additions to an existing residence and make alterations to an accessory building. A 7.9-foot variance is requested from Section 278-3.A.(5)(c) to construct a swimming pool 12.1 feet from the rear yard lot line where the required setback is 20 feet. A 126 square foot variance is requested from Section 278-3.A.(13) to construct additions resulting in a residence containing 1,979 square feet of gross floor area where the maximum gross floor area is 1,812 square feet and the existing residence contains approximately 1,853 square feet. A 309 square foot variance is requested from Section 278-3.A.(9)(a) to permit 2,432 square feet of coverage where 2,123 square feet is the maximum permitted and any other relief necessary. Variances of 5.6 feet and 7.8 feet are required from Section

278-3.A.(5)(b) to make alterations to an accessory building, previously approved by the Zoning Board as a writer's studio, located 4.2 feet from the rear yard lot line and 2.2 feet from the side yard lot line where the required setbacks are 10 feet. A variance is requested from Section 278-3.D.(1) to legalize the enlargement of an accessory building by increasing the size of the writer's studio by reducing the size of the storage space, where a prior Zoning Board determination capped the size of the writer's studio to approximately 287 square feet with approximately 72 square feet remaining as a storage area, and any other relief necessary. The subject property is 8,118 square feet in area and is located at 43 Mill Hill Lane in Residence District R-40. 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: August 20, 2021 By
Order of John L. McGuirk
III, Chairman, Zoning
Board of Appeals, Inc. Village of East Hampton
7-2

**The September 10, 2021
meeting was postponed
until September 24, 2021**

FILED
VILLAGE OF EAST HAMPTON, NY

DATE: 11/12/21

TIME: 1:15 pm

Pamela J. Bennett

16587