

Zoning Board of Appeals
October 1, 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
Carrie Doyle, Member
Andrew Baris, Alternate Member
Shahab Karmely, Alternate Member
Vincent Messina, Village Attorney
Lisa Perillo, Village Attorney
Timothy Hill, Village Attorney
Thomas Preiato, Building Inspector
Billy Hajek, Village Planner
Richard A. Hammer, Attorney on behalf of Lisa and Gary Seff
Tara Burke, Agent on behalf of Lisa and Gary Seff
Lisa Seff, Applicant
Charles Henry, Neighbor of Lisa and Gary Seff
Debbie Buell, Neighbor of Lisa and Gary Seff
Robert Connelly, Attorney on behalf of 234 Cove Hollow LLC
Leonard I. Ackerman, Attorney on behalf of The Baldrige Revocable Trust
Mr. and Mrs. Michael Baldrige, Applicants
Jody Gambino, LTV Moderator
Pamela J. Bennett, Village Clerk

Mr. McGuirk: Good morning, welcome to the Village of East Hampton's
Zoning Board of Appeals' meeting for Friday, October 1st.

Re-Noticing Required

**Michael Kretchmar and Chuck Thomas – 35 McGuirk Street –
SCTM #301-1-1-29**

Application Withdrawn

**15 West Dune Lane LLC – 15 West Dune Lane –
SCTM #301-9-4-23**

16588

Mr. McGuirk: The first order of business we have, we have re-noticing is required for 35 McGuirk Street, and we also have an application withdrawn on 15 West Dune Lane in East Hampton.

Shahab Karmely

Mr. McGuirk: I would like to welcome to the Board Shahab Karmely, welcome Shahab, and then we are going to move right into the hearings today.

ORIGINAL HEARING

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

Mr. McGuirk: We have Lisa and Gary Seff, 43 Mill Hill Lane. Ms. Bennett?

Ms. Bennett: 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.

Mr. McGuirk: Thank you Pam. Pam, can you indicate who is sitting on this application.

Ms. Bennett: Mr. Rose is not here so who is sitting in, which of our alternates?

Mr. McGuirk: Shahab or Andy?

Mr. Baris: I am sitting.

Ms. Bennett: All right, thank you.

Mr. McGuirk: Is the applicant here.

Mr. Hammer: Yes, we are, good morning, Chairman McGuirk, Members of the Board, Richard A. Hammer, I am also here with Tara Burke from my office, I am representing the applicant. I believe I saw that Lisa Seff was also attending today and she is also on the line too so if you have any questions that we cannot answer, I am sure she can. We kind of appreciated the delay from when this was re-scheduled to today and you will see in your packets that we submitted greatly revised plans based on some of the comments that were submitted from the neighbors. They had objected to some of the variances. Our revised plans significantly retooled and reworked this site, and I think made some real improvements to the property. The house itself, I visited the site, it is sort of an unremarkable box in some respects so I do think that the aesthetic concerns that are proposed in terms of the re-worked façade on this property are going to be a vast improvement over the existing conditions. We were able to eliminate all of the variances associated with the pool by re-orienting the pool, reducing the size of it and bringing it within our setbacks. And we were also able to dramatically reduce the coverage variance which originally we had at 309 square feet by retooling some of the access points and the stairwells, etc., we were able to reduce that to a mere 23 square feet. That is actually less than the preexisting coverage on the site so we are reducing what was issued a C.O. as preexisting before so we are requesting a mere 23 square foot coverage variance. And we also, the only thing that really did not change, is the gross floor area variance of 126 square feet that we are requesting, that is actually

16590

on the second floor of the residence and we are doing it solely to accommodate an additional bathroom up there. We think it is not a very large variance and I think it is justified based on the aesthetic improvements that are being made to the house. We think it is a reasonable request that will not have a detriment to the general health, welfare, safety or community. And the pool house we have also reduced dramatically the accessory structure on the property. We are proposing to pull that preexisting, I think it was an artist writer's studio from one of the prior owners of the property, we are proposing to reduce that fairly much in size and it is used for storage with a half bath and basically the existing structure, do you know the size off the top of your head of the existing...

Ms. Burke: The existing structure, it was, we are reducing it by 60 percent from the preexisting structure, the exact dimension...

Ms. Seff: It is 120 square feet.

Ms. Burke: Proposed is 120 square feet.

Ms. Seff: Yes, the proposed is 120 now. We really took the studio portion out of it just leaving the shed, the half bath, and the outdoor shower that were existing prior.

Mr. Hajek: The existing, it is Billy Hajek here, was 334 square feet so it exceeded the permitted size for an accessory building by about 70 square feet.

Mr. McGuirk: Now it is 120 square feet?

Ms. Burke: That is correct.

Mr. McGuirk: Okay, thank you. Just to clarify the pool structure, there is no insulation or heating or air conditioning or anything in it?

Ms. Burke: No.

Ms. Seff: It is really not a pool structure, just to put that out there, it was not a pool structure before, it is not now. Right now, it is just a shed literally to store bikes, to store gardening equipment with the half bath so that when we

are doing gardening and stuff, we can utilize that, there is no studio portion of the building left at this point.

Mr. McMullan: As an accessory structure, if that is a shed and it shows here 10.3 feet off the property line, the side property line, I do not see a dimension off the back but it looks pretty similar, does that meet accessory setbacks now?

Ms. Burke: It does.

Mr. McMullan: Great, thank you.

Mr. McGuirk: Do you want to keep going, Andy, or are you...

Mr. Hammer: I think I have pretty much said everything that I intended to say in terms of the vast retooling of the application but what you are left with had we submitted this, I think is a very reasonable application in terms of the overall improvement of the coverage, the small GFA variance that we are requesting, and in fact we are improving coverage overall and eliminating the existing nonconformity with respect to the accessory structure.

Mr. McGuirk: Does anybody on the Board want to jump in here? Philip? You have to unmute yourself.

Mr. McMullan: I can jump in if you want. I appreciate the applicants' reaching out to the neighbors and taking their concerns into consideration. I know there were quite a few variances requested previously that have been drastically reduced so I see that the applicant is trying and I appreciate that and I do not have a problem with this.

Mr. McGuirk: Philip? Did we lose Philip?

Mr. O'Connell: For some reason I cannot speak.

Mr. McGuirk: We can hear you now.

Ms. Bennett: We can hear you, we cannot see you.

16592

Mr. O'Connell: Okay, I will try to work that out next. I noticed that they have put the doors toward the street so most of the noise will be toward the street and there is nothing toward the neighbor in the back so I thought that was kind of a good thing to do. Do we have to label it a pool house since it does have a half bath, that was one question, I guess Billy or Vinnie?

Mr. Messina: I do not believe you do; I do not know if Billy feels differently than me but you just label it as an accessory structure with a half bath.

Mr. O'Connell: And then the other question is that then that gets rid of any preexisting nonconforming that they had so they cannot go back and add into this toward the back or the side, correct?

Mr. Messina: That is absolutely correct.

Mr. O'Connell: Okay, I am good.

Mr. Messina: They could do that but they would have to come back to this Board.

Mr. O'Connell: Understood, thank you.

Mr. McGuirk: Before we go on, are there any callers on the line for this?

Mr. Gambino: Yes, there are some callers on the line, I will unmute them in order that they called. Caller ending with 7880, you are on the line.

Mr. McGuirk: Good morning.

Unknown: I have nothing to add.

Mr. Gambino: All right, I will go to the next caller.

Mr. McGuirk: Good morning.

Mr. Gambino: Caller ending with 1403 you are on the line.

Mr. McGuirk: Good morning.

Mr. Henry: Yes, this is Charlie Henry and we live at 22 Borden Lane, and our question, and after reviewing the changes, was that the bathroom seems like an unusual thing to have in what is titled the garden shed and the concern is, of course, that the abuse where people, for many reasons other than just washing your hands after potting, we are appreciative of the changes they have made but concerned about the plumbing which we would consider unusual for an outdoor garden shed with no insulation.

Mr. McGuirk: Thank you.

Mr. Gambino: And we have one more caller, caller ending with 4916, you are unmuted.

Mr. McGuirk: Good morning.

Ms. Buell: Good morning, this is Debbie Buell, I am Charlie's wife and I do not have anything to add other than we are very appreciative of the Seffs, your consideration of the neighbors' concerns and hope they will be very happy in the neighborhood.

Ms. McGuirk: Okay, thank you. Andy, do you have anything to comment on this?

Mr. Baris: Hammer or Baris?

Mr. McGuirk: Andy Baris.

Mr. Baris: I just would reiterate Mr. McMullan's comments, if you look at the two surveys, the repositioning of the pool, I do not have a problem with the application, I think it is good that the Seffs made a consideration to what was happening in the neighborhood, I appreciate that as well.

Mr. McGuirk: I agree with the Board. I think that this application has come a long way since it was submitted. Do I have a motion to close the hearing?

Mr. McMullan: I make a motion.

Mr. McGuirk: Second please.

Mr. Baris: Second.

16594

Mr. McGuirk: All in favor?

Mr. McMullan: Aye.

Mr. O'Connell: Aye.

Ms. Doyle: Aye.

Mr. Baris: Aye.

Mr. Hammer: Thank you very much.

Mr. McGuirk: Ms. Bennett, can we move onto the next one.

Ms. Seff: Thank you very much, we appreciate the Board and the neighbors' input into our project.

ORIGINAL HEARING

234 Cove Hollow LLC – 234 Cove Hollow Road – SCTM #301-12-3-4

Ms. Bennett: Application of 234 Cove Hollow LLC, SCTM#301-12-3-4, for a Variance from Chapter 278, Zoning, to legalize coverage and a patio. 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. A 15-foot variance is required from Section 278-3.A.(5)(a) to legalize a patio/walkway located 40 feet from the front yard lot line where the required setback is 55 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.

Mr. McGuirk: Andy, are you sitting on this application also, Andy Baris?

Mr. Baris: Yes.

Mr. McGuirk: Okay, thank you. Is the applicant present?

Mr. Connelly: Mr. Chairman, thank you, this is Robert Connelly of Tarbet and Lester, 132 North Main Street, East Hampton.

Mr. McGuirk: Okay, go ahead.

Mr. Connelly: It appears that sometime between March of 2015 and when the last C. of O. was issued in April of this year when our client purchased the property, the walkway and patio were added to the property without the benefit of a Building Permit. It looks like from reviewing the Suffolk County GIS, the walkway was added sometime in 2016. They are located on the property. They are at grade on the house-ward side of the driveway, they are screened by a hedgerow of privet along Cove Hollow and are not visible from the street, and we think they look nice on the property. There is nothing that the applicant can do in order to maintain these structures without coming to this Board for a variance.

Mr. McGuirk: Thank you. Do we have any callers on the line?

Mr. Gambino: Yes, one caller. Caller ending with 7880, you are unmuted.

Mr. McGuirk: Good morning.

Unknown: No comment on this.

Mr. McGuirk: Okay, thank you. Do any Board Members have any comments on this? Okay, I think I make a motion to close the hearing.

Ms. Doyle: Second.

Mr. McGuirk: All in favor?

Mr. McMullan: Aye.

Mr. O'Connell: Aye.

Ms. Doyle: Aye.

Mr. Baris: Aye.

Mr. McGuirk: So let us move on to the last hearing of the day, Pam can you please read the notice on this.

ORIGINAL HEARING
The Baldrige Revocable Trust – 15 Mill Hill Lane –
SCTM #301-8-7-33.18

16596

Ms. Bennett: Yes. Application of The Baldrige Revocable Trust, SCTM#301-8-7-33.18, for Area Variances from Chapter 278, Zoning, to make alterations and construct additions to an existing residence. Variances of 4.1 feet and 4.5 feet are requested from Section 278-3.A.(4)(a) to construct additions to the residence 10 feet and 9.6 feet from the side yard lot lines where the required setbacks are 14.1 feet. Variances of 4.7 feet and 5.8 feet are requested from Section 278-3.A.(3)(a) to construct additions 20.3 feet and 19.2 feet from the front yard lot line where the required setbacks are 25 feet. A 31.5 square foot variance is requested from Section 278-3.A.(13) to permit a residence to contain 2,345.25 square feet of gross floor area where a prior variance permitted 2,313.75 square feet and where the maximum permitted gross floor area by zoning is 1,979.5 square feet, and any other relief necessary. The subject property is 9,795 square feet in area and is located at 15 Mill Hill Lane in Residence District R-40. This project is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: Thank you Pam and who is sitting on this application?

Mr. Karmely: I am, Shahab Karmely.

Mr. McGuirk: All right, thank you. We are going to do something a little different here, Mr. Ackerman, if we could just have Billy comment first if that is okay.

Mr. Ackerman: Fine, good, thank you.

Mr. Hajek: Good morning, Chairman, Members of the Board. Billy Hajek on behalf of the Village. I just wanted to give a brief summary of the history of this application and the property. So it is 9,795 square foot parcel located at 15 Mill Hill Lane. The backside of the property, the southeasterly corner or side is adjacent to the Maidstone Inn which is a preexisting nonconforming commercial use. Actually, their parking area is along the back easterly corner of the subject property. In August of 2002 the Zoning Board granted first floor area variances to allow the expansion of the residence to be 2,313 square feet. In that determination the Board also granted side and rear yard setback variances to relocate the existing garage so that it was tucked into the southeasterly corner which would have been adjacent to the Maidstone. Since 2002, the required front and side yard setbacks changed and because the applicant did not have vested rights, the previously approved additions now require relief from the side yard and

16597

front yard setbacks. In terms of the garage, the setbacks have not changed, the garage can still be relocated to be tucked into the rear yard of the property and I believe a Building Permit has been submitted and is in process to do that work. Similarly, the permitted principal building gross floor area has not change either so the applicants are entitled to 2,313 square feet of gross floor area. The additions that are proposed with this request match exactly those that were approved in the 2002 determination with one minor exception. This request includes enclosing a, I guess it is a small portion of what was a covered patio for a total of 31.5 square feet so it essentially allows based on my review of the plans some redesigning of the interior walls of the building. So, for the most part, other than the 31.5 square foot gross floor area variance, this is a request to regularize a project that was previously approved by the Board back in 2002.

Mr. Messina: And Mr. Chairman if I could add to that, I just want to compliment both the applicants and their attorney, this could have gone a very different way, however, they chose to cooperate with the Village and that is why they are here today; with the full reservation of rights, of course, I have assured them of that but they have really gone out of their way to cooperate with the Village rather than being in conflict with it.

Mr. McGuirk: And Tom, do you have anything to add?

Mr. Preiato: No, thank you, Mr. Chairman, Members of the Board. Billy said it just right, unfortunately a permit did get out and it was noticed and rescinded and we are looking forward to move forward depending upon how the Board will decide.

Mr. McGuirk: There is a lot of conflicting information in the file on this.

Mr. Preiato: That is correct, yes, back in 2002 there were conflicting documents, but I believe Billy pretty much spoke to the intent of that decision back in 2002 and the setbacks have since changed and the structure had not been commenced.

Mr. McGuirk: Okay. Do any of the Board Members need to hear Mr. Ackerman speak or are we okay with this application?

Mr. McMullan: I am okay with everything that I have seen so far, and I do not have a problem with this application.

16598

Mr. Karmely: I do not have a problem with it either, I read through it twice, this was actually of interest to me because I have sat on both sides of this discussion typically in my own business, which is real estate development, have presented to Boards, including the ZBA Board, it is different Members in the past, and I was very interested in hearing from the Village and the Village Attorney and Building officials what the point of view and the general tenure as to what the mistake was made and now we want to work with our citizen taxpayers and our neighbors.

Mr. McGuirk: So do we have a motion?

Mr. O'Connell: I make a motion.

Mr. McGuirk: Second please?

Ms. Doyle: Second.

Mr. Messina: Is the motion to approve subject to a written decision, Mr. Chairman, is that...

Mr. McGuirk: Yes.

Mr. Messina: Okay, thank you.

Mr. McGuirk: Thank you Mr. Ackerman.

Mr. Ackerman: Thank you.

Mr. Messina: Mr. Ackerman, that was the best presentation I ever heard you make.

Mr. Karmely: It was a low bar.

Mr. Ackerman: A very low bar.

Mr. Karmely: No, no, no, do not give him credit for that.

Mr. Ackerman: I do not want the Baldridges to think, when they get the bill, that we did not prepare for this.

Mr. Messina: And not only that...

16599

Mr. Karmely: That was a low bar.

Mr. Messina: You worked very hard before the hearing.

Mr. Ackerman: John, you owe me.

Mr. McGuirk: I make a motion to close the meeting.

Mr. McMullan: Second.

Mr. McGuirk: All in favor?

Mr. McMullan: Aye.

Mr. O'Connell: Aye.

Ms. Doyle: Aye.

Mr. McGuirk: Everybody have a nice day.

The meeting was adjourned at 11:24 a.m.

continued on next page

16600

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, October 1, 2021 at 11:00 a.m., or via video-conferencing if necessary, on the following applications and to conduct such other business as may come before the Board. If you would like to participate in the Zoom meeting, contact pbennett@easthamptonvillage.org. The applications can be viewed on the Village's website easthamptonvillage.org by clicking on the "Alerts" tab.

Application of 234 Cove Hollow LLC, SCTM#301-12-3-4, for a Variance from Chapter 278, Zoning, to legalize coverage and a patio. 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. A 15-foot variance is required from Section 278-3.A.(5)(a) to legalize a patio/walkway located 40 feet from the front yard lot line where the required setback is 55 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 Michael Kretchmar and Chuck Thomas, SCTM#301-1-1-29, for Area Variances from Chapter 278, Zoning, to make alterations to an accessory building and

convert to pool house, to install swimming pool equipment, and to construct additions to an existing residence. Variances of 13.3 feet and 10.2 feet are required from Section 278-3.A.(5)(c) to make alterations to an accessory building, previously approved by the Zoning Board as a writer's studio, to be located 6.7 feet from the rear yard lot line and 9.8 feet from the side yard lot line where the required setbacks for a pool house are 20 feet. A 5-foot variance is requested from Section 278-3.A.(5)(c) to install swimming pool equipment 15 feet from a side yard lot line where the required setback is 20 feet. A 39 square foot variance is requested from Section 278-3.A.(13) to construct additions resulting in a residence containing 1,914 square feet of gross floor area where the maximum gross floor area is 1,875 square feet. A 62 square foot variance is requested from Section 278-3.A.(9) to permit 2,312 square feet of coverage where the maximum permitted coverage is 2,250 square feet, and any other relief necessary. The subject property is 8,753 square feet in area and is located at 35 McGuirk Street in Residence District R-40. This project is classified as a Type II Action in accordance with SEQR.

Application of 15 West Dune Lane LLC, SCTM#301-9-4-23, for an Area Variance from Chapter 278, Zoning, to make alterations to an existing residence. A 10.9-foot variance is requested from Section 278-3.A.(4)(a) to make alterations to a principal building foundation located 39.1 feet from the side yard lot line where the required setback is 50

feet, and any other relief necessary. The subject property is 111,389 square feet in area and is located at 15 West Dune Lane in Residence District R-160. 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: September 10, 2021

By Order of John L. McGuirk III, Chairman, Zoning Board of Appeals, Inc. Village of East Hampton 10-2

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, October 1, 2021 at 11:00 a.m., or via video-conferencing if necessary, on the following application and to conduct such other business as may come before the Board. If you would like to participate in the Zoom meeting, contact pbennett@easthamptonvillage.org. The application can be viewed on the Village's website easthamptonvillage.org by clicking on the "Alerts" tab.

Application of The Baldrige Revocable Trust, SCTM#301-8-7-33.18, for Area Variances from Chapter 278, Zon-

ing, to make alterations and construct additions to an existing residence. Variances of 4.1 feet and 4.5 feet are requested from Section 278-3.A.(4)(a) to construct additions to the residence 10 feet and 9.6 feet from the side yard lot lines where the required setbacks are 14.1 feet. Variances of 4.7 feet and 5.8 feet are requested from Section 278-3.A.(3)(a) to construct additions 20.3 feet and 19.2 feet from the front yard lot line where the required setbacks are 25 feet. A 31.5 square foot variance is requested from Section 278-3.A.(13) to permit a residence to contain 2,345.25 square feet of gross floor area where a prior variance permitted 2,313.75 square feet and where the maximum permitted gross floor area by zoning is 1,979.5 square feet, and any other relief necessary. The subject property is 9,795 square feet in area and is located at 15 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 application. Interested parties may be heard in person, by agent, or by attorney. Dated: September 17, 2021

By Order of John L. McGuirk III, Chairman, Zoning Board of Appeals Inc. Village of East Hampton 11-2

FILED
VILLAGE OF EAST HAMPTON, NY
DATE: 11/12/21
TIME: 1:15 pm

Camilla J Bennett

16601