

Zoning Board of Appeals
January 14, 2022
11:00 a.m.
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Those present were:

John L. McGuirk III, Chairman
James H. McMullan, Vice Chairman
Philip O'Connell, Member
Joseph B. Rose, Member
Carrie Doyle, Member
Vincent Messina, Village Attorney
Lisa Perillo, Village Attorney
Thomas Preiato, Building Inspector
Billy Hajek, Village Planner
Jonathan Tarbet, Attorney on behalf of Damon and Lisa Liss
Trevor Darrell, Attorney on behalf of Mr. and Mrs. Robert Grau
Rick Slater, Applicant, 31 Cooper Lane LLC
Arthur Graham, Neighbor of 31 Cooper Lane LLC
Andrew Goldstein, Attorney on behalf of Behind the Pond, LLC
Frank Greenwald, Architect on behalf of Behind the Pond, LLC
Leonard Ackerman, Attorney on behalf of Behind the Pond, LLC
Michael Walsh, Attorney on behalf of Michael and Christine Aaron
Michael Aaron, Appellant, Neighbor
Alexander Guest, Neighbor
Michael Nachman, Neighbor
Alicia Sullivan, Neighbor
Eric Gibson, Neighbor
Sandra McManus, Neighbor
Stacy Stowe, Neighbor
Adam Goldstein, Neighbor
Janet Dayton, Neighbor
Kay Spear Gibson, Neighbor
Ron Lewenberg, Neighbor
Peter Chase, Neighbor
Jeff Sheingold, Neighbor
Pam Cataletto, Neighbor
Maureen Bluedorn, Neighbor

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Alexander Balsam, Attorney on behalf of Mill Hill Realty Corp.
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, January 14, 2022, the first order of business, could you please mute yourselves, whoever is talking, thank you.

MINUTES

Mr. McGuirk: The first order of business are the minutes for December 10, 2021. So can we have a motion for...

Mr. Rose: So moved.

Mr. McGuirk: Do I have a second?

Mr. McMullan: Second.

Mr. McGuirk: All in favor?

Mr. McMullan: Aye.

Mr. O'Connell: Aye.

Mr. Rose: Aye.

Ms. Doyle: Aye.

Mr. McGuirk: So we have three determinations today and the files are available at Village Hall for reviewing.

DETERMINATION

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

Mr. McGuirk: In the application of Justin and Elizabeth Sautter, 3 Georgica Road, Suffolk County Tax Map number 8-12-5.10, to legalize pool equipment is approved and to legalize an 8-foot-high fence is denied. May I have a motion?

Mr. O'Connell: I will make a motion.

16670

Mr. McMullan: I will second it.

Ms. Bennett: I'm sorry, who seconded?

Mr. McMullan: I will second it.

Mr. McGuirk: Thank you. Pam, can you 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: And Mr. Rose?

Mr. Rose: Yes.

DETERMINATION

David Seeherman – 38 Egypt Lane – SCTM #301-4-7-14

Mr. McGuirk: In the application of David Seeherman, 38 Egypt Lane, Suffolk County Tax Map number 4-7-14, to construct a driveway with gate, drainage structures, walkways, retaining walls, and landscaping is approved. May I have a motion?

Mr. McMullan: I make a motion.

Mr. Rose: Second.

Mr. McGuirk: Thank you. Pam, can you please poll the Board.

Ms. Bennett: Mr. McGuirk?

16671

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.

DETERMINATION
97 LPL LLC – 97 Lily Pond Lane – SCTM #301-13-12-6.1

Mr. McGuirk: In the application 97 LPL LLC, 97 Lily Pond Lane, Suffolk County Tax Map number 13-12-6.1 to permit an accessory structure without a principal residence is approved. May I have a motion?

Mr. McMullan: I make a motion.

Mr. McGuirk: Second please?

Ms. Doyle: Second.

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

Ms. Bennett: Mr. McMullan?

Mr. McMullan: Yes.

Ms. Bennett: Mr. O'Connell?

Mr. O'Connell: Yes.

16672

Ms. Bennett: Mr. Rose?

Mr. Rose: Yes.

Ms. Bennett: Ms. Doyle?

Ms. Doyle: Yes.

ORIGINAL HEARING
Damon and Lisa Liss – 78 Mill Hill Lane – SCTM #301-8-4-42

Mr. McGuirk: So now we are going to move on to the hearings portion of our meeting, Ms. Bennett could you please read the notice.

Ms. Bennett: Sure. Application of Damon and Lisa Liss, SCTM#301-8-4-42, for Area Variances from Chapter 278, Zoning, to install swimming pool equipment. Variances of approximately 9 feet and 8 feet are requested from Section 278-3.A.(5)(c) to install swimming pool equipment within a garage building located approximately 11 feet from the side yard lot line and 8 feet from the rear yard lot line where the required setbacks for swimming pool equipment are 20 feet, and any other relief necessary. The subject property is 8,343 square feet in area and is located at 78 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 we are all sitting on the application today I assume, right?

Ms. Bennett: Yes.

Mr. McGuirk: Thank you. Mr. Tarbet, I believe?

Mr. Tarbet: Hey good morning, Jon Tarbet for the applicant. So, this is similar to an application I had before the Board previously on other properties where I see it more and more where people on small properties who can fit a pool on the property would rather not look at the pool equipment or hear it. If I could just share my screen. Are you seeing the site plan right now?

Mr. McMullan: Yes.

16673

Mr. Tarbet: So if you look at the pool, just to the left of it is where the pool equipment would fit, not an ideal location because, one, my client would be staring at it on his property, and, two, the noise would be better if we could put it in the garage so that if I could just, it is not going to work, so anyway the idea was to move the pool equipment inside the garage, the garage has been built, it is there now, the garage meets setbacks and there is a survey in the file showing the proposed location of the pool equipment and it is toward the back of the garage. I did reach out to the Grau family, Grau and Brown families who live behind the property prior to filing the application just to make sure they would have no objections. They had a request which was that we not have any openings in the back of the garage to allow the noise to funnel out of the garage towards their property. So actually, there was a design change made, there are no doors or windows at the back of the garage, except for an architectural one in the attic above...[inaudible]. So, again, the pool equipment would be relocated from a conforming location in the middle of the property to a nonconforming condition inside an existing garage. I don't think there is any detriment because of the idea, the applicant does not see it, to have it quieter, and I think that also would be the benefit to all the neighbors.

Mr. McGuirk: Thank you. I was speaking with Billy, and I think maybe some sound baffling material on the bottom of the garage would help with the vibration with the noise. Billy, can you help me on that?

Mr. Hajek: Yes, good morning, Chairman, Members of the Board. In the past, it has been determined that pool equipment sometimes on a concrete slab and inside a structure could create echo, like an echo chamber, and that has been mitigated by the installation of a membrane that the pool equipment sits on and that reduces the vibration.

Mr. Tarbet: That would make sense to, the whole idea here is to not see it or hear it, and I think that makes sense to add a rubber membrane I think they have for those.

Mr. Hajek: Yes.

Mr. Tarbet: I think it should also be screwed into the cement that stops it from vibrating.

Mr. McGuirk: Any other Board Members like to make any comments.

16674

Mr. Rose: Just a question, I seek confirmation from Billy that the garage conforms with the setback requirements for the garage, is that correct?

Mr. Hajek: Yes, that is correct.

Mr. Rose: So, this is just a question of putting the pool equipment into the conforming garage.

Mr. Hajek: Correct.

Mr. Rose: Just the pool equipment makes it nonconforming from that issue.

Mr. Tabet: The garage is actually existing now.

Mr. Rose: Just want to suggest that this makes a lot of sense and it should be looked at in terms of how the Code deals with these issues going forward because this is an elaborate process for doing something that makes sense.

Mr. Tabet: Totally agree. I think the Village Board has spoken about it so hopefully coming down the pipeline there will be a change.

Mr. McGuirk: Okay, thank you, I think we have enough information for the file, Lisa. So let us move on...

Mr. O'Connell: Is there anybody from the public?

Mr. McGuirk: Anybody from the public? Sorry about that.

Mr. Gambino: Yes, we have a number of callers on the line, let me unmute them in order, so caller ending with 6697, you are on the air.

Ms. Bennett: It will be for the Liss application.

Mr. Guest: Good morning, my name is Alexander Guest and I am calling to give testimony in the Michael Aaron and Christine Aaron ZBA appeal.

Ms. Bennett: Okay, that is at the end of the agenda.

Mr. McGuirk: I think we are going to have a lot of people on the line that are really for the last hearing.

16675

Ms. Bennett: Well, we have to check anyway.

Mr. Gambino: So caller ending with 8344, oh, they just hung up. Caller ending with 6292, you are on the air.

Mr. Darrell: Good morning, Board Members, Trevor Darrell, Fleming and Darrell PLLC, on behalf of the neighbors to the rear of this property, Rose and Bob Grau. So I think Jon mentioned that he did reach out to Rose Brown directly, I represent the parents who are actually the owners of the property, and we have discussed the screening and conformity of the pool equipment location but the, Jon sent me a copy of the site plan showing the rear yard to be planted out, and it is hard to see on the email but I think it says 13 feet and then they are going to be on two inches separated but if that is accurate, we just want to see if the Board would have the applicant covenant that if any of the installation of those bushes were to die, that the applicant would make sure that they remain sort of alive and replant them if necessary. There used to be screening prior to this development that the applicant would reinstall this screening and maintain it so that it survives.

Mr. Tarbet: The variance is to put pool equipment inside a garage so I am not sure where the screening relates to that. You definitely won't be able to see the pool equipment inside the garage. There is also a six-foot fence already on the property line. The Grau property has 40-year-old evergreens on it and we are proposing to put in a privet hedge. It is just the vagueness of the request I am having a hard time with. We are certainly happy to put vegetation in, I just don't know really how to address that.

Mr. Darrell: I am working off of the plot plan that was provided. It doesn't show that it is going to be privet hedge, it just says 13 feet by 2 inches so whatever that screening is, we just wanted to maintain it so that it remains there as part of the approval process for granting of the variance.

Mr. Tarbet: I think the owner may want to, in the future, put in arborvitae or trees, I don't know if they want to limit their ability to plant the property based on a re-veg plan. It is just so much easier, the reality here is that this is for a variance to locate pool equipment inside a garage. There is literally no nexus between asking for a vegetation plan as a condition of that variance.

Mr. Darrell: A vegetation plan was provided to the Board as part of the application...

16676

Mr. Messina: Okay, we acknowledge your client's concern as the adjoining neighbor, we acknowledge Mr. Tarbet's response, the Board will make a determination.

Mr. Tarbet: Thank you.

Mr. McGuirk: Thanks Trevor. Do we have any other callers?

Mr. Gambino: Yes, the next caller on the line, number 2701, you are on the line.

Ms. Sullivan: Yes, I was calling about the brewery but I don't think that is the issue you are talking about now.

Ms. Bennett: That is correct.

Mr. Gambino: And which hearing was that?

Ms. Bennett: The last one.

Mr. Gambino: The last one, okay. We have one more caller, number 5557, you are on the air.

Mr. Gibson: I am calling about the brewery too. What is the order of battle here?

Ms. Bennett: It is the last hearing, so we will put you back on hold.

Mr. Gibson: How do I know when to call in?

Mr. Gambino: Stay on the line, we will unmute you. And that is all the callers.

Mr. McGuirk: Thank you, any Board Members have any other...

Mr. O'Connell: I make a motion to close the hearing.

Mr. McGuirk: Can I have a second please.

Mr. Rose: Second.

Mr. McGuirk: All in favor?

16677

Mr. Rose: Aye.

Mr. McMullan: Aye.

Mr. McGuirk: Thank you.

Mr. Tarbet: Thank you.

Mr. McGuirk: Ms. Bennett, would you please read the next application.

ORIGINAL HEARING
31 Cooper Lane LLC – 31 Cooper Lane – SCTM #301-1-2-40.1

Ms. Bennett: Yes, application of 31 Cooper Lane LLC, SCTM#301-1-2-40.1, for Area Variances from Chapter 278, Zoning, to construct an accessory building. A 108 square foot variance is requested from Section 278-3.D.(7) to permit 499 square feet of accessory building floor area where the maximum permitted accessory building floor area is 391 square feet. Variances of 9.7 feet and 9.2 feet are required from Section 278-3.A.(5)(c) to construct a pool house attached to a garage located 10.3 from the rear yard lot line and 10.8 feet from the side yard lot line where the required setbacks are 20 feet, and any other relief necessary. The subject property is 9,590 square feet in area and is located at 31 Cooper Lane in Residence District R-40. This project is classified as a Type II Action in accordance with SEQR.

Mr. McMullan: Please note that I am recusing myself as I was noticed on this project.

Ms. Bennett: Okay, thank you.

Mr. McMullan: Thank you.

Mr. McGuirk: And that was Jim McMullan. The applicant? Rick?

Mr. Slater: Good morning, Mr. Chairman, Members of the Board...

Ms. Bennett: Rick, let me swear you in. Please state your name and address for the record.

Mr. Slater: Rick Slater, 38 Scrimshaw Lane, Amagansett.

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

Mr. Slater: I do.

Ms. Bennett: Thank you.

Mr. Slater: Good morning, Mr. Chairman and Board Members, I thank you for your time and consideration of our application this morning. My wife Kim and I have been fulltime residents of East Hampton for our entire lives. We are building 31 Cooper Lane for our ourselves and daughters for their future. We hope to move in or complete and move in this summer, but as our timelines have been kind of dismembered, we have taken it one day at a time and doing the best we can. And so, our apologies go out to the neighboring parcels on Cooper, it was just untimely with the Health Department but so be it and we move forward. When we purchased 31 Cooper Lane in August of 2019, we started with the site plan and demolition of the main house, the redirection of the common drive utility easement that serves 29 Cooper Lane, also owned by us to the rear, has taken considerable planning and time at the Health Department as noted before. To work with the existing accessory structure's footprint would create hardship for the owners at 33 Cooper Lane, the Helfand family, with the possibility of an overcut, unknown utilities below, these parcels are tight, and that would be not a wise decision to make and that is our premise with that kind of being discarded. Going back, the inability to privatize our common border is a concern; in addition to crossover the entire width of our 31 Cooper Lane with traffic, impacting drainage scenarios in the common driveway, neighbors' hardships during construction, and privacy post construction, these elements have been thoroughly analyzed and thought about and we go back to take a look at what is existing for over 100 years and that is the 500 square foot structure that is in dilapidated shape. During the life of the building, it has always had an oil furnace in the workshop, attached shed, and garage. The building that is on the property bordered with 33 Cooper Lane, the character and charm of the wooden structure has made the property special until the prior owners weren't able to maintain it. That is an unfortunate thing that happens in life. The charm of this building will be brought back well within the scale of the property and the neighborhood that it has been for many years. Going back in time a little history, Dick Peele, a dear, dear friend of ours had a workshop back there that he used 12 months out of the year because it was heated. There he made fishing lures and toys for tots and all of his woodcrafts, it was special, and we will bring that back. I am not going to do the woodwork that he did but the condition and the classic design will be restored. The condition of the main house and accessory

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structures have been noted to be unfortunate for the past few years, and we, as owners, again, apologize but it has been a timely effort at the Health Department but, again, permits are in place for the main house and a small pool and we are now asking for the variances for the accessory structure. The placement of the accessory structure provides a security, privacy element for 29 Cooper Lane which is the parcel in back, dividing the parcels with the garage to the rear of the property, this garage door will not be seen by either the neighbor to the north or south. The relocation of the accessory structure with a full foundation provides the opportunity to locate pool equipment to reduce noise reduction and to properly plant a 50-foot minimum height Leyland Cypress hedge which I find to be the best greenery wall that I have ever planted and maintained. Lastly, the relocating of the accessory structure, maintaining the 100-year-old plus square footage that is in place today would require consideration of 100 square feet, Section 278-3.D.(7) and a 9.4-inch side setback consideration Section 278-3.A.(5)(c) does not impact any neighbor negatively. The new structure creates privacy, environmental improvements, proper drainage from the roofline to drywells, and enhances the neighborhood as a whole. Again, this single roofline provides proper drainage; I went back and forth trying to separate these buildings to bring them into a setback that is within today's standards. It was clumsy, it was dangerous, and it went back to what we have today which is a single roofline pulling it off the lot line and many of our Village buildings were built back in the day with co-owners being family members and so lot lines were identified by accessory structure walls. I think the improvement will be a great asset to all the neighbors considered, and, once again, I thank you for your time, this is a project that has been very dear to us, we are excited, and we are lucky to be able to build such a quaint, private village setting. So, if there are any questions that I can answer, please ask and that is my message to you this morning.

Mr. McGuirk: Thanks Rick. I know Billy Hajek wrote a memo on this, so Billy, do you just want to summarize your memo real quick.

Mr. Hajek: Sure. Good morning Chairman, Members of the Board, so I provided a memorandum to the Zoning Board dated January 6th, I attached to that a copy of the survey showing the previously existing conditions prior to the demolition of the residence that was there, and I did that simply so the Board could see the location and size of the existing accessory structure that presently exists that is not depicted on the current site plan, but I thought it was important for the Board to see its size and proximity to side and rear yard lot lines. So this is a 9,500 square foot parcel of land in the R-40 Zoning district. As described by the applicant, the residence was recently demolished and they have a building permit to reconstruct a new

residence and swimming pool on the property. The property did go through the Planning Board process where the Planning Board agreed to modify the common driveway and that was shifted to be along the southerly side yard property line.

Mr. McGuirk: Billy, the common driveway used to cut through the middle of the back of the driveway, right?

Mr. Hajek: Yes, it started on the southerly property line and then it sort of curved into the middle of the lot and bifurcated the property and my understanding is they simply, that is where the driveway previously existed, and I think it was a matter of ease, that just put the easement over the existing driveway, not really thinking about the future placement of structures in the rear yard. So that has been approved by the Planning Board and that easement has been recorded. And now this project is simply to construct a new accessory building. If you looked at them separately, the garage component of the structure complies with the garage setbacks, which are 10 feet, it is the fact that the pool house shares a common wall with the garage that triggers the need for side and rear yard variances, but if you looked at them separately, the garage actually complies with the setbacks and the pool house, if it were a standalone structure, would actually comply with the rear yard setback, it would only need a minor side yard setback from the northerly side yard. So that is essentially my summary of the project. If the Board has any questions, I would be happy to try to answer them.

Mr. McGuirk: And just real quick, as mentioned by the applicant, these lots are pretty narrow, they are long and narrow. Any Board Members like to speak on this?

Mr. Rose: I have one comment. I have no problem with this application because of the fact that there is an existing building on the site and it makes sense to move it off the property line. I just want to make it clear that that is the criterion within which the looking for the area variances is being considered. Ordinarily if there weren't a preexisting structure on the site, especially given the revisions that have already been made to the area requirements for this, it is not something that would be precedential in terms of okay an additional 100 feet for an additional structure for a pool house given the tight nature of this neighborhood wouldn't necessarily be appropriate for a thing to ask but given that it is already there and this is a relocation to a more conforming and appropriate location, I have no problem with it.

Mr. McGuirk: Thank you Mr. Rose. Philip?

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Mr. O'Connell: Yes, I have an issue with the application. These are tiny lots, you are asking for almost 25 percent greater accessory building area than is allowed, and I think there is an alternative, it is self-created, it was known when the lot was bought so I do have an issue with this application.

Mr. McGuirk: Thank you. Carrie?

Ms. Doyle: Well, I think like what Joe said, I agree, this is a 100-year-old structure, it has already been there, and basically, they are just going to improve a dilapidated accessory structure so I think that is a good thing. So I have no problem with this.

Mr. McGuirk: And that is all that is sitting on this, right Pam. And I have no problem with this application. Can I have a motion to close the hearing?

Mr. Gambino: There are callers.

Mr. McGuirk: I am sorry, I keep forgetting the callers, sorry.

Mr. Gambino: Caller ending with 1765, you are on the air. That is caller ending 1765, you are on the air. All right, moving onto the next caller. Caller ending 2900, you are on the air.

Mr. Graham: Thank you Jody. It is Arthur Graham, 44 Cooper Lane. I just wanted to weigh in on this as a neighbor. I have no problem with what the Slaters are attempting to do here and I would be in support of this application. Thank you.

Mr. McGuirk: Thank you Tiger. Any other callers?

Mr. Gambino: Yes, caller ending with 1046, you are on the air.

Ms. Stowe: Hi, Stacy Stowe, I wanted to speak about the brewery so I will just stay on line.

Mr. McGuirk: Thank you.

Mr. Gambino: All right, caller ending with 8344, you are on the air.

Mr. Nachman: I also want to talk about the brewery so I will simply stay on line.

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Mr. McGuirk: Thank you sir.

Mr. Gambino: I think that is all the new callers. Let me just do one doublecheck. Caller ending with 9215, you are on the air.

Mr. Lewenberg: I was calling about the brewery, I think I am supposed to hold.

Mr. Gambino: All right.

Mr. McGuirk: No more callers?

Mr. Gambino: Let me just doublecheck this one last number. Caller with 1765, you are on the air.

Unknown: Hi, I am calling about the brewery.

Mr. Gambino: And that is all the callers.

Mr. O'Connell: I make a motion to close the Public Hearing.

Mr. Rose: Second.

Mr. McGuirk: All in favor?

Mr. O'Connell: Aye.

Mr. Rose: Aye.

Mr. McGuirk: Ms. Bennett, can we move onto the Behind the Pond, LLC next please.

ORIGINAL HEARING

Behind the Pond, LLC – 50 Highway Behind the Pond – SCTM #301-9-4-16.1

Ms. Bennett: Application of Behind the Pond, LLC, SCTM#301-9-4-16.1, for an Area Variance from Chapter 278, Zoning, to make alterations to a preexisting nonconforming second residential use. A variance is requested from Section 278-2.B.(1) and 278-7.C.(2)(d)[2] to make alterations to a preexisting nonconforming accessory cottage use when a residential property is permitted one residence, and any other relief necessary. The subject property is 80,507 square feet in area and is

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located at 50 Highway Behind the Pond in Residence District R-160. The project is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: Pam, we are all sitting on this application just for the record.

Ms. Bennett: Okay, thank you, yes.

Mr. McGuirk: Is the applicant present?

Mr. Goldstein: Andrew Goldstein for the applicant. I have Frank Greenwald who is the architect on the project who would explain it to you in greater detail, and if Pam could swear him in.

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

Mr. Greenwald: Frank Greenwald, Architect, 295 Main Street, Sag Harbor, New York.

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

Mr. Greenwald: I do.

Ms. Bennett: Thank you.

Mr. McGuirk: Go ahead, Frank.

Mr. Greenwald: Great, so I am the architect representing Behind the Pond, LLC. My client Mr. Bill Brady came to me several months ago asking me to renovate their cottage. He and his family have owned the property since 2006, it has never been rented, the family has used it seasonally and continuously since their purchase. He is recently remarried and they have a large, extended family, and the request for me to make a proposal to provide better accommodations for their extended family within this guest cottage or cottage. The existing cottage was built sometime in the 1960's. It contains six bedrooms and four bathrooms, a living room, dining area, and a kitchen and a small laundry room in one of the baths. It contains a partial cellar with a good percentage of either crawlspace or slab on grade. It is a flat roofed structure with an eight-foot ceiling height, has issues, it has a leaky roof, has leaky skylights, it has mold and mildew because it is

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dirt crawlspace and slab on grade. It is serviced by an old traditional septic system; it basically looks like an old roadside motel. I will show you images of it later. There was an addition in 1977 to this by Building Permit number 5645 and that was an addition of one bedroom which brings it to a total six bedrooms. The goal in this application is two-fold. First is to provide better accommodations for modern extended family. We are proposing in this application to maintain the existing six bedrooms but to add two additional bathrooms so that each of the rooms are ensuite. We will provide proper bedroom closets and a small powder room. Additionally, we are proposing to provide a full basement which right now there is a partial crawlspace, as I said partial slab on grade, and a partial little cellar area. We are proposing to excavate and provide a full basement that will include a proper laundry room, small gym, and a lot of storage space with a Bilco door because there is no real storage space on the property. The existing main residence has a minimal basement area and also there is mostly crawlspace. Our second goal is to create a structure that is more in keeping with the traditional shingle style vernacular of the Village. We are proposing a simple gable-roofed structure, clad and cedar shingle, traditional wood windows and doors. The property is located on a right-of-way off Highway Behind the Pond, it is fully hedged by a large privet and it is very private. Any changes that we will make therefore will not be visible from off property, neither will they affect the character of the neighborhood in any kind of a negative manner. There will be no negative physical or environmental effects caused by this proposed renovation, there are no wetlands nearby. We are proposing to install a new I/A septic system, our clients are obviously very environmentally concerned. What we are proposing does not constitute an intensification of the lot, there is no increase in bedroom count, no increase in GFA, there is actually a minimal reduction in GFA, we are removing one of the little bays. The variances, I think, are not substantial. We are conforming to GFA, we are conforming to setbacks, we are conforming to lot coverage. The need for this variance is not self-created because at the time when the Bradys bought the property, the cottage could have been renovated by getting a Special Permit. The law changed after they bought the property to declare the cottage to be a nonconforming use and therefore requiring an area variance in order for us to renovate it. I would like to just pull up, this is the survey, this is Saskas latest survey of the property. At the top of the page is the Maidstone Club, on the left side is a private right-of-way driveway, Highway Behind the Pond is down at the bottom past several properties. This sort of X-shaped building is the main residence which is I think is approximately 6,000 square feet, something like that, there is an existing swimming pool at the bottom of the page, this L-shaped structure is this existing one-story cottage, and in red are shown some of the improvements that are not related to the GFA of the existing cottage. Let me pull

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up, this is a floor plan of the existing cottage. There is a wooden deck on the back which we are proposing to cover with a porch, there is a wooden deck on the front which we are proposing to cover and turn into a covered porch and there are one, two, three, four, five, six bedrooms, four bathrooms, one of which has a laundry room inside the bathroom and then there is a living room and a kitchen area. And what we are proposing is this which is basically an interior reorientation of all of the spaces, still ending up with six bedrooms, although each with their own bathrooms, the living room, dining room, kitchen stays where it is, this back area, which is now this open deck would be a covered porch, and this front area, which is now an open deck, would become a covered porch. The Bilco door stays pretty much where it is and then on this west side, we are proposing an areaway that goes down to this basement level which the right side is basically unfinished storage space, access by the existing Bilco door, and then space for a home gym with an outside area with a staircase to get out as a means of egress, the interior staircase, pantry, laundry room and a bathroom. Let me just show you what it looks like currently. This is what the existing building looks like, it is sort of a non-descript flat roofed kind of motel looking building and we are proposing to basically just add a gable roof to the top of it and make it look more like a...

Mr. Ackerman: I am listening to a hearing, I am going to call you back in a couple of minutes, okay.

Mr. Greenwald: Something traditional and yes, that is it, if anybody any questions for me or for Andy Goldstein, we are happy to answer them.

Mr. O'Connell: I have a quick question, Frank. What is behind the two garage doors currently that are shown?

Mr. Greenwald: There is an existing garage, there is an existing two-car garage as part of the existing GFA of the building.

Mr. McGuirk: Frank, it is the same footprint as what currently exists now? Is that what you guys are working on?

Mr. Greenwald: It is the exact same footprint, yes.

Mr. McGuirk: I assume you are going to knock the structure down that is there and you are going to build a whole new structure?

16686

Mr. Greenwald: Well, I think the plan would be to try to keep as much as reasonable of it, build a gabled roof on top of it. We haven't sort of really gotten that far into it but yes, the plan would be to keep as much of the structure as we can. The slab on grade obviously where the garage is is a small cellar under this area and then this is a crawl space, a dirt floor crawl space, so the floor framing I think pretty much is okay, the walls are okay, it just has to...[inaudible]...it up and add a roof.

Mr. McGuirk: Any other Board Members want to comment?

Mr. Rose: Yes, I have a few questions first to Billy Hajek regarding the history of the regulations in terms of compliance. So, when this structure was originally built, which I believe you said was in the, or the applicant said was in the early 70's, is that correct?

Mr. Greenwald: We think sometime in the 60's it was built, there was an addition in 1977, the one bedroom, this bedroom in the back was added.

Mr. Rose: Got you.

Mr. Goldstein: They did some sort on it in 1970 also, I think.

Mr. Rose: Bill, are you on?

Mr. Hajek: Yes, hi, I am here Joe.

Mr. Rose: Can you speak to the evolution of the regulations regarding creating accessory or ancillary or additional structures. When this was built in the 1960's, it was a permitted addition?

Mr. Hajek: Yes, so in the 60's you could build a second dwelling. I am presuming it was done under the allowance that if you had property that was subdividable, like if you had a 10-acre lot in a 5-acre zone, you could build a second dwelling unit without subdividing your property. It was only if you could demonstrate you could subdivide. This was probably in a one-acre zone at one point in time in the 60's when they built their cottage, and I am kind of assuming that the cottage was built was under that requirement. Sometime in the, I am paraphrasing here, I believe it was the 80's, second dwellings were made Special Permits so the applicant would have to obtain a Special Permit to construct or modify a second dwelling unit located on a single piece of property. Then in the, I want to say,

16687

2012 era, the Village made second dwellings nonconforming uses and eliminated the Special Permit requirement but allows secondary dwellings to be renovated or altered by way of an area variance. Even though it is a nonconforming use, the Code says that you can alter it with just meeting the area variance standards. So it was permitted and conforming when it was built.

Mr. Rose: Understood.

Mr. Greenwald: There are a series of Certificate of Occupancies that describe it as it is today.

Mr. Rose: Understood, thank you. Second question has to do with the height, does the existing height of the structure is at least I believe I saw it is 9 feet.

Mr. Greenwald: That is correct. The existing structure is about 9 feet tall; it is an 8-foot plate.

Mr. Rose: And the proposed new height is 22, I think it is something like that?

Mr. Hajek: It is 22.7.

Mr. Greenwald: It sort of varies, the highest point, sorry, I don't know this off the top of my head.

Mr. McGuirk: Page A3.

Mr. Greenwald: Thank you, John. There we go, 22 foot 7.

Mr. Rose: Can you just show again the enclosure of the porches, is where?

Mr. Greenwald: Let me just pull up the floor plan, here we go. So, in the rear there is an existing wood deck out here which we are proposing to put a bluestone floor with a covered porch roof on it, pretty much in the existing area of the deck and the same thing in the front, there is an existing wooden deck.

Mr. McMullan: It appears, Frank, that both of those are reduced in size, correct?

Mr. Greenwald: The rear one is reduced in size, actually the front one is probably reduced a little bit in size. We are proposing to take off this little bay here for design reasons. So the GFA actually comes down. I would also mention that none

16688

of the spaces would have ceiling heights greater than 15 feet so they wouldn't be counted twice.

Mr. Rose: What is happening in that additional 7 feet?

Mr. Greenwald: Just higher ceilings. Right now, the building has 8-foot ceilings throughout.

Mr. Rose: I understand what you are saying; if none of the rooms has ceiling heights higher than 15 feet...

Mr. Greenwald: Well, you can see here, this is sort of an outline of a tray ceiling in one of the bedrooms, above that would just be mechanical space with ductwork and probably air handlers.

Mr. McMullan: More like attic space.

Mr. Hajek: So an attic.

Mr. Greenwald: Yes, just an attic.

Mr. McGuirk: I think it is an improvement to the neighborhood, the design.

Mr. McMullan: I agree.

Mr. McGuirk: I think it is a definite win but I am only one member. Philip, do you have any...

Mr. O'Connell: Yes, I think, you know, while you do have a legally conforming preexisting use with the 6 bedrooms, I think by picking up the additional GFA of the garages and converting them to bedrooms, it is an intensification. I also think the increase from the 9 feet to the 22 feet is substantial. The applicant already has 6 bedrooms that are usable. I understand you want to reconstruct the space; I don't have an issue with the outside porches and I don't have an issue with the basement but the rest of it I do so those are my comments.

Mr. Greenwald: If I could just clarify one thing, there is no increase in GFA because the garage counts as part of the existing GFA.

Mr. O'Connell: Okay.

16689

Mr. Greenwald: So there is no increase in the GFA of the structure. In fact, as I said, there is minimal decrease in GFA.

Mr. Rose: Picking up on Phil's point, there is a substantial increase in the bulk of this structure and may well be architecturally improved over the aesthetic of the original structure but it is substantial and the question is, my question is, has there been any overt outreach to the neighbors regarding the impact of this? Do we know that they are aware? I know these things get noticed but as we know from our own, sometimes it is hard to figure out exactly what is going on just from the notice that one gets in the mail. Has there been any expression or interaction with the neighbors regarding this proposal?

Mr. Greenwald: Honestly, I don't know whether my client has reached out to the neighbors. I honestly don't know that.

Ms. Doyle: Can I say something to that effect because I do know the neighbors. I told them of this hearing today and they said they have no problem with it, they didn't want to be on the zoom, they had no problem with it.

Mr. McGuirk: Thanks Carrie.

Mr. O'Connell: I have a question for Billy. What is the maximum height for an accessory structure right now? Fifteen?

Mr. Hajek: Well, no, it would be, an accessory building, which can be no larger than 250 square feet is 12 feet, a garage I believe is 20 feet. This structure is regulated by the dwelling maximum height for a dwelling unit.

Mr. O'Connell: I understand, yes.

Mr. Hajek: But those are the allowable heights for accessory structures.

Mr. McGuirk: Okay, do we have any callers on the line?

Mr. Gambino: Yes, we have 10 callers on the line. So I will unmute the first caller, 6697, are you on the air.

Mr. Guest: Yes, good morning everybody, I have already stated that I am waiting for the Michael Aaron brewpub discussion.

16690

Mr. McGuirk: Be patient, we are almost there.

Mr. Gambino: Caller 1046, you are on the line, caller ending with 1046, you are on the line. All right, moving to the next caller, caller ending with 6763, you are on the line.

Mr. Chase: Yes, that is me, I am waiting for the Michael Aaron hearing and discussion.

Mr. McGuirk: Thank you, sir, we will be there shortly.

Mr. Gambino: Caller ending with 3659, you are on the line. All right, going to the next caller, caller ending with 9215, you are on the line.

Mr. Lewenberg: Hi, I am calling with some concerns about the renovations to the brewery and expansion of, I am sorry, the renovation of the property and the creation of a brewery there.

Mr. McGuirk: Yes sir, we are going to be on that hearing in about five or ten minutes so, if you could please wait on the line.

Mr. Lewenberg: Oh, I am sorry.

Mr. McGuirk: Thank you sir.

Mr. Gambino: Let me just check if anyone else. Caller ending with 8635, you are on the air. Caller ending with 8635, you are on the air. All right, moving to the next caller, and this is the last caller, 1765, you are on the air.

Mr. McGuirk: We have had that caller before.

Mr. Gambino: Sorry about that.

Unknown: I am here for the brewery.

Mr. McGuirk: Thank you.

Mr. Gambino: It seems like everyone else is here for the brewery.

Mr. O'Connell: I make a motion to close the hearing.

16691

Mr. Rose: Before we move to close the hearing on this, I just want to underscore, I guess I am in agreement with Phil's point about the height and looking at this image that we now have on our screen where there is a gabled roof on the right as you look at it, right where the hand is, that height is what height? The top of the peak of that roof?

Mr. McMullan: The height is 18 foot 11 inches.

Mr. Rose: I would just encourage and I would suggest that it should be possible to achieve all the objectives while making the other height also conform with the 18 foot.

Mr. Greenwald: Yes, it is basically just a function of maintaining a traditional pitch and the width of the existing building. So, this, at the bottom, is a side view of this gable so that gable is based upon a traditional pitch and the width of the existing building. We probably could do something to change, to flatten pitch of it, make it look more...

Mr. Rose: Just consistent with the other two and would bring it in conformity with the accessory...

Mr. Greenwald: Yes, but this has nothing to do with it.

Mr. Rose: I understand.

Mr. Greenwald: Somewhat arbitrary designation.

Mr. Gambino: We have one more caller.

Mr. Rose: I am not going to argue but I would just make the point I think it is consistent with the point that Phil made, it is a substantial increase in bulk in the mass of the, not the density understand, but the mass of the structure and it would seem aesthetically it would not be problematic to bring it down to the consistent roofline.

Mr. Greenwald: We can probably do something to get it to look right.

Mr. Goldstein: It is not a dimensional variance.

16692

Mr. O'Connell: What is that?

Mr. Goldstein: It is not a dimensional variance. Bulk has nothing...[inaudible].

Ms. Doyle: I would say also the building that is there now is so incongruent, it is such a low flat building that yes, it may be substantial but that building, as John, the Chairman said, this will be a big improvement over what is currently there which it doesn't look like it goes with the area at all.

Mr. Goldstein: With all due respect the bulk of the building is not the issue; it is the intensification of whether the use is being intensified.

Mr. Rose: Clearly the use of the building is being intensified so the question is how to accommodate the intensification of the use in an appropriate way.

Mr. Goldstein: I don't understand how it is being intensified.

Mr. Ackerman: Andy, Mr. Chairman, this is Lenny Ackerman, can I just say something.

Mr. McGuirk: Yes Lenny.

Mr. Ackerman: Mr. Rose, I think, is on the wrong Board. This is not the ARB, this is not the DRB, this is the Zoning Board, we have met the criteria, we have satisfied the criteria...

Mr. Rose: Mr. Chairman, I don't need to...

Mr. Ackerman: Mr. Rose, let me speak, Mr. Rose, I let you speak, allow me to speak please. Mr. Rose, is that all right?

Mr. Rose: It is not if you make it an ad hominem attack Mr. Ackerman.

Mr. Ackerman: Mr. Rose, Mr. Rose, I am entitled to speak, you can speak all you want, you are Member of the Board, I am making a comment, I respectfully ask Mr. Chairman that you close the hearing.

Mr. McGuirk: Philip, you had a motion on the floor.

Mr. O'Connell: I did.

Mr. McGuirk: Okay. Can I have a second?

Mr. McMullan: Second.

Mr. McGuirk: All in favor?

Mr. McMullan: Aye.

Mr. McGuirk: Aye.

Mr. Rose: No.

Mr. McGuirk: Thank you.

Mr. Ackerman: Thank you.

Mr. Greenwald: Thank you.

Mr. McGuirk: Okay, we are on our last hearing of the day. Pam, would you like to read it please.

ORIGINAL HEARING

Michael and Christine Aaron re 17 Toilsome Lane – SCTM #301-2-3-2

Ms. Bennett: Sure. Application of Michael and Christine Aaron, SCTM#301-2-3-2, to appeal a building inspector interpretation that the proposed land use for a pending site plan application of the Mill Hill Realty Corp. is a permitted use within the Manufacturing-Industrial Zoning District. The property subject to this appeal is located at 17 Toilsome Lane, contains 70,913 square feet of area and is in the Manufacturing-Industrial zoning district. This is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: Is the applicant present?

Mr. Walsh: Yes, Mike Walsh, and I represent Michael and Christine Aaron, they are the appellant, they brought the appeal in this case.

Mr. Messina: Mr. Chairman, if I may.

Mr. McGuirk: Yes.

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Mr. Messina: Just for the benefit, and I know Mr. Walsh knows this and I know the Board knows this, but for the benefit of the public and anyone who wants to be heard, this is a little different than what we usually see at the Zoning Board. This is an appeal from what is purported to be an interpretation of the Building Inspector so as a result the burden of proof is on the person challenging the interpretation and we are on the very narrow issue as to a. whether or not an interpretation was made, and b. if it was, was it in accordance with the Zoning Ordinance. Whether or not you think the brewery is a good idea is irrelevant here, whether or not you think it will bring too much traffic is irrelevant here, the key is just a very, very narrow issue and we have a number of speakers so I would ask everybody if you wish to be heard, great, but please don't repeat what prior speakers have said, that is really not helpful for the Board in making its determination, if you want to come on and say I agree with what the prior speaker said, that is wonderful, and of course the Board wants to hear that but, again, we are just here for a very narrow focus and a very narrow issue. With that Mr. Chairman, I thank you for the opportunity just to set the record straight.

Mr. McGuirk: Thank you Mr. Messina. Mr. Walsh please.

Mr. Walsh: Thank you Mr. Chairman for pointing out the fact that this is in fact an appeal of what my client's Michael Aaron and Christine Aaron, who are the next-door neighbors to the property that is the subject of the appeal, deem to have been an interpretation by your Building Inspector entered in the minutes of an August 3, 2021 DRB meeting. The Building Inspector was there, he was there for a purpose apparently to opine that the use that is proposed to be commenced on this lot was permitted under your Zoning Code. When that was brought to my attention I obtained a copy of the minutes, reviewed the minutes, and it is very clear to me that that is in fact an interpretation. The Building Inspector as we know in the State of New York and in the Village of East Hampton specifically is charged initially with the interpretation of the Zoning Ordinance. In this particular case the question is what use is being proposed number one, and number two, is the use proposed permitted under the Zoning Code. Only the Building Inspector in the first instance has the authority to make such an interpretation or determination which in fact he did at that August 3, 2021 meeting. What is the remedy of an aggrieved adjoining land owner and consistent with the Chairman's comments, this is not about traffic, it is not about whether or not people like breweries or otherwise, it is about whether or not the Zoning Board of Appeals, as the sole agency charged with reviewing Building Inspector's interpretations of the meaning of your Zoning Code, whether the Zoning Board of Appeals, after you look at the Code, you look at the proposed use in the four corners of the application, whether

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you conclude that the use is either prohibited as Mr. and Mrs. Aaron contend, my clients, or if it is permitted as the Building Inspector apparently contends. Now what I have done Mr. Chairman in the spirit of brevity, is I have submitted a series of letters to your Board initially with the Zoning appeal I filed the Zoning appeal with attachments and exhibits. I also filed a letter back in November which is in the form of a memorandum explaining our position and I filed more recently in response to Mr. Balsam's memorandum, which he was kind enough to email to me, I appreciate that, I filed a response and I have also filed two additional letters. It is difficult in a zoomed context, typically what we do as you know, we hand up exhibits at these hearings, but I think I have everything in writing documented and memorialized for your Board and made part of your record which is very important for my client.

Mr. Messina: Yes, Mr. Walsh, I will acknowledge that we have received those, they are in the file, and thank you.

Mr. Walsh: Thank you. Let us get to the heart of the matter. Number one, in order for you to determine what the use is, you have to look at the application and what do we see in the application. First and foremost, if you look at the designer of the plans that were presented to the Zoning Board of Appeals, it is a design firm by the name of OPA which is based in Austin, Texas. Why is that important? It is important because OPA is in the business of designing brewery taprooms of the sort that has been made part of the application. So, when we start talking about terminology and we start defining the use and we determine and we examine what this use is going to be if approved, we have to look at the application because that was before the DRB, that was before the Building Inspector, and it has now been made of your file. And what do we see? What we see is a plan that presents approximately 7,000 square feet are tasting rooms and beer garden areas, and this is the applicant's own terminology by the way, on the plan, if you look closely at the plan, what is proposed is not in the first instance, not a restaurant as defined in the East Hampton Village Code, and I will reference that definition in a moment. What is proposed is a tavern, a brewery taproom, a building measured out the total square footage is approximately 12,000 square feet and we don't have enough details in the plan to fine tune the exact number but approximately 7,000 square feet of that 12,000 is a taproom or a tavern or a barroom. Why do we say that? Well Mr. Balsam has made much, he has made note of the fact that these terms are not specifically defined in your Code but we do have a definition of a restaurant and we do have examples throughout the east end of Long Island of what a brewery is, what a tavern is, what a taproom is and what a barroom is, what a bar is. And what we see is the large majority of the square footage of this project is

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devoted to the sale and service of alcoholic beverages in this particular case beer and ale, a craft brewing operation made up of two large tasting rooms, one is on the first floor, the second is on the second floor, it is a two-story building, and a so-called beer garden. What would be happening in the beer garden is a little bit vague, hasn't been specifically described by the applicant. They mention there will be some seating in the beer garden. The beer garden if you scale it out is approximately 2,000 square feet, an open-walled area defined as a beer garden. So, we have the two tasting rooms, we have the beer garden, we have an additional area referred to as an 800 square foot brew patio and porch. Again, that is undefined space as to whether there will be tables or it will be occupied. It joins the beer garden; it appears to be an area that will be occupied as part of the beer garden. When you add that all up, it is approximately 7,000 square feet of space. So, there is no doubt when you look at the plan that has been filed by the applicant that the substantial, primary, principal use of the project as proposed is a tavern, a bar, a brewery taproom. That is how we are defining it today before your Board, and I think I have put ample evidence in my correspondence and in my exhibits to prove that out. So how do we get to a restaurant? The answer is, we cannot get to a restaurant. Mr. Balsam's most recent correspondence now works in the term restaurant in a big way. What happened is the application essentially changed as of a few days ago and now it has been defined as a restaurant. The problem is that a restaurant, as defined in the East Hampton Village Zoning Code, is specifically, expressly permitted in a manufacturing zone, however, the restaurant must be solely, solely used for the service, preparation and service of food in furnished dining areas, and no form of a tavern or bar is permitted as part of the restaurant use. The only alcohol service in a restaurant is accessory, and the terminology your Code uses, may be accessory to the service of food. What we did in our most recent correspondence is we gave you three examples of brewery taprooms, brewery taverns, brewery bars here on the East End and what they show is precisely what has been designed by OPA the Austin, Texas based brewery taproom design firm that drafted these plans and provided them to the architects to file with your DRB and now with the ZBA. This is a brewery taproom, it is a bar, tavern, it is prohibited under the restaurant definition. By the way, as an aside, I have discussed this with numerous colleagues here in the local bar and everyone has reached the same conclusion, we clearly, Mr. and Mrs. Aaron, are strenuously opposing this application. This is our first step in that opposition. This is a residential neighborhood. My clients live in a house that was built in 1799, I understand that is a DRB, ARB issue down the road but I want to make sure that you understand why we are here and how strenuously my clients intend to oppose this application, this is our first stop, we appreciate your looking at our materials, we appreciate your hearing us today, I know there are a good number of neighbors

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that want to be heard. If you have any questions for me, I am glad to answer them. I implore you to review our submissions, we have referenced various websites and various materials that you and your staff can look at and your Building Inspector as well, and I suspect that when you do review those materials, you will conclude as have I and most attorneys and professionals and neighbors for that matter, these are smart, educated people that are going to talk to you this afternoon this morning, we have all concluded that when you look at your Zoning Code, you look at the restaurant definition, it clearly prohibits the use that has been applied for and we respectfully submit that your determination should reverse and annul the Building Inspector's determination to the extent he opined that the use was permitted in this Commercial Zone. Thank you very much.

Mr. McGuirk: Thank you. Should we go to the callers or Board Members, would you like to speak first?

Mr. McMullan: I say go to the callers.

Mr. McGuirk: Thank you.

Mr. Aaron: Will I be able to speak?

Mr. McGuirk: Yes, Mr. Aaron?

Mr. Aaron: Am I permitted to speak now?

Mr. McGuirk: Yes sir, go ahead please.

Ms. Bennett: Mr. Aaron, let me swear you in. Please raise your right hand and state your name and address for the record.

Mr. Aaron: Michael Aaron, 19 Toilsome Lane, East Hampton.

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

Mr. Aaron: Yes, I do.

Ms. Bennett: Thank you.

16698

Mr. Messina: Mr. Aaron, before you begin, I would be remiss if I didn't tell you this. The Chair has given you every right to speak and you have, however, a very able attorney who has represented you very well here. Often times when clients speak, it is not helpful to their cause. Having said that, the decision as to whether or not to continue is yours sir, but I just would be remiss if I didn't tell you that.

Mr. Aaron: Thank you, greatly appreciated. Should I speak now?

Mr. McGuirk: If you would like to sir.

Mr. Aaron: First of all, thank you very much for giving me this opportunity to read my statement that I have spent a great deal of time working on to prepare, and I will send a copy of that statement to the Village Administrator so they can have it as a printed record. Well when I first moved to 19 Toilsome Lane in 1983, the Diamonds, who had a furniture store in the Village and a warehouse that still exists on the property next to my home, they came by to graciously welcome me as their new neighbor. When I purchased mattresses for my three bedrooms, they even gave me a special price as a neighborly gesture. They were very nice people. The Diamonds who I knew 30 some odd years ago are long since gone from Toilsome Lane. Those were the Diamonds who cared about their Village and neighbors. Now there is a new generation of Diamonds and based on what Christopher Diamond wants to build, I doubt that he or his partners care that much about their Village or their neighbors. To me, they seem to care more about "greed over need" that Adam and Ellen Goldstein wrote in their November 18th letter to the East Hampton Star. If they cared, they would have never entertained the absurd concept of building an out-of-place, over-sized 140 seat brewery of an unknown number of the actual capacity of patrons. A tavern, beer garden, brewpub on a site that is large enough to hold weekly outdoor concerts that could attract thousands of rowdy party goers fueled with several bottles of fresh brewed beer that would infringe on the quality of life that has been enjoyed for centuries by their neighbors and the Village. If they cared, they would be concerned they are building a brewpub that violates the Zoning Code, that has an entrance and exit near a 90-degree blind curve where approaching cars appear only a few seconds before patrons make turns to arrive or leave that two-story beer hall and brewery. Don't they even care about the safety of other people or the potential chance of a loss of life. If they cared, would they be concerned that when the beer hall becomes a successful destination that it is only a stone's throw from the East Hampton train station that offers an abundance to parking that will attract large crowds who after having several beers will be in danger when walking back to the train station or their cars on the poorly lit Toilsome and Gingerbread Lanes that have no sidewalks

to protect them from the heavy traffic. If they cared, would they have taken into consideration the past damage done to the East End...

Mr. Messina: Mr. Aaron, this is not an indictment of the applicant or even an examination into their motivation, this is very strictly whether or not the Building Inspector's determination was or is not an interpretation and was or was not correct. Your comments are appropriate before the DRB, perhaps even the Planning Board if there is something to be done there, but they are not helpful here. And I cautioned everybody before we did this hearing that this wasn't about the application in chief, it was about a very limited issue, so I would ask you to please stick to that issue.

Mr. Aaron: Well I would just like to read reference of one of 25 letters that appeared in the East Hampton Star and then address something about the definition of restaurants. What I would like to do is end what I was going to be saying the fact that Michael Braverman wrote a brilliant letter saying that when he stated this simply "it is simply one of the worst development ideas propounded for a Village that takes pride in its 372-year history" and he continues "if the authorities allow this reckless intrusion, it will set a terrible zoning precedent." And then finally what I would like to say is I would like to address an important point that appears in the brewery attorney's letter of rebuttal dated January 12th. Up until then they never refer to the beer pub as a restaurant but instead as a beer garden, tasting room, small scale brewery, etc. which it is, however, now they are attempting to change courses in midstream after realizing the horrendous error by not realizing that the land is not zoned for a beer garden so they are now trying to call it a restaurant. It is not a restaurant. In their incorrect argument that it is now a restaurant, they write on page two, "restaurants that brew their own beer are a popular version of a restaurant generally seen as **quiet** uses that do not keep late night hours and are **compatible** with surrounding residential and retail neighborhoods, compatible. Well I think they more or less shot themselves in the foot because in reference to compatible to the neighbors, just in case they haven't read my two ads or the numerous anti-beer hall letters in the Star, the neighbors do not want the beer hall and we are up in arms against it. In reference to quiet that they had in bold letters, you have to be kidding unless you are planning to limit the outdoor entertainment to someone playing the harp. There will be an abundance of loud music destroying the peace and tranquility of our neighborhood. Mr. Balsam, I address to Mr. Balsam who sent that letter, most 140 seat beer halls with an unknown indoor and outdoor capacity are noisy, they are not quiet. Well to end this, on behalf of my wife, Christine, and our neighbors and homeowners and all of the people who have been supporting us in this fight that should not be there, I

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really hope from the bottom of my heart the Appeals Board saves the Village of East Hampton from this unwanted beer hall. The time has come to stop this madness and you the Members of the East Hampton ZBA can do it. Thank you.

Mr. McGuirk: Thank you Mr. Aaron. Any Board Members like to speak yet or we will go to the callers.

Mr. O'Connell: I would like to just say one thing. I have heard it a couple of times now. In Mr. Walsh's submission dated January 13, 2022 he includes the minutes from the August 3, 2021 meeting, on the bottom of page one, going into page two, Alex Balsam appeared on behalf of the applicant and stated the proposal is to remove the tile cow barn, replace it with a new addition to the existing block building and have a restaurant that basically brews its own beer. So, there would be a restaurant component, a beer production component, and a kitchen component so it just seems people are saying the word restaurant wasn't used until recently it seems it was used back on August 3rd when the Building Inspector opined. That is all I have right now. Thank you.

Mr. McGuirk: Thank you. Jimmy, Joe, Carrie you are all okay, we will just keep moving onto the callers?

Mr. Rose: I am going to have a bunch of questions for Billy and Tom afterwards but let us see.

Mr. McGuirk: Why don't we go to the callers.

Mr. Gambino: First caller ending with 6697, you are on the line.

Mr. Guest: Good afternoon everyone, my name is Alexander Guest, Mr. Chairman, Members of the Board, Pam and the rest of the Board Members hello.

Ms. Bennett: Let me swear you in? Please raise your right hand and state your name and address for the record.

Mr. Guest: Yes, Alexander Guest.

Ms. Bennett: And your address?

Mr. Guest: Is 50 Route 114, East Hampton, New York 11937.

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

Mr. Guest: Yes, I do.

Ms. Bennett: Thank you.

Mr. McGuirk: Please go ahead, Mr. Guest.

Mr. Guest: All right, thank you, I will shorten this which everyone will be happy about, where I am, just very briefly, is by Grant Heating and Plumbing, so if you were to go from the proposed site and make a right turn towards the Buell traffic circle that we are all familiar with, make a right at the circle, Grant Heating and Plumbing and my house are down in that direction. Each are about equally distant the 17 Toilsome Lane to Buell and then to Buell from my house, each section is about one quarter of a mile. There is a lot of traffic, I am a concerned citizen, there is a lot of traffic on Route 114 and I am concerned that there will be more traffic coming if this brewpub is built and operational especially from Sag Harbor because that connects directly with Sag Harbor. There is a very large amount of traffic until about 6:30, summer evenings and as we all know and love East Hampton, it is very nice to sit outdoors in the evening. Things start to quiet down at 6:30 or 7, if the brew tavern is open and if there is music there or noise, I think it will carry across in the evenings as it quiets down. So that is where I am. Secondly, I happen to have gone, my son and his daughter, my granddaughter, live in Hoboken and I am on the computer right now and we went to a place called Zeppelin Hall and it says beer garden and it is the address, anyway, it is beer garden hall, it is in Jersey City, 88 Liberty View Drive, and we went in after bike riding and walked in about four in the afternoon, there were numerous tables, we sat down to have a beer, there were speakers about every 10 feet on a fence around the beer garden, and they were serving food and sausages were on the grill I guess they have capacity for about 200 people and then a live band was in the process of getting set up to go six o'clock so I had a very recent experience this summer, this August, with a beer garden and there is a tremendous amount of noise, people talking loud, people drinking, etc. Final point in the spirit of brevity is I walk, it is a very pleasant walk in the evenings from my house to Dayton Lane and then to Church Street and then into town. I am on Google maps and I have took a little compass and from 17 Toilsome Lane and the closest street to it obviously is the Towne homes but Maidstone Lane, if you make a circle with a piece of cloth from that one point as a compass, Church Street is very, very close, less than one inch away, toward East Hampton High School across the other side of the tracks, there

16702

is McGuirk Lane which is a little further away, and then so you just plot a circle and I don't know, I can't calculate...

Mr. Messina: Sir, I am sorry to interrupt you but again, we are way, way, way off topic, way off the topic so please if you have something to say about the Building Inspector's interpretation, we welcome it, again, the other issues are for the DRB or other bodies, not this Board on this application. Thank you.

Mr. Guest: Thank you for listening to my testimony. I very much appreciate it.

Mr. McGuirk: Thank you for calling in. Do we have more callers, I assume?

Mr. Gambino: Yes, going to the next caller. Caller ending with 8344, you are on the air.

Mr. Nachman: Hello.

Mr. McGuirk: Okay, Ms. Bennett, can you please...

Mr. Nachman: My name is Michael Nachman.

Ms. Bennett: Mr. Nachman, please raise your right hand and restate your name and address for the record.

Mr. Nachman: Michael Nachman, 5 Maidstone Avenue, East Hampton.

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

Mr. Nachman: Absolutely, yes.

Ms. Bennett: Thank you.

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

Mr. Nachman: I am a concerned resident living near the proposed brewery pub. I am concerned with the quality of life issues some of which have been raised and as been pointed out that is not the primary purpose of this meeting. What I would like to emphasize is the very strong points made by Mr. Walsh, the attorney for the Aarons, let the Board understand that this is a very, very serious issue and that

16703

there is much evidence to support to Mr. Walsh's testimony. So please understand that there is great deal of weight that should be put on his testimony. Thank you very much.

Mr. McGuirk: Thank you Mr. Nachman.

Mr. Gambino: Unmuting the next caller. Caller ending with 2701, you are on the line.

Ms. Sullivan: Hi, my name is Alicia Sullivan, I am at 10 Maidstone Avenue, Lane, and I just want to say.

Ms. Bennett: Let me swear you in, do you swear to tell the truth, the whole truth, and nothing but the truth?

Ms. Sullivan: Yes.

Ms. Bennett: Thank you.

Mr. McGuirk: Thank you, Ms. Sullivan, go ahead.

Ms. Sullivan: I echo what Michael Nachman has said, he is my neighbor, and although based on the introductory comments of the Board, I just defer to Counsel, I am quite concerned about this issue as well. Thank you.

Mr. McGuirk: Thank you for calling in, thank you for taking the time. Next caller please.

Mr. Gambino: Going to the next caller ending with 5557, you are on the line.

Mr. Gibson: Hello?

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

Mr. Gibson: Eric Gibson, 30 Toilsome Lane.

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

16704

Mr. Gibson: I do.

Ms. Bennett: Thank you.

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

Mr. Gibson: My name is Eric Gibson, I have lived on Toilsome Lane for 22 years. In his January 12th letter, Mr. Balsam states that there was nothing wrong with not following proper procedure by failing to make a public announcement in advance of the August 3rd meeting, DRB meeting. That meeting was, he claims, a “first work session” rather than a public hearing and the Village Code stipulates an advance notice that is required only for the later except there is no such thing as a first work session. His argument fails because he is talking about something that doesn’t exist. There is no mention of a first work session or anything like it in the Village Code or in the DRB’s application guidelines nor is there anything in the minutes of that August 3 meeting to indicate that it was anything other than a formal application review process. The DRB’s general instructions do allow for preliminary vetting process but it calls a pre-submission conference which it defines as an informal meeting with agency members or in case of a Zoning Board of Appeals’ application with the Building Inspector but this was not an informal, private meeting.

Mr. Messina: Sir, can you tell me what that has to do with the Building Inspector’s statements and whether or not...

Mr. Gibson: You are about to find out.

Mr. Messina: It was an interpretation and whether or not it was correct, please.

Mr. Gibson: You are about to find out. And so, members of the committee, if it walks like a public hearing and quacks like a public hearing, it is a public hearing which means the required public notice should have been given in advance of that. Why so much effort by Mr. Balsam to evade public scrutiny and claim special circumstances for doing so where none exist. It is hard to escape the conclusion that this was done for the same reason that, in the immortal words of Mr. Walsh, he coyly relabeled the brewery tavern beer garden as a restaurant because he knows the proposal is in violation of the relevant Village codes and he is trying to obscure that fact. Thank you very much.

16705

Mr. McGuirk: Thank you Mr. Gibson, thanks for taking the time. Do we have any other callers?

Mr. Gambino: Yes, we have 15 more callers. I will go to the next one. Caller ending with 3659, you are on the line, give me one sec, caller ending with 3659, you are on the line.

Ms. McManus: I am on the line, can you hear me? Hello?

Mr. Gambino: Yes.

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

Ms. McManus: My name is Sandra McManus and my husband and I own 26 Toilsome Lane, East Hampton.

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

Ms. McManus: Yes, I do.

Ms. Bennett: Thank you.

Ms. McManus: Thank you. I had prepared a lot of things to say that obviously aren't appropriate during this particular hearing. I would like to have some information as to when that moment will be or should have been because there is a lot about the quality of life to all residents in the area of this proposed brewery pub, it is very important to be considered. Thank you.

Mr. Messina: Sure, I am happy to answer that for you. Those things would be appropriate in front of the DRB with the pending DRB application. So whenever the DRB convenes again you will have an opportunity to be heard there. I am sorry, go ahead.

Ms. McManus: Thank you, we will be following that because it does seem to be a little bit secretive, all of this, so we will be carefully following that, but I would like to say that I totally support what Mr. Walsh said. I think the findings of the Building Inspector need to be completely reviewed, completely revised. This is not a restaurant, this is a brewery pub, it is dangerous, it is going to change not

16706

only our quality of life but the whole feeling in the Village of East Hampton, it is wrong. I would also like to know if there has been an environmental impact statement provided, I think it is important and required, and I would also like to ask each one of you on the Zoning Board of Appeals if you personally would like one of these built across the street from your home. So please consider that as you are making your decision today or whenever that happens.

Mr. Messina: Okay, thank you. Let me just, if I could suggest to you, I know you are keenly interested in the proceedings before the DRB. You can sign up on the Village website and you will get notice for each hearing of what the agenda is. Pam's office is just fantastic in the communication in that regard. So I would urge you to do that, and you will be kept up to date on everything that is being considered by the DRB and when it is being considered.

Mr. McGuirk: Thank you Mr. Messina. Thank you, Mrs. McManus. Can we go onto the next caller?

Mr. Gambino: Yes, next caller ending with 1765, you are on the air.

Mr. McGuirk: Good afternoon.

Mr. Gambino: Caller ending with 1765, you are on the line. All right, we can move to the next caller.

Mr. McGuirk: Thank you.

Mr. Gambino: Caller ending 1046, give me one sec to unmute.

Ms. Stowe: Hello?

Mr. Gambino: You are on the line.

Mr. McGuirk: Pam.

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

Ms. Stowe: Stacy Stowe, 27 Toilsome Lane, East Hampton.

16707

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

Ms. Stowe: I do.

Ms. Bennett: Thank you.

Mr. McGuirk: Go ahead Ms. Stowe.

Ms. Stowe: Thank you. I am calling in today to give you a sense of how many of us are concerned about the issue, and I won't waste your valuable time by repeating what many people have already said. I do concur completely with my neighbor very aeriodite neighbor, Eric Gibson, my very passionate neighbors, Michael Aaron and Christine Aaron, about the safety and quality of life issues and certainly with the issues, legal issues raised by Attorney Walsh. All of us who live in that neighborhood are aware that it is not exactly truly residential and we knew that moving in. If there were going to be a restaurant there that was in keeping with the kind of restaurants that are around us, I don't think we would be phoning in today or be writing letters like we have been. We are concerned about the kind of establishment it is going to be. We tried to be good neighbors and work with the applicant. There was a lot of secrecy, I hope going forward there can be more openness and I want to end by thanking you for this very important job and consideration that you have. That is all.

Mr. McGuirk: Thank you very much. Thank you for taking the time to call in. Can we go to the next caller please?

Mr. Gambino: Next caller ending with 8635, you are now on the line.

Mr. McGuirk: Good afternoon.

Mr. Gambino: Caller ending 8635, are you there? All right. We can move on. Caller ending 4822, you are on the line. Caller ending 4822.

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

Mr. Goldstein: Yes, my name is Adam Goldstein, I am at 43 Gingerbread Lane, East Hampton.

16707a

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

Mr. Goldstein: Yes, I do.

Ms. Bennett: Thank you.

Mr. Goldstein: I just want to concur with the many comments made by my neighbors here, and I just want to also impress upon the fact that the argument that Mr. Walsh has made I think is absolutely on target. It smells to me like a bait and switch and I am very, very concerned about the negative impact this will have on the community.

Mr. McGuirk: Thank you, sir. Thank you for taking the time to call in.

Mr. Gambino: Caller ending with 2724, you are on the line.

Ms. Dayton: Hello? Yes?

Mr. Gambino: Sherrill Dayton. You have to mute your TV.

Ms. Dayton: Is that better?

Mr. Gambino: Yes.

Ms. Dayton: Can you hear me now?

Ms. Bennett: Yes, please raise your right hand and state your name and address for the record.

Ms. Dayton: Yes, this is Janet Dayton and I live at 35 Toilsome Lane.

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

Ms. Dayton: I do.

Ms. Bennett: Thank you.

Mr. McGuirk: Go ahead, Janet, please.

16708

Ms. Dayton: Okay. This is a little tricky. Anyway, so much has been said that both my husband and I and the whole family must agree with so I will not add to that except that I did want to say that I had just finished reading a short article about breweries on Eastern Long Island, and it was very disturbing as to what they all have in common. They not only include beer, wine, and other alcoholic and nonalcoholic beverages, some have kitchens but others have food trucks, all have indoor and outdoor seating. And, of course, there is always music and special events which was also stated I believe at the August meeting where this was all being proposed that sometimes special events would happen. However, at many of these other places, special events are happening on a nightly basis. The other thing was that a lot of these places are taking place on large farms, one being 80 plus acres and another one being 43 acres and definitely not in this area. Everyone, of course, we are all concerned with the safety and the quality of life in East Hampton and our beautiful Village. And so, I believe the Village needs to address the effect on the environment such as the air quality, the noise, what is happening to the land and especially the water supply or possible pollution, never mind aside from all the traffic safety. So, I implore the Village to look at their Code and enforce all their regulations that would control the noise, unruly customers, and premises and we cannot continue to be lax regarding rules and regulations on what is happening in our fast and furious development in our beautiful Village. So, I would like the DRB and the ZBA to scrutinize this application very carefully and hopefully it can be all reconsidered and protect our Village. Thank you.

Mr. McGuirk: Thank you Mrs. Dayton, thank you for taking the time. Next caller please.

Mr. Gambino: Next caller ending in 8988, you are on the air.

Ms. Gibson: Hello?

Mr. McGuirk: Yes.

Ms. Bennett: Let me swear you in. Please raise your right hand and state your name and address for the record.

Ms. Gibson: Kay Spear Gibson, my address is number 30 Toilsome Lane.

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

16709

Ms. Gibson: I do.

Ms. Bennett: Thank you.

Mr. McGuirk: Please go ahead, Ms. Gibson.

Ms. Gibson: Thank you. I have been a resident of East Hampton Village for most of my life and a resident of Toilsome Lane for the past 22 years. Regarding this issue, I would like to read from the East Hampton Village Comprehensive Plan under the heading Preserving the Village's Neighborhoods. I quote as follows.

Mr. Messina: Ma'am, does this have anything to do, ma'am, if I may, what has this to do with the Building Inspector's interpretation, a. whether or not he made an interpretation or b. whether or not it was correct?

Ms. Gibson: I understood we had an opportunity to speak and I haven't even begun so may I finish please.

Mr. Messina: You do but you have an opportunity to speak only on what is before the Board and that is a very, very narrow issue.

Ms. Gibson: May I finish, the plan places primary importance on preserving...

Mr. Messina: If you are on point, you may.

Ms. Gibson: ...and protecting the Village's residential neighborhoods. So, the two quotes that I would like to highlight on the plan are "mitigating the impacts of commercial and other non-residential uses on neighborhoods and mitigating the impacts of traffic on residential neighborhoods and streets" and I end quote. The Zoning Code is intended to maintain the character of our residential neighborhoods and to protect our quiet enjoyment of our homes and neighborhood from the impacts of adjacent commercial uses. Please uphold the Zoning Code by confirming that the proposed Toilsome Lane Brewing Company with its two tasting rooms, two bars, brewery, and outdoor beer garden is not a permitted use under the definition of a restaurant. Thank you.

Mr. McGuirk: Thank you Ms. Gibson. Can we move onto the next caller please? Thank you for taking the time.

Mr. Gambino: Yes, caller ending in 9215, you are on the air.

16710

Mr. Lewenberg: Good afternoon, my name is Ron Lewenberg, I have lived at 16 Toilsome Lane.

Ms. Bennett: Please raise your right hand, do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Lewenberg: I swear to tell the truth, the whole truth, and nothing but the truth.

Ms. Bennett: Thank you.

Mr. McGuirk: Thank you Mr. Lewenberg, please go ahead.

Mr. Lewenberg: Thank you very much. I have stated that I have lived at 16 Toilsome Lane, my family has owned that property for since 1978, I have lived there on and off for as long as I can remember and this is quite important since we are right near it. Most of my comments would have been relevant to the public meeting or the rather unusual meeting in August and I wasn't allowed to address the issue of safety and damage to the community neighborhood, therefore, I will limit my comment purely to those of zoning. This isn't a restaurant that serves beer. These are multiple bars and a brewery and is therefore a tavern, the entire purpose of which is to sell alcohol produced at the brewery. The cooking food, serving food is secondary to this and meant to promote selling of alcohol as such this is a tavern and not a restaurant and this is not a neighborhood zoned to have such a structure and it is entirely improper for one to be there as such. That was really all I wanted to say.

Mr. Messina: That was directly on point, thank you.

Mr. McGuirk: Thank you. The next caller, please.

Mr. Gambino: Going to the next caller ending with 3659, you are on the air, give me one sec.

Mr. McGuirk: Take your time.

Mr. Gambino: 3659, you are on the air.

Ms. McManus: This is a repeat call, this is Sandra McManus and I have already spoken.

Mr. Gambino: Sorry about that.

16711

Ms. McManus: That is all right.

Mr. Gambino: Going to the caller, caller ending with 6763, you are on the air, 6763, you are on the air. Is this a repeat as well?

Mr. Chase: Hello?

Mr. McGuirk: Hi.

Mr. Chase: Hello, this is Peter Chase.

Mr. McGuirk: Peter, Pam, can you please...

Mr. Chase: Yes, hello?

Ms. Bennett: Sure, Mr. Chase, please raise your right hand and state your name and address for the record.

Mr. Chase: My name is Peter Chase and I live at 22 Toilsome Lane in East Hampton.

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

Mr. Chase: I do.

Ms. Bennett: Thank you.

Mr. Chase: I have nothing really specific to add but I think it is really important that the Board understands how many concerned residents there are and as the President of the Board of the Village Towne Houses directly across from 17 Toilsome Lane, I can speak for many in our community who have expressed extreme concern, and concern specifically that this is being defined now as a restaurant that serves beer when, as Mr. Lewenberg said, it obviously is a tavern being disguised as a restaurant. We are very concerned, we are concerned about danger factors, noise factors, and we just really ask that the proper determination be made and that this be very, very seriously considered and that the concerns of many residents in this part of the Village have and I thank you for your time and I applaud the spirit of transparency going forward, I think it really is important and

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we all have a forum in which to speak, voice our concerns and share them with the Board. So thank you very much.

Mr. McGuirk: Mr. Chase, I would urge you to go to the Village website, as Mr. Messina said, sign yourself up for dates of the ZBA and the DRB meet and the Planning Board. Thank you. Next caller please.

Mr. Gambino: Moving, caller ending with 0909, you are on the air.

Mr. Sheingold: Yes, Jeff Sheingold, 37 Gingerbread Lane, East Hampton.

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

Mr. Sheingold: I do.

Ms. Bennett: Thank you.

Mr. McGuirk: Please go ahead sir.

Mr. Sheingold: Yes, this call is directly related to what the subject matter of this hearing and it is about building inspection and also the standards that are used for zoning. Much is being made on the distinction, both on the applicant's side and Mr. Walsh's presentation, a distinction between a bar, a tavern, a restaurant, and even an open concert space for concert venues. The question that we have to the Board is primarily involved in what is used as a matrix for these definitions. In other words, if Fresno and Sam's reduce their food sales down to 5 percent and only had 95 percent liquor and alcohol, would they then be restated as a different zoning business. In this case, what does the Board deem a bar, a tavern versus a restaurant or an open space concert venue or some sort of a cinema hall. Is there a different matrix that is used or is it simply a label that is being applied to a business, maybe Mr. Walsh can answer that or maybe the Board can answer that for us?

Mr. McGuirk: Is that it, sir?

Mr. Messina: Okay.

Mr. McGuirk: Thank you. Can we go to the next caller, please?

16713

Mr. Gambino: Next caller 0096, you are on the air.

Ms. Cataletto: Thank you. My name is Pam Cataletto, I live at 113 Dayton Lane Extension.

Mr. Gambino: Can you just lower your television, mute the television in the back.

Ms. Cataletto: I did, thank you.

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

Ms. Cataletto: I do, Pam, thank you.

Ms. Bennett: Thanks.

Mr. McGuirk: Go ahead, Pam.

Ms. Cataletto: John and I would like to go on record to agree with the Aarons and Mr. Walsh on their interpretation of the zoning and we hope the Board will see they are right. Thank you very much.

Mr. McGuirk: Thank you. Thank you for taking the time. Next caller please.

Mr. Gambino: Next caller ending 8287, you are on the line, give me one sec. It seems like they have disconnected.

Mr. McGuirk: Next caller, please.

Mr. Gambino: That seems like all the callers, we can go back to some that did not answer if you would like or we can move on.

Mr. McGuirk: I think we can, whatever the Board would like, I think we can move on, if you want to give them a chance to talk, we can.

Mr. Gambino: Here is a new caller right here. Caller ending with 6643, you are on the air.

Ms. Bluedorn: Hello, this is Maureen Bluedorn and I live at, Pam, do you want to swear me in.

16714

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

Ms. Bluedorn: Maureen Bluedorn, 41 Buell Lane, East Hampton.

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

Ms. Bluedorn: I do.

Ms. Bennett: Thank you.

Mr. McGuirk: Please proceed, Maureen, thank you.

Ms. Bluedorn: Thank you. I also just want to go on record in supporting both Counsel's positions and Mr. Aaron's position and my neighbors who are terribly, I haven't heard anyone speak for this brewery, tavern, event space, restaurant, and it is totally out of place so I want to go on record in supporting my neighbors in a better review, more public review process of this brewery. Thank you.

Mr. McGuirk: Thank you for taking the time. Any other callers?

Mr. Gambino: Those are all the callers that answered when we clicked on them. If you want to go back?

Mr. McGuirk: I don't but I don't know if any of the Board Members, Philip?

Mr. O'Connell: I would just like to hear from Mr. Balsam.

Mr. Balsam: Thank you, Mr. O'Connell. I do want to make some comments for the sake of the record. Before I do that, I do want to acknowledge and appreciate the concerns that are expressed today and have been expressed and obviously will be expressed in the appropriate form at the DRB. We will look forward to working with and talking with the neighbors on those concerns but obviously for the purposes of today's question at hand, I want to point out that what was set forth in the initial application was most certainly restaurant as that is defined in the Village Code. This project shares basically many if not all the typical characteristics of a restaurant. We have an extensive kitchen, we are not keeping late-night hours, the project is going to keep typical restaurant hours as was mentioned at the August 3rd DRB meeting. The restaurant serves full sit-down meals. The layout is that of a

typical restaurant, the tables, the seating, etc., the bar area, it is in I would say similar proportion to what any of us would consider to be a typical restaurant. The kitchen, at over 1,500 square feet, is probably above average size for a kitchen area. You saw on the plans the amount of space that the kitchen itself takes up. This is clearly, with all that in mind, falls into the definition of a restaurant albeit one that makes its own beer. And frankly this was all set forth in our application. Mr. O'Connell, you correctly pointed out that you quoted the minutes which I was actually likewise going to do. The first thing I said at the August 3rd DRB meeting is that the proposal is to remove the tile cow barn, replace it a new addition to the existing block building and have a restaurant that basically brews its own beer, and I am reading directly out of the minutes here, there would be a restaurant component, a beer production component, and a kitchen component. So I too like the phrase if it walks like a duck and quacks like a duck etc. I would apply that same phrase to our project here. This has all the components of a restaurant. On the flip side, as was stated, bars and taverns are not defined in the Code, so when that happens we have to go to the general meaning. So what is a bar, what is a tavern? They clearly imply focus on late nights. I can't think of a single bar or tavern as I would think of those sorts of operations to close out your dinner service. A bar or tavern would have little or no food offerings, certainly no significant area devoted to food preparation. In terms of the layout, a bar might contain stools or a standing area, I don't know maybe games, certainly a few tables or amenities for dining. I would also like to address the notion of casual food which is a term I used in the application. The neighbor's submission is used Nick and Toni's as an example of what they would consider to be a restaurant. And when I say casual food, I used that term intending to say that we are not something like Nick and Toni's, we are not proposing to be what I consider a fine dining establishment. That is the point of the word casual food, but casual food does not imply a hotdog served in paper. It just simply implies that we are not, again, what I call a fine dining operation. I say this slightly tongue in cheek but even though we are in the Hamptons, I think that we can all agree that not every restaurant has to be of the high caliber that Nick and Toni's is. Again, for the sake of the record, I want to address the other examples given by the applicant in their filing, not the applicant, I am sorry, the appellant. The Jamesport Brewery, I believe has zero food offerings that are generated by itself. I think they have, I don't want to speak out of school, but I think they have food trucks and whatnot as their, from time to time, sole source of food but, again, this project is not in any way an analogist to the Jamesport Farm Brewery or the Ubergeek Brewery which the menu there contains two items, soft pretzels and chips, either of which can be purchased for a dollar. That is not, clearly not the casual food aspect that we are referring to. It is not the same thing. Again, we have substantial resources for the project devoted to the

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kitchen, and as was submitted, I think the Building Inspector was well positioned to make a call that this was the allowable use. I spoke about, in my written submission, my memo, I addressed the other aspects, I will just touch on them briefly. Again, you have the light manufacturing which is the beer component and the restaurant component, both would be allowed uses that can work in concert with each other, that is clear in the Code. Even to quickly touch on the beer garden aspect, in the plain, looking at its plain meaning or even looking at the definition that is submitted by the appellants, they basically say look, it is a communal space serving beer and traditional food, it creates a notion of belonging, social acceptance, cheerfulness, the absence of anything hectic, and the opportunity to spend quality time. I couldn't think of a better definition that speaks to the fabric of what a restaurant is than that.

Mr. Messina: Mr. Balsam, if I may please. Let me ask you, just so that the record is clear, you have a proposal into DRB, is that a final proposal that you are asking for a vote on or is that...

Mr. Balsam: No.

Mr. Messina: Okay, can you explain then...

Mr. Balsam: Yes, I can elaborate on that. In fact, in the minutes, I believe it is reflected in the minutes from that meeting, I made it clear that this was not intended to be a final proposal, it was basically at the suggestion of the Village, look, let us start the application process, get the ball rolling, let us get a feel for the initial application and then we will see what things need to be submitted in addition to. So, no, Mr. Messina, that August 3rd, the initial application was not in any way intended to be a final submission and we acknowledged that at the hearing or whatever it was on August 3rd.

Mr. Messina: Thank you.

Mr. McGuirk: Thank you Mr. Balsam. Are you done, Alex?

Mr. Balsam: I am, thank you.

Mr. McGuirk: Board Members?

Mr. Rose: I have some questions for Billy Hajek.

16717

Mr. McGuirk: Billy?

Mr. Hajek: Yes.

Mr. Rose: I think you are the right person to address this to and I apologize if not. The matter before us seems to be, as I understand it and as explained by Counsel, is the determination regarding what is and is not an appropriate zoning interpretation regarding restaurants, taverns, and breweries, and clearly...

Mr. Messina: It was an interpretation made at a...

Mr. Rose: And clearly restaurants and breweries are permitted in this location as I understand it, according to the zoning, and a tavern bar is not permitted, is that correct?

Mr. Hajek: Well yes to the first part. So a restaurant is permitted, is listed in the Code as a permitted use. The Code allows or permits manufacturing including food products so making beer is manufacturing. Whether or not, if you had to qualify, if somebody proposed a nightclub, I do not believe it is prohibited by the Code. The Code provides, it is not listed as a specifically permitted or prohibited use in the Code, but it does provide, the Code contains parking requirements for a discotheque or a nightclub or a tavern which would assume that it is a permitted, it is allowed in, it's an allowable use in a commercial zone. And any use that is permitted in a commercial zone or the core commercial, is permitted in the manufacturing zone.

Mr. Rose: I wanted to ask, I think you anticipated my follow up question which is where, if anywhere, in the Village, are bars and taverns, you can throw in discos or clubs whatever they are called now, where are they permitted in the Village?

Mr. Hajek: Well they are not listed as specific uses in the Code, they are not listed as permitted or prohibited so you would have to imply that they are permissible in commercial zones.

Mr. Rose: Understood. Let me take a step back, I think I understand. While there are specific uses called out for restaurants and for manufacturing facilities, there are no specific callouts for restaurants, for taverns, bars or nightclubs.

Mr. Hajek: Except for the parking requirements.

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Mr. Rose: Except for specific parking regulations that apply.

Mr. Hajek: That is correct.

Mr. Rose: Thank you. I would just ask the appellant, Mr. Walsh is there, do you have anything to add based on that information?

Mr. Walsh: Yes, I would like to respond to a few things, a few questions I think that were posed this afternoon. Number one about the application, whether or not this application proposed a restaurant use, I was very careful in my submission to point to the application itself. If you look at page two of the application, where the applicant was requested to state what the proposed use of the project was to be, it is blank. You don't see the word restaurant, what you see is an addendum to that application, an addendum, nowhere in the addendum is the word restaurant used. The point here is how would you know, how would you know that a restaurant was being used unless you were able to go to those minutes apparently that were of a colloquy between Mr. Balsam and the DRB, on August 3rd after the application was filed; how would you know that a restaurant is being applied for. The plans themselves, the schematics, they don't mention the word restaurant, it says tasting room, tasting room, tasting room. So insofar as the application is concerned, you do not see the word restaurant in that application. There is one place you see it and I don't want to play where's Waldo here with the Board, but buried in the septic calculation, buried in the septic calculation on one of the schematics that was, I assume, was prepared by one of the architects, is the word restaurant bar, restaurant bar and apparently when they went to the Health Department, they are using a restaurant calculation for purposes of their Health Department application, not for the use that has been presented to the DRB but for the restaurant calculation and we will take that up with the Health Department, that is another question for another day. But my point Mr. O'Connell when you raised it, what was proposed in the four corners of this application was clearly not a restaurant, number one; number two, one of the callers mentioned that how do you determine what the use is, how do you sort out all of these issues, is it a restaurant, is it a bar, it serves alcohol, I think you posed hypothetical if you reduced the sale of food to five percent, increased the same of alcohol to 95 percent, are you still a restaurant? Well that is for the Board to find and determine but typically when we look at the definition, excuse me, when we try to examine an application to determine what the use is, we talk in terms of substantial, we talk in terms of principal, primary, what percentage of the use, the floor area is devoted to each use, and I suggest, Mr. Hajek has advised your Board that the fact that a tavern is not defined in the Code, a taproom is not defined in the Code, a bar is not defined in the Code, somehow the

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lack of a definition in the Code results in that use being permitted. Well I challenge that statement and that assertion because the law in the State of New York and I can certainly brief this for the Board, says exactly the opposite. In fact, your Code, if a use is not listed as permitted, it is prohibited number one. Number two, what is the use, what are we talking about here? If you look at the areas that are dedicated to the service of alcohol, the service of the beer, the two tasting rooms, the beer garden, and this so-called brewery patio, you come up with a square footage of between 6,800 and 7,000 square feet of this facility. How can anyone conclude, anyone conclude that this is other than a use that is substantially, primarily, and principally a tavern dedicated to the sale and service of beer. Look at the design of the room, look at the firm that designed it. The firm that designed it is in the business of designing what they call, brewery taprooms, and so, by the way, this word casual, casual service of food, I looked up the definition when Mr. Balsam was speaking and if you look at the dictionary, the definition of casual is not repeated or permanent, not repeated or permanent, casual service of food, that indicates immediate use of that terminology that it is accessory. It is a zoning term, it is an accessory use, the food is accessory to the beer, service and sales. That is as obvious from this application as any fact I think that has been presented to your Board today. The service of food is accessory to the service of the beer. You don't get a restaurant use particularly under your definition. I noticed no one today, not one person that spoke on behalf of the applicant or none of the Board Members or Mr. Hajek, referenced the definition of restaurant which is unique in your Code. Your Code specifically says that a restaurant cannot include any form, very broad words, any form of a bar or tavern, any form of a bar or tavern. It is a use that is solely dedicated to the preparation and service of food in furnished dining areas, solely, another very strong term, very limited in its breath. So how you get a restaurant from a project that is presented to you that contains approximately 7,000 square feet of beer, tavern, bar service area, and the casual service of food which, again, is not repeated or permanent, dictionary definition, how you get that in light of the definition in your Village of a restaurant which prohibits a bar or a tavern, I don't know how you get there. I think we have to go back to the application, we have to look at the four corners of the application and we have to look at what the usual, reasonable, rational, customary meanings of these terms are. We have presented to you, we all know what a tavern is, we know what a brewery, taproom is. By the way, look at the designer's website, the designer that designed this project from Austin, Texas. They are in the business of designing brewery taprooms, I implore the Board to look at their website very, very helpful. They will tell you what this use is, screams out, it is a brewery taproom, it is a tavern. It is not a restaurant. I don't know what the Board's pleasure is, if you need any more memoranda, any more writings on this subject,

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but if you choose to leave the record open just for written submissions, I would be glad to brief this point, save your attorney a lot of time. I know he is very knowledgeable in the zoning world, I know he has a lot of experience and in any way we can assist in briefing these issues, I am sure Mr. Balsam will do the same thing if you leave it open for a short period of time we can certainly brief these issues, tighten up the presentation so that the issues are very narrow as you indicated at the beginning of the hearing, Mr. Chairman, and we can get through a determination that is both rational and based on the applicable law that applies to these matters in the state of New York, and I really appreciate the time that you have given us today, then you were accommodating us with these zoom meetings. Pam Bennett, by the way, has been absolutely extraordinary throughout this proceeding in opening her files and responding on a very, very timely basis, and I can't thank her enough on behalf of my clients. Thank you very much.

Mr. McGuirk: Thank you Mr. Walsh. Pleasure of the Board?

Mr. Rose: One follow up question just to Billy based on what he said and thinking about it. So, in the event, not taking an opinion, just hearing what you said Billy about the additional or different requirements as laid out in the zoning code for a bar, tavern, or nightclub, how do those differ? This is not to get into those from what we do, that is the responsibility of another entity, but what are the different, based on the implications of the determination, what are the factual differences in terms of the requirements of one kind of use versus the other on that basis?

Mr. Hajek: I don't know if I follow the question.

Mr. Rose: I am sorry. So, if were a restaurant or a manufacturing facility, it would be one thing, you said there were different requirements spelled out for bars, taverns or...

Mr. Hajek: It is different parking requirements for one versus the other. There are obviously different sanitary requirements for manufacturing versus a restaurant.

Mr. Rose: I am saying pursuant to the one that goes toward the restaurant v. tavern as opposed to the, what are the differences in terms of parking requirements.

Mr. Hajek: Oh, I thought you were talking about the manufacturing component of it, comparing manufacturing. So, the parking requirement for a restaurant versus a bar tavern I believe are the same which is one per three permanent seats, let me just pull that up, I don't want to misspeak, bear with me a second. So a, I am sorry, so

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a restaurant is one parking space per three seats plus one parking space per employee. The requirement for bars, nightclubs, discos, and dancehalls are two parking spaces per three seats plus one parking space per employee. And if it were a space of public assembly, it would be one parking space per three seats plus parking for each employee. Based on my review of the Code of their plan, they were providing parking based on the restaurant requirements and manufacturing.

Mr. Rose: Which is a different, just comes out to a difference of...

Mr. Hajek: I didn't run the calculations comparing them...

Mr. Rose: No, I understand but it is a marginal difference in the number of parking spaces is what you sense.

Mr. Hajek: I think it would depend on how you are functioning your business, how many employees you have and whatnot.

Mr. Doyle: Are there different noise requirements in terms of live music?

Mr. Hajek: So, a restaurant prohibits the use of the facility as a discotheque and the Village has long interpreted a discotheque to mean live music so live music would be prohibited at a restaurant. That is how the Village has been interpreting that provision of the Code for as long as I have been here.

Ms. Doyle: Does that include DJ too? Is that live music?

Mr. Hajek: I don't know. That is a question for the Building Inspector.

Mr. Messina: That will be a new interpretation.

Mr. McGuirk: So, do we want to keep the record open? Yes Phil?

Mr. O'Connell: I have a couple of more questions for Mr. Walsh if that is okay?

Mr. McGuirk: Go ahead.

Mr. O'Connell: Mr. Walsh, based on the definition that was included in your application, if the sale of alcohol is incidental to the food, the preparation and sale of food, it would then qualify as a restaurant and be permissible here?

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Mr. Walsh: Correct statement.

Mr. O'Connell: And if there was manufacturing of beer, not in this brewpub setting, that in itself would be permissible under our Village Code is my reading.

Mr. Walsh: That is an open question. The term manufacturing, we know is not defined in your Code. Typically, planners look to other sources in order to define uses. One of our submissions back in October, included the SIC code definitions of breweries of manufacturing of beer, and what we concluded, that the production and sale of beer on site, for consumption on site, is not manufacturing under the Standard Industrial Classification code. If you were to produce the beer and truck it off site, that is an entirely different matter. That would fall under the sale of, wholesale sale of non-durable goods under the SIC code, and I would submit, Mr. O'Connell, that that could constitute manufacturing given the right plan and the right set of circumstances, but, no, a brewery in and of itself, a craft brewery that serves beer on site, is not manufacturing just because you brew the beer on site, it is not manufacturing.

Mr. O'Connell: Okay. And I just had a couple more questions. I think a bar is something like Stephen Talkhouse or Murph's in Sag Harbor where there is really no food coming out. So, I am just trying to get an idea from you something like the Shagwong Restaurant and Tavern in Montauk, if you are not familiar just say you are not...

Mr. Walsh: I am familiar with it. Shagwong, you sit down and you eat food and there is a large bar. That to me is a restaurant, not a restaurant bar, bar restaurant but that is not what we are dealing with here. The Toilsome Lane Brewing Company is a tavern in the first instance. If you look at the plan, what do you see? You see a bar set up with beer, you see tables set up with beer. Compare that to these brewpubs that we see on the East End in Riverhead on the North Fork, we don't have many on the South Fork at all but compare the design of what has been presented to you in this plan and the design of a brewpub, brewery taproom, tavern, they are exactly the same. We have presented photographs to you. What happens in a brewery where the beer is being produced on site. You have these tables, no tablecloths, no place settings, very casual food as Mr. Balsam refers to it; it is beer, it is the sale of pints of beer, ales and beer. Look at any of these websites. Go and visit these places, I have been to about five myself, it is the same use, it is the same setup. The beer is presented on a very long bar, there is a chalkboard describing the types of craft beer, we have all been to these places, most of us anyway...

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Mr. Messina: You know Mr. Walsh...

Mr. Rose: Mr. Chairman, you may have to arrange a field trip for the Board.

Mr. Messina: I was just going to say, I want Mr. Walsh's job where you get to go visit bars.

Mr. Walsh: I will be the designated driver. The food is very casual, it is not a restaurant. When you walk into a brewery taproom or a brewery tavern or a brewery pub, you are not walking into a restaurant, you are walking into a beer hall in effect. By the way, there has not been much said about the beer garden. Do some research on beer gardens, what they are all about. By the way, I don't think my client has any objection to beer gardens or taverns or taprooms or otherwise but in this location under the zoning scheme that is in place in your Village, can't do it, it is prohibited. I don't think anyone would argue that substantially the principal use and the activity here is going to be the sale of beer. Where is the revenue going to come from? It is not going to come from the pizza. Apparently when you look at the site, at the plan, they are serving pizza, that seems to be what is presented in the plan on the schematics. The money is not going to come from the pizza, the money is coming from the eight to ten to 12-dollar pints that are going to be served across the bar and at the tables and in the beer garden. This is not a restaurant particularly in light of your definition.

Mr. O'Connell: Thank you. That is all I have.

Mr. McGuirk: Jimmy, do you have anything to say? Unmute yourself.

Mr. Walsh: I would just ask that we be given a very short time to address these issues in writing. I like to put these things in writing, this way it is clear exactly what our position, is and I think it assists whoever is going to be reviewing the file and drafting the determination to draw up a determination that is consistent with what transpired on the record.

Mr. Messina: Mr. Chairman, if Mr. Balsam is so inclined, I would urge that the Board keep, give them a 30-day window to submit please.

Mr. McGuirk: I agree with you, Mr. Messina. Alex, are you okay with that?

Mr. Balsam: Well my opinion is that I think the dead horse has been beaten. A lot of filings have been made here, a lot has been said in writing, I personally would

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like to move on with my life and do other things. I think we would be beating a dead horse with other written submissions at this point but obviously that is not my, that is your guy's call, I will go along with whatever you guys think but that is my two cents.

Mr. McGuirk: Thank you, Alex.

Mr. Rose: Mr. Chair, I would also like, I know I would assume some of the other Members might also have some ongoing questions to our Counsel just for some guidance. I would suggest we keep the record open.

Mr. McGuirk: I think we should keep the record open.

Mr. O'Connell: I agree.

Mr. McMullan: I would also as, as you can see, we have hundreds of pages of paper that was filed and some of these just came in within the last, less than 24 hours so I would ask that we keep the record open.

Mr. McGuirk: So, Pam, we will keep the record open until the next meeting on...

Ms. Bennett: That is February 11th.

Mr. McGuirk: Thank you all.

Ms. Bennett: Is that just for written submissions? Tell me...

Mr. McGuirk: I think it is written submissions, that is what Mr. Walsh asked for.

Ms. Bennett: Okay, thank you.

Mr. McGuirk: Make a motion to close the meeting.

Mr. O'Connell: I make a motion.

Mr. McGuirk: Second please.

Mr. McMullan: Second.

Mr. Rose: Second.

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Mr. McGuirk: Okay, all in favor?

Mr. McMullan: Aye.

Mr. O'Connell: Aye.

Mr. Rose: Aye.

Mr. McGuirk: Thank you all for being patient and have a nice day. Thank you.

Mr. Walsh: Thank you very much for your time.

The meeting was adjourned at 1:29 p.m.

continued on next page

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NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Incorporated Village of East Hampton will hold a public meeting at the Emergency Services Building, One Cedar Street, East Hampton, New York, on Friday, January 14, 2022 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 meeting, contact pbennett@easthamptonvillage.org for details. The applications can be viewed on the Village's website easthamptonvillage.org by clicking on the "Alerts" tab.

Application of Damon and Lisa Liss, SCTM#301-8-4-42, for Area Variances from Chapter 278, Zoning, to install swimming pool equipment. Variances of approximately 9 feet and 8 feet are requested from Section 278-3.A.(5)(c) to install swimming pool equipment within a garage building located approximately 11 feet from the side yard lot line and 8 feet from the rear yard lot line where the required setbacks for swimming pool equipment are 20 feet, and any other relief necessary. The subject property is 8,343 square feet in area and is located at 78 Mill Hill Lane in Residence District R-40. This project is classified as a Type II Action in accordance with SEQOR.

Application of 31 Cooper Lane LLC, SCTM#301-1-2-40.1, for Area Variances from Chapter 278, Zoning, to construct an accessory building. A 108 square foot variance is

requested from Section 278-3.D.(7) to permit 499 square feet of accessory building floor area where the maximum permitted accessory building floor area is 391 square feet. Variances of 9.7 feet and 9.2 feet are required from Section 278-3.A.(5)(c) to construct a pool house attached to a garage located 10.3 from the rear yard lot line and 10.8 feet from the side yard lot line where the required setbacks are 20 feet, and any other relief necessary. The subject property is 9,590 square feet in area and is located at 31 Cooper Lane in Residence District R-40. This project is classified as a Type II Action in accordance with SEQOR.

Application of Michael and Christine Aaron, SCTM#301-2-3-2, to appeal a building inspector interpretation that the proposed land use for a pending site plan application of the Mill Hill Realty Corp. is a permitted use within the Manufacturing-Industrial Zoning District. The property subject to this appeal is located at 17 Toilsome Lane, contains 70,913 square feet of area and is in the Manufacturing-Industrial zoning district. This is classified as a Type II Action in accordance with SEQOR.

Application of Behind the Pond, LLC, SCTM#301-9-4-16.1, for an Area Variance from Chapter 278, Zoning, to make alterations to a preexisting nonconforming second residential use. A variance is requested from Section 278-2.B.(1) and 278-7.C.(2)(d)[2] to make alterations to a preexisting nonconforming accessory cottage use when a residential property is permitted one residence, and any other relief necessary.

The subject property is 80,507 square feet in area and is located at 50 Highway Behind the Pond in Residence District R-160. The project is classified as a Type II Action in accordance with SEQOR.

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: December 24, 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: 2/11/22

TIME: 1:21 pm

Pamela J Bennett

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