

Zoning Board of Appeals
April 8, 2022
11:00 a.m.
via Video-Conferencing and
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Those present were:

Philip O'Connell, Acting Chairman
Joseph B. Rose, Member
Carrie Doyle, Member
Andrew Baris, Alternate Member
Shahab Karmely, Alternate Member
Vincent Messina, Village Attorney
Lisa Perillo, Village Attorney
Thomas Preiato, Building Inspector
Billy Hajek, Village Planner
Maggie Gray, Applicant, Kooh, LLC
Bruce Horwith, Agent on behalf of Kooh, LLC
Drew Bennett, Engineer on behalf of Maidstone Club, Inc.
Kenneth Koch, General Manager, Maidstone Club, Inc.
Leonard Ackerman, Attorney on behalf of Guild Hall of East Hampton, Inc. and
Lily Pond Equities
Andrea Grover, Executive Director of Guild Hall of East Hampton, Inc.
Peter Pennoyer, Architect on behalf of Guild Hall of East Hampton, Inc.
Edmund Hollander, Landscape Architect on behalf of Guild Hall of East Hampton,
Inc.
Ann Rose, Neighbor of Guild Hall
Sara Jo Strickland, Director of the Hampton Ballet Theatre School
Helen Harrison, Director of the Pollock-Krasner House and Study Center
Almond Zigmund, Visitor
Karel DeBoer, Neighbor of Guild Hall
Marie Toulantis, Neighbor of Guild Hall
Mary Jane Brock, Neighbor of Guild Hall
Thomas Lawrence, Construction Manager, Lily Pond Equities
Jody Gambino, LTV Moderator
Pamela J. Bennett, Village Clerk

Mr. O'Connell: Good morning, everybody. Welcome to the Zoning Board, it is
Friday, April 8th at 11:00 a.m.

16792

MINUTES

Mr. O'Connell: We are going to start off with the minutes, does anybody have any questions or corrections to the minutes. Any of the Members? No corrections or adjustments so do I have a motion to accept the minutes?

Mr. Rose: So moved.

Mr. O'Connell: Do I have a second?

Ms. Doyle: Aye, second.

Mr. O'Connell: All right. All in favor?

Mr. Rose: Aye.

Mr. O'Connell: Aye.

Mr. Baris: Aye.

Mr. O'Connell: Thank you. Good job on the minutes.

DETERMINATION

House on the Pond, Inc. – 10 Lockwood Lane – SCTM #301-13-10-15

Mr. O'Connell: Next today we have three determinations and the files are available at Village Hall for viewing. The first is the application of House on the Pond, 10 Lockwood Lane, Suffolk County Tax Map number 13-10-15, to raze existing improvements within setbacks, to install fill and grade the property, to install a vegetated buffer adjacent to wetlands, and to construct a new single-family residence and accessory structures is approved. May I have a motion?

Mr. Rose: So moved.

Mr. O'Connell: Second please?

Ms. Doyle: Second.

Mr. O'Connell: Pam, would you like to poll the Board.

16793

Ms. Bennett: Sure. Mr. O'Connell?

Mr. O'Connell: Yes.

Ms. Bennett: Mr. Rose?

Mr. Rose: Yes.

Ms. Bennett: Ms. Doyle?

Ms. Doyle: Yes.

Mr. O'Connell: And that is all that sat on that application?

Ms. Bennett: Yes.

DETERMINATION

Quercus27east LLC – 103 Montauk Highway – SCTM #301-7-6-14.3

Mr. O'Connell: In the application of Quercus27east LLC, 103 Montauk Highway, Suffolk County Tax Map number 7-6-14.3, to reconstruct a preexisting nonconforming residence and to construct a patio, a porch, and a window well is approved. May I have a motion?

Mr. Rose: So moved.

Mr. O'Connell: May I have a second?

Ms. Doyle: I will second.

Mr. O'Connell: Pam, would you poll the Board please.

Ms. Bennett: Sure. Mr. O'Connell?

Mr. O'Connell: Yes.

Ms. Bennett: Mr. Rose?

Mr. Rose: Yes.

16794

Ms. Bennett: Ms. Doyle?

Ms. Doyle: Yes.

Ms. Bennett: Mr. Baris?

Mr. Baris: Yes.

CONTINUED HEARING
and
DETERMINATION
12 West Dune Lane LLC – 12 West Dune Lane – SCTM #301-9-4-22

Mr. O'Connell: In the matter of 12 West Dune LLC, we received the survey showing the sheds to be removed dated March 14, 2022. So I need a motion, this hearing had been left open to receive that survey so I need a motion to close the hearing.

Mr. Rose: So moved.

Mr. O'Connell: Do I have a second?

Ms. Doyle: Second.

Mr. O'Connell: All in favor?

Mr. Baris: Aye.

Mr. Rose: Aye.

Ms. Doyle: Aye.

Mr. O'Connell: Now we will move onto the determination of that same property, in the application of 12 West Dune LLC, 12 West Dune Lane, Suffolk County Tax Map number 9-4-22, to construct additions to a preexisting nonconforming residence is approved. May I have a motion?

Mr. Rose: So moved.

Mr. O'Connell: May I have a second?

16795

Ms. Doyle: Second.

Mr. O'Connell: All right. Pam, would you poll the Board.

Ms. Bennett: Mr. O'Connell?

Mr. O'Connell: Yes.

Ms. Bennett: Mr. Rose? Mr. Rose? Oh, he's frozen maybe. You good?

Mr. Rose: Yes.

Ms. Bennett: Ms. Doyle?

Ms. Doyle: Yes.

Ms. Bennett: Mr. Baris?

Mr. Baris: Yes.

P E N D I N G D E T E R M I N A T I O N
Acacia Greene LLC – 8 Marina Lane – SCTM #301-8-10-45

Mr. O'Connell: We had one more determination that was on in the application of Acacia Greene LLC, 8 Marina Lane, Suffolk County Tax Map number 8-10-45, the applicant has requested that we hold off on voting on this until the next meeting. Is Mr. Tarbet here? I know he had to run out to a fire.

Mr. Messina: The applicant is also waiving his right to a decision within the statutory 62 days.

Mr. O'Connell: Okay, great.

C O N T I N U E D H E A R I N G
Kooh, LLC – 17 Terbell Lane – SCTM #301-13-10-3

Mr. O'Connell: Next we have the continued hearing of Kooh, LLC, 17 Terbell Lane. Pam, can you just remind us who is sitting on this application please.

16796

Ms. Bennett: Sure. Mr. O'Connell, Mr. Rose, Ms. Doyle, and Mr. Karmely.

Mr. O'Connell: So who is here for the applicant?

Mrs. Gray: I think the applicant.

Ms. Bennett: Mrs. Gray is here.

Mr. O'Connell: So can we hear from Mrs. Gray.

Mrs. Gray: Am I muted?

Mr. O'Connell: No, we can hear you.

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

Mrs. Gray: Maggie F. Gray and my address is 17 Terbell Lane, East Hampton, New York 11937.

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

Mrs. Gray: Absolutely.

Ms. Bennett: Thank you.

Mr. O'Connell: Did you have something that you wanted to say?

Mrs. Gray: Oh, I would love to know how you left my application.

Mr. O'Connell: At the prior meeting, we had asked that there be sound attenuating fence and plantings to surround the generator to block it from the neighbor. I believe that all that was received was planting three plants, is that correct Billy?

Mr. Hajek: Well, I don't know if that was a formal submission. Bruce Horwith had emailed me and asked if that is what the Board was looking for, and I responded that it was my understanding the Board had requested sound attenuation materials, which typically consists of stockade fencing and the fabric, sound attenuation fabric material and I have not received a response since.

16797

Mr. Horwith: If I could, I will fill people, this is Bruce Horwith, I haven't been sworn in but I would like to set the stage for Maggie's comments.

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

Mr. Horwith: Sure, Bruce Horwith, 16 Salt Marsh Path, East Hampton.

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

Mr. Horwith: I do.

Ms. Bennett: Thank you.

Mr. Horwith: After the last ZBA hearing that I attended, I brought the information back to Maggie, I called and tried to find more information about the sound attenuation approach and we then had a meeting, an on-site meeting with Michael Marran from East Hampton Fence and Gate. At the time we were looking at it and he was very surprised that this was being required, not that that factors into what you are doing, but it did into our meeting and our conversation. We talked about it a little bit, we talked about what can be done there and he was advising us at this point that we go back to the Board to talk about it more and Maggie be present so that is where we are at this point. Maggie has had subsequent meetings with a few other people there.

Mrs. Gray: I have had a few visits from some of you. I don't recall anybody's name in particular and because I can't see more than a few faces on this, interesting that they visited the property but never visited the generator. Instead, they just sort of went down to the Pond and looked at the boardwalk leading down to the Pond. I think having had this meeting with a few other people, one in particular is a botanist and he absolutely can prove to you that a tree would be much more soundproof, would provide much more soundproofing than a fence even though the fence might have a plastic coating on the inside. I am happy to do anything that you would like to have done for the generator. I think it is an unusual situation because we are 250 feet and we also have on the border the Nature Conservancy property that was given by Sidney Lumet 45 years ago. I don't quite understand why you would want me to put up a fence because it is already, you cannot see it, you can't hear it and none of my neighbors even know it

16798

is there. So, we are the only ones that can see it and the only reason we can see it is because we had to put in a new septic system in January and they chopped down two of the cryptomeria that were 30 feet high. So obviously that would reveal a generator. I am happy to put in more cryptomeria. They are not the most sustainable tree but they do the job. You just have to maintain them a whole lot more because they produce a lot of dead vines which makes it much more flammable...

Mr. O'Connell: I am losing...

Mr. Gambino: I think you are covering the microphone.

Mrs. Gray: Oh, okay. Can you hear me now?

Mr. Gambino: Yes.

Mrs. Gray: What do you think you missed?

Mr. O'Connell: The last I heard is we are happy to do anything...

Mrs. Gray: I think before we do anything, would anybody like to come back and visit the site and see what we are talking about? Unless it is crystal clear in your minds what you are talking about.

Mr. O'Connell: Do any of the Board Members have any comments?

Mr. Karmely: I actually do. Most of the thoughtful commentary that she directed at us would be applicable if we were speaking about some sort of visual pollution or line of sight pollution. This is about noise, noise travels, bounces, and often is contained...[inaudible]...completely that is noise proof. I haven't visited the site but I have installed generators and I have dealt with similar issues. First of all, whether it is quiet or not, it is always a good idea to have a fence around your generator regardless of how we vote on this. It is just good practice, and as long as there is a fence around it and since it can't be seen anyhow, it is not visually detrimental to their views or their neighbors' views, as long as the fence goes in adding some soundproofing material doesn't solve it completely but goes a way toward cutting down noise in case the generator goes on, and neighbors who cannot see it will certainly be able to hear it. It seems like such a low imposition to, and a good idea even if it is not for sound just for safety and containment to have a fence around it. So, unless there is something I am missing in terms of

complexity or difficulty, it is not the cost, it costs a lot more of putting a fence around this, I am not understanding the hardship.

Mr. Horwith: Maggie, do you want to talk first?

Mrs. Gray: No, you talk.

Mr. Horwith: Well, I was just going to say that when we were out there with Michael Marran who would be putting up the fencing, it wasn't even clear to him really what the Board wanted in terms of where it would be. In other words, there is a straight line that would be the most obvious thing on the property boundary and that would still allow a fair amount of sound to travel in other directions. It is not clear what it would be blocking the sound from other than that stretch. The only thing that would make it I guess the most clear in terms of it was really a critical sound issue would be to enclose the generator. In other words, the fence around the generator, basically a shed around the generator. It wasn't clear that is what was being asked for. Michael was saying that he didn't think that would be necessary and that it would have to be fairly large because you need space to be able to get in and service it and the space that is there, it would fill up the space that is currently there until you got up to the house itself, their house. It wasn't quite as obvious as you are saying that it is.

Mr. Karmely: I haven't visited it so my apologies.

Mrs. Gray: I think it is a very good idea for you to visit especially given the fact that the only time we would use the generator is if everybody, we lost our electricity and it is just, it isn't like having a neighbor with a swimming pool and we are 250 feet away and I am sure that there are plenty of people who have generators that are not enclosed, that are within 250 feet of their neighbors. I would be happy to have you visit. I don't know what your name is because it doesn't say, it just says SK.

Mr. Karmely: Shahab Karmely.

Mrs. Gray: It is what?

Mr. Karmely: Shahab Karmely.

Mrs. Gray: Okay. Shahab, if you would like to come visit, I would welcome the chance to have you.

16800

Mr. Karmely: Thank you very much.

Mr. Messina: Mr. Chairman, may I inquire just briefly please?

Mr. O'Connell: Yes.

Mr. Messina: Thank you. To the applicant or her representative, how old is the generator?

Mrs. Gray: I believe we put it in in 2008.

Mr. Messina: From my experience litigating these issues as well as being involved in development, the best way to prohibit or capture noise is to get it as close as possible to the source. So, if you can come up with a solution that is close to the source and will mitigate the adverse impact of any potential noise, I think the Board is always open to suggestions on other things but to be fair if you probably did some kind of noise analysis, you would find the generator is not really all that quiet.

Mrs. Gray: Okay. Bruce, what would you like to say on that?

Mr. Horwith: I am out of it. I think that is just really just a question of you speaking to the people at this point.

Mrs. Gray: Okay. I am happy to speak to the people about this. Ever since I received this notice from you, I have been noticing noise and we live on a very quiet street but now that spring is appearing slowly but surely, I have noticed the leaf blowers and I can tell you that the sound of the leaf blowers is so much louder than our generator and that seems to go on every day, and our generator only goes on whenever you need it if everybody has lost their electricity, it just goes on then.

Mr. O'Connell: Okay so you are asking for a variance to have the generator where it is.

Mrs. Gray: Yes.

Mr. O'Connell: What we are saying is, we are urging you to come up with a sound attention and planting plan that would be acceptable to the Village. I would suggest that maybe you meet with Billy or Tom out at the property or Bruce you

16801

can reach out to them, and if you would like, we will hold the hearing open so that can be done or we can close the hearing and vote on what is in front of us which probably isn't the best idea. So Bruce, do you want to comment on that?

Mr. Horwith: No, I think that is a good suggestion. I guess the question would be who to reach out to, who would like to see the site, and yes, we would like to keep the hearing open.

Mr. O'Connell: All right. We will take a look at the site again. The reason people walk down to the Pond is because you have a two-part application, part of it is with the phragmites also so that is why people were also looking at the Pond. Any other Board Members have any questions or comments?

Mr. Karmely: The only comment I would like to add is that I do agree with her on the leaf blowers. If it was up to me, I would just outlaw them in the Village. I think they are a severe source of nuisance and are not necessary because we don't live on 50-acre farms so I don't use them on my property by the way.

Mr. O'Connell: Okay. All right so we will move on now to, do I have a motion to keep the hearing open?

Mr. Rose: So moved.

Mr. O'Connell: Second?

Mr. Karmely: Second.

Mr. O'Connell: All in favor? Aye.

Mr. Karmely: Aye.

Mr. O'Connell: Great, we will talk to you next week. Bruce, you can get with Billy or Tom.

Mr. Horwith: Great, thank you.

Ms. Bennett: May 13th is the next meeting.

ORIGINAL HEARING
Maidstone Club, Inc. – 95 Dunemere Lane – SCTM #301-9-4-11

16802

Mr. O'Connell: Pam, do you want to read the Notice of Hearing.

Ms. Bennett: Sure. Application of Maidstone Club, Inc., SCTM#301-9-4-11, for a Special Permit and Variance in accordance with Chapter 278, Zoning, and Chapter 163, Freshwater Wetlands, to install a series of leaching pipes and sump pump to capture stormwater runoff and transfer it to an existing retention Pond. A Freshwater Wetlands Permit and variances are required in accordance with Chapter 163 and Section 278-3.A.5. to install approximately 1,422 linear feet of drainage piping, a pump station in a wet well and associated power supplies within wetland setbacks. A Special Permit is requested in accordance with Section 278-7.D. for the extension and installation of structures associated with a membership club. The subject property is 33.87 acres and is located at 95 Dunemere Lane. The property is located in Residence Districts R-160, in Flood Zone AE (el.10) and has frontage on Hook Pond. This project is classified as an Unlisted Action in accordance with SEQR.

Ms. Doyle: Mr. O'Connell, I am recusing myself from this hearing, this application.

Mr. O'Connell: Okay, thank you. Who is here for the applicant?

Mr. Bennett: Good morning, this is Drew Bennett speaking, engineer for the Maidstone Club and I do business at 74 Montauk Highway in East Hampton Village.

Mr. O'Connell: Drew, Pam has to swear you in.

Ms. Bennett: You said your name and address so do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Bennett: I do.

Ms. Bennett: Thank you.

Mr. Bennett: So as I was saying I am Drew Bennett and with me this morning is Ken Koch representing the Maidstone Club and Steve Giles from my office, and as Pam summarized, we are requesting a Special Permit variance to install additional subsurface stormwater drainage on the 16th fairway which is located on the south side of Dunemere Lane just west of the stone bridge that goes over Hook Pond.

16803

This effort is an extension of the same type of work that the Village permitted in the spring of 2020. The 2020 work was done on the second fairway which is on the north side of Dunemere as well as other areas of the 16th fairway. The first work that was done in 2020 was done as a pilot or a test and it has worked very well and has reduced the golf course irrigation water demand and the Club would like to expand it moderately in a certain area of the 16th fairway. The project is 1,422 linear feet of underground slotted pipe that drains into an underground sump pump that pumps the water to be in an existing pipeline to an irrigation reservoir that already exists that the Club uses for golf course irrigation during dry periods. The work that was done in 2020 included three underground sump pumps so those already exist and continue to operate, and all of the proposed work is within the maintained areas of the golf course and the system only operates during the golf season which is approximately April through October and with that, I am happy to answer any questions.

Mr. O'Connell: First I would like to go to the public to see if anybody is on for the Maidstone Club.

Mr. Gambino: Yes, there are some callers on the line, let me unmute. Caller ending with 8019 you are on the line.

Mr. O'Connell: If you are here for the Maidstone Club, you can say you are here for the Maidstone Club, if you are not, you can say you are not here for the Maidstone Club.

Mr. Gambino: Caller Roseann?

Ms. Rose: I am here for Guild Hall, not the Maidstone Club.

Mr. Gambino: All right, we will go to the next caller. Caller ending with 3393, you are on the air.

Unknown: I am here for Guild Hall.

Mr. Gambino: All right, we will go to the next caller. Caller ending with 9713, you are on the line.

Ms. Strickland: Yes, I am here for Guild Hall, I am Sara Strickland.

16804

Mr. Gambino: Okay, we will go to the next caller. Caller ending with 6132, you are on the air.

Ms. Harrison: I am here for Guild Hall.

Mr. Gambino: All right, next caller. Caller ending with 5145, you are on the air.

Mr. DeBoer: Yes, this is Karel DeBoer, I am here for Guild Hall.

Mr. Gambino: Okay, we will go to the next caller. Caller ending with 8212, you are on the air.

Ms. Toulantis: I am here for Guild Hall.

Mr. Gambino: Okay, we will go to the last caller. Caller ending with 5470, you are on the air.

Ms. Brock: Oh hi, it is Mary Jane Brock, I am here for Guild Hall.

Mr. Gambino: Okay, that is all the callers so it seems they are all for the last topic.

Mr. O'Connell: Okay. Do any Board Members have any comments or questions for Drew?

Mr. Karmely: I have a question and Drew may be able to answer or not. Any efforts toward recycling conservation making the Club more green are always welcome, I am not qualified or knowledgeable enough to know what the impact is of what digging is under local conditions, I assume that is handled and is positive so generally I support any effort toward it. My one question is that given the use of, I assume you use chemicals to keep your lawn as beautiful as it looks, does this elevate the level of concentration once you recycling the use of chemicals and you use the fertilizers and so on and so forth, does this process elevate the concentration or has no impact on it?

Mr. Bennett: It has no impact on it because it is basically the same water that they are pumping for irrigation so rather than the water recharging the groundwater table, this water collects it before it recharges or flows into the Pond and recycles it for future irrigation use. So, in my estimation there would be no concentration of any fertilizer or anything like that as far as the recycling system is concerned. Maybe Ken wants to expand on that but that is, in my estimation, that is...

16805

Mr. Koch: Pam, do you need to swear me in?

Ms. Bennett: Yes, I do, thanks. Raise your right hand and state your name and address for the record.

Mr. Koch: Yes, Ken Koch, 18 Phoebe Scoys Road, East Hampton.

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

Mr. Koch: I do.

Ms. Bennett: Thank you.

Mr. Koch: I agree with everything that Drew said. Really the beauty of the irrigation system which we have had since 2012 is so that the superintendent can better water in products that we found that it actually has reduced the amount of product that we have had to put out there other than relying on mother nature which sometimes cooperates or sometimes doesn't or does it too much. So we look at this as a total beneficial program. This leg of the drainage actually completes the three wet holes that we have. We don't have a need for it in any other areas of the golf course so it is really a completion of what we started so, again, we feel it is very beneficial.

Mr. O'Connell: That was my question is if we are going to see more of this but it sounds like this is the last leg.

Mr. Koch: Correct.

Mr. Rose: Mr. Chair?

Mr. O'Connell: Yes?

Mr. Rose: I just want to underscore what my colleague raised in terms of chemical and fertilizer sensitivity. I have no problem with this application. I think this project makes sense but going forward and on renewals..[inaudible]...of the property I think it would be very helpful to discuss the next time the Club comes back or anything to fill us in on the approach toward irrigation, fertilizing and runoff into the Pond.

16806

Mr. Baris: Mr. Chairman, I have a question.

Mr. O'Connell: Go ahead Mr. Baris.

Mr. Baris: Did Billy Hajek make a report on this, can he chime in on this, Billy?

Mr. Hajek: Sure. I did not provide the Board with a written report mainly because I thought this was more or less a continuation of the prior project that the Board approved. Based on my conversations with Drew Bennett and observations of watching the first phase be installed I don't have significant concerns with the project. I know that the pump system is designed to be situated above the groundwater table so it will not be pulling from groundwater, it is only moving stormwater. The course completed the first phase, I would say, in a surgical fashion. They have an interest in not disturbing more than they really have to, and when I witnessed the work, it was mainly done with handheld tools and equipment in a very surgical fashion. The only recommendation I would have is if the need arises for silt fencing, I mean there aren't large piles of material being moved around here, but I think in areas where they are very close to wetlands, it is appropriate to put up just some containment in terms of wire back silt fencing.

Mr. Koch: When we received the DEC permit, that is a requirement so that will be done.

Mr. Hajek: That is my only comment.

Mr. Baris: That is good.

Mr. O'Connell: Thanks Mr. Baris. Jody Gambino, since somebody else called in, Jody, do you just want to check if they are for Guild Hall or for the Club.

Mr. Gambino: Sure. Caller ending with 6622, what are you calling in about?

Ms. Zigmund: Guild Hall.

Mr. Gambino: Okay, I will put you on hold.

Mr. O'Connell: If nobody else has any comments or questions, I think this just finishes out the project, we will close the public hearing. Do I have a motion to close the public hearing?

16807

Mr. Karmely: Aye.

Mr. O'Connell: And do I have a second?

Mr. Baris: Second.

Mr. O'Connell: All in favor?

Mr. Karmely: Aye.

Mr. Baris: Aye.

Mr. Rose: Aye.

Mr. Bennett: Thank you everyone. Thanks Pam.

ORIGINAL HEARING

Guild Hall of East Hampton, Inc. – 158 Main Street – SCTM #301-8-5-3

Mr. O'Connell: Next up we have Guild Hall, 158 Main Street, Pam do you want to read the public hearing notice please.

Ms. Bennett: Yes. Application of Guild Hall of East Hampton, Inc., SCTM#301-8-5-3, for a Special Permit and Variances in accordance with Chapter 278, Zoning, to make alterations to an existing theater use and construct accessory improvements. A Special Permit is requested in accordance with Section 278-7.D. to make alterations to the building and construction of accessory building and accessory structures in connection with the special permit use of the property. A 3,464 square foot variance is requested from Section 278-3.A.(9) to permit 33,325 square feet of coverage where 29,861 square feet presently exists and 9,170 square feet is the maximum permitted by zoning. Variances are requested from Sections 278-3.A.(3), (4) and (5) and 278-3.E.(1) and (2) to permit the construction of the following improvements: A stairway/light well 14.8 feet and 19.6 feet from the front yard lot lines where the required setbacks are 50 feet; an ADA accessible ramp 20 feet from the front yard lot line where the required setback is 55 feet; two terraces located 2.4 feet and 2.9 feet from the front yard lot lines where the required setbacks are 55 feet; a storage shed located 9 feet from the rear yard lot line where the required setback is 34 feet; two pedestrian walkways located 0 feet from the front and rear yard lot lines where the required setbacks are 34 feet; and

resurfacing and enlargement of an existing parking area to be located 0 feet from the front and side yard lot lines where the required front yard setback is 55 feet and the side yard setback is 34 feet. A variance is requested from Section 278-3.E.(2) for the omission of landscape plantings within the 34-foot transitional yard setback. A variance is requested from Section 278-7.C.(2) to permit the alteration of a building containing a nonconforming theater use located in a residential district, and any other relief necessary. The property is 45,848 square feet in size and is located at 158 Main Street. The property is located in Residence District R-80 and the Main Street Historic District. This project requires approval of the Design Review Board and is classified as an Unlisted Action in accordance with SEQR.

Mr. O'Connell: Okay, so who is here for the applicant, speaking on the applicant's behalf?

Mr. Ackerman: I am. Phil, I am going to speak for the applicant. This is Lenny Ackerman, can we hear...

Mr. O'Connell: You are fading in and out Lenny.

Mr. Ackerman: Is it on my end or is it your end? Is it my internet? Phil, maybe if you could just give me a minute, I am going to have my office connect me through the phone, just one second.

Mr. Baris: Phil, you may just want to say who is on the case.

Mr. O'Connell: Yes, Pam, do you want to read who is going to be sitting on this application?

Mr. Ackerman: Okay, it will just take a minute please.

Mr. O'Connell: All right, we are just going to read who is on the application.

Ms. Bennett: Sorry, I think it will be our two alternates plus Mr. O'Connell, Mr. Rose, and Ms. Doyle, Mr. Baris and Mr. Karmely so there will be five of you.

Mr. Baris: Thank you.

Mr. O'Connell: And Lenny, before you get started, I am just going to see, Andrea Grover, are you the representative for Guild Hall?

16809

Ms. Grover: Yes.

Mr. O'Connell: I think it would be helpful for the callers, there are a lot of callers on the line and a lot of the comments have to do with the inside of Guild Hall over which we do not have jurisdiction. Billy has looked back in the file to see if there are any agreements, covenants, etc. so perhaps you could, if you could say now who they should contact at Guild Hall if they have concerns about the inside because these are your patrons, these are your donors, these are the people that you serve.

Ms. Grover: Of course. Pam, do I need to be sworn in for this part?

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

Mr. Ackerman: Phil, just one second, I couldn't hear you.

Mr. O'Connell: Lenny, all we are doing is we are having, because we don't have jurisdiction over the inside, we are having Ms. Grover give contact information so the public can reach out to the appropriate people at Guild Hall about their concerns about the inside since they are the patrons, donors, etc.

Mr. Ackerman: I understand that sure, thank you.

Ms. Bennett: Len, I am swearing her in. So do you swear to tell the truth, the whole truth, and nothing but the truth?

Ms. Grover: I do.

Ms. Bennett: Thank you.

Ms. Grover: Sure thing. I am Andrea Grover, the Executive Director of Guild Hall and my home residence is 21 Wooded Path, Sag Harbor. Anyone who would like to speak to me about the improvements at Guild Hall can reach me via email at agrover@guildhall.org and my direct office line is 631-324-1831, happy to take your calls and questions. Thank you.

Mr. O'Connell: Thank you, Andrea.

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Mr. Rose: Mr. Chair?

Mr. O'Connell: Yes.

Mr. Rose: Just before, I just want to be clear in terms of my understanding that the nature of the ZBA's jurisdiction in this case is not that it has nothing to do with anything that is internal because there is a use, an ongoing use variance issue but the criteria pursuant to which we have any decision making is very narrowly defined for the purpose that it doesn't go to the historic or other...[inaudible]...there are some use related issues but it is not a broad...

Mr. O'Connell: Yes, it doesn't allow us to govern the ceiling of the theater.

Mr. Rose: I just want to be clear, it is not that there is no crossover in terms of jurisdiction but they are very limited and narrowly...

Mr. O'Connell: Thank you Joe for the clarification, that is correct. Mr. Ackerman, would you like to move forward to present.

Mr. Ackerman: Yes. Lenny Ackerman on behalf of Guild Hall. Obviously, this is an important application and it is understandable that there is significant community interest. I am sure Andrea will speak to those who have questions with respect to the interiors and will deal with their concerns and their issues. First, I would like to introduce witnesses for today who will speak and who are available to answer any questions of the Board or the public. Peter Pennoyer who is the principal architect on the project will make a short introductory statement of the project. Ed Hollander who is the landscape architect is available to answer any questions. Bran Ferrin who is the technology expert on the project and of course you have met Andrea Grover. I want to thank Billy for the memorandum, he has always laid out the existing conditions and the proposed project and has made it very clear to everyone there is no...[inaudible]...what he said. We are seeking variances obviously for coverage and because this is a preexisting nonconforming use, noting our objection to the requirement for a Special Permit, we have however still cited what we believe are satisfactory grounds entitling us to a Special Permit. Most of the criteria for a Special Permit are preempted by the fact that this is a preexisting nonconforming building. I am going to ask Peter to make his presentation.

Mr. O'Connell: Pam, could you swear Peter in please.

Mr. Pennoyer: Thank you Lenny.

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

Mr. Pennoyer: Peter Pennoyer, 136 Madison Avenue, New York, New York.

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

Mr. Pennoyer: I do.

Ms. Bennett: Thank you.

Mr. Pennoyer: I am asking Graham to put up the rendering of Main Street, Graham, can you do that. We are very proud to be chosen for this project because it is very unusual...[inaudible]. We are not really changing anything. I would say we are bringing back what Aymar Embury would regard as the most important elements of the design. At the center we are opening up the porch, we are removing the non-original aluminum storefront system and all the advertising that blocks those arches now, we are restoring the window openings, putting in new windows which will perform environmentally better, new shutters. Right now, you just look into the back of the framing and the sheetrock in the galleries, we are correcting that condition. We are removing two pylons and replacing them with one, and as you can see flanking the door, we are restoring those windows that have now been for a long time blocked up. Work around other sides of the building primarily has to do with accessibility and weaving the building back into the Village in a more presentable way. Ed Hollander can address the landscape but we are, among other things, on Pondview correcting a condition where the parking just simply rolls right into the road, there is no curb cut, there is no proper path, there is no proper way to for handicap...[inaudible]...So in that area and in the back is about accessibility. Specially the building is not increasing in footprint, however, we are adding an areaway which will not be visible which allows egress and light and air to the basement offices. The staff now is down there with absolutely no light and that is a minor element that will be completely screened and we are cleaning up the rear yard which now is a hodgepodge of storage and equipment and tarps and this and that and building a very discrete, simple storage shed which will be completely screened by hedges. Thank you.

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Mr. O'Connell: Did Mr. Hollander want to speak since he is the landscape architect?

Mr. Pennoyer: And Graham, can you go to the next slide for Ed Hollander, I think it would be helpful to have this.

Mr. O'Connell: Pam can swear you in.

Mr. Hollander: Okay, Pam, you should be able to hear me but...

Ms. Bennett: Yes.

Mr. Hollander: But when I hit start video it says you cannot start your video because the host has stopped it. Now many people have tried to do this to me before you are the first one to actively be able to do this.

Mr. Gambino: Try now.

Mr. Hollander: I don't blame you for not wanting to look at me but if you want to see me you are going to somehow let me in.

Ms. Bennett: I'm not in charge of that so okay. Please raise your right hand and state your name and address for the record.

Mr. Hollander: My right hand is raised. My name is Edmund Hollander, Hollander Design Landscape Architects, 200 Park Avenue South, New York, New York 10003.

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

Mr. Hollander: I do.

Ms. Bennett: Thank you.

Mr. Hollander: Thank you for the Board for allowing us to present this. Everyone has lived and loved Guild Hall for many, many years. I look at this as a landscape architect as something we are doing for Guild Hall but also for the Village of East Hampton. In many ways Guild Hall and the Library kind of create an architectural gateway to East Hampton so whatever we do here is important for the visitors and

the guests at Guild Hall but important in terms of the overall aesthetics and context and community in the Village of East Hampton. So we take this very seriously. Our landscape plan is trying to restore and improve the aesthetics for the building and the streetscapes but also just as importantly trying to improve our ecological footprint in the Village reducing stormwater runoff, planting native plants, creating habitat for the birds and the bees and trying to move the landscape of Guild Hall in as green a direction as we can.

Mr. O'Connell: Okay, did you freeze or are you finished?

Mr. Hollander: I am finished and happy to answer more questions.

Mr. O'Connell: Well, I think right now we will move to the public and see what the public comments are so don't go away Ed, they might be questions for you.

Mr. Hollander: Okay.

Mr. Gambino: All right. Calling ending with 8019, you are on the line.

Ms. Rose: Good morning. This is Ann Rose.

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

Ms. Rose: Yes, Ann Rose, 146 Main Street, East Hampton.

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

Ms. Rose: Yes.

Ms. Bennett: Thank you.

Ms. Rose: As I said, I am a neighbor at 146 Main Street which as many of you know but some may not, is the corner of Main Street and Pondview. I think that probably makes us physically one of the closest neighbors to Guild Hall. We have always loved having them as a neighbor. They have always been great neighbors and I personally do consider them kind of one of the jewels of East Hampton and along with the Library to me in my mind it really creates the entryway or gateway for the town proper. So, when I heard about the upcoming renovations because

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mainly of our geographic location, I was selfishly very interested in the plans. That old saying that says neighbors make good fences, I don't, I think what is important and what my thing is is that good lighting and good landscaping make good neighbors so I was very happy to see how sensitive and how discrete their new lighting plan is going to be and it doesn't feel like it is going to contribute to light pollution. That was an important issue for me. As to the landscaping plan, I don't think anyone can argue that that current parking area on Pondview is going to win any beauty competitions. I feel like the new plan is going to be a huge improvement with the addition of trees and more greenery to the area. I am also happy to hear about their focus on stormwater management with their use of porous pavement in the new parking area, their addition of catch basins, I think that is all very important to the area, but personally the small detail that made me the happiest on this is the fact that they want to use native groundcovers in place of traditional grass. I feel like that small detail to me speaks volumes to how sensitive Guild Hall is with the project in terms of their impact on the environment and on the town. So, I feel like they have focused not just on the aesthetics but on the overall impact on the town and the general entire area. So overall I feel this renovation will be such an asset not just selfishly to my little corner of Pondview and Main Street but to entire Town of East Hampton. So I fully support it and I hope it will be approved. Thanks.

Mr. Gambino: All right, that is two minutes. So caller ending with 9713, you are on the line.

Ms. Strickland: Hi, I am here, can you hear me?

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

Ms. Strickland: My name is Sara Jo Strickland, I live in Bridgehampton at 369 Butter Lane in Bridgehampton.

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

Ms. Strickland: I do.

Ms. Bennett: Thank you.

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Ms. Strickland: Hello everyone. I am the Director of the Hampton Ballet Theatre School which is located in Bridgehampton, and we have been a rental entity of Guild Hall for over 13 years. I run a ballet school and we do two performances a year at Guild Hall, one in December, the Nutcracker, and one in the spring. My cast includes over 125 kids and adults and the most important thing to me is the safety of my children and my adults when they come to Guild Hall. So, any improvement on the outside of the building regarding parking or walkways, anything that would improve the outside would be a plus to the school and would alleviate parent's worry about safety for their children. Also, the outdoor landscaping we often are there for hours on end so to have a place where we can go outside and take a break from the theater and sit in beautiful gardens, that is also a plus. I feel that Guild Hall is an important aspect to my school, it allows my community theater groups to perform there and our audience spans from Montauk to New York City so it is not just people coming to Guild Hall from just the parents, local parents, but it has a reach from Montauk to Manhattan and I feel like anything that is going to improve the parking especially the safety of people walking into the theater is a great thing. So I totally support the improvements at Guild Hall. Thank you.

Mr. O'Connell: Great, thank you. Jody, do you want to go to our next caller please.

Mr. Gambino: So caller ending with 6132, you are on the air and remember we are keeping the comments to just to two minutes.

Mr. O'Connell: Pam, can you swear them in please.

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

Mr. Gambino: Caller ending with 6132, you are on the air.

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

Ms. Harrison: My name is Helen Harrison, I live at 760 East Hampton Turnpike in Sag Harbor.

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

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Ms. Harrison: I do.

Ms. Bennett: Thank you.

Ms. Harrison: I am here to comment on the John Drew Theater proposed renovations and I do believe that the Zoning Board of Appeals does have jurisdiction here because as a precedent on June 23, 2006 the restoration of the John Drew Theater was reviewed and approved on the previous renovation which was completed in 2009. Now I have already sent a letter to the Zoning Board registering my objections so I won't read the entire thing but I will say that as a former curator of Guild Hall who has worked closely with the organization on events and projects for the more than 30 years since becoming the Director of the Pollock-Krasner House and Study Center in Springs, I am acutely aware of the special character of its interior spaces, and I believe the preservation of this unique community asset and architectural landmark really is a very important thing that the Board should take into consideration and that should require different approach to the renovation and improvement of the theater.

Mr. O'Connell: Okay, thank you.

Mr. Gambino: All right, next caller, we are going 6622, you are on the air.

Ms. Zigmund: Oh hi, my name is Almond Zigmund, I live at 2 Villa Avenue in East Hampton.

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

Ms. Zigmund: I do.

Ms. Bennett: Thank you.

Ms. Zigmund: I am just calling in in general support for Guild Hall. I think that everything that has been proposed and I really appreciate the first caller's characterization of the thoughtfulness that Guild Hall has shown in considering the exterior nature of their renovations and I think that same consideration and thoughtfulness has been put into the consideration of the redesign of the theater as well as the gallery just to address Helen's concerns. I don't think that it is a willey nilley approach, many minds are being put to solving some of the issues that the

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galleries and the theater face in terms of renovating and bringing them up to the level that this community deserves and as somebody said you know the Library and Guild Hall being the gateway to the Village, the Library has gone through extensive renovations and very successful even though they were controversial at the time, I think everybody can agree it is a beneficial, and I think Guild Hall and the community that it serves deserves that kind of consideration and I trust that those that are undertaking the task are doing a wonderful job to address all of the concerns. So I fully support it, thank you.

Mr. O'Connell: Next caller please, Jody.

Mr. Gambino: Next caller ending with 5145, you are on the line.

Mr. DeBoer: Good morning, my name is Karel DeBoer, 144 Main Street, East Hampton.

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

Mr. DeBoer: I do.

Ms. Bennett: Thank you.

Mr. DeBoer: Well, it is very hard to beat the wonderful arguments that my neighbor Ann Rose brought to the Board earlier which I wholeheartedly agree by the way. I am a fulltime resident of Main Street at 144 Main Street being a neighbor, indirectly maybe, of Guild Hall for 44 years and I want to make a couple of comments. First of all, Guild Hall has been an extremely considerate neighbor. You would never know that they were in a residential neighborhood, things go wrong but things go wrong in all places but I want everybody to recognize the value that Guild Hall has for this part of Main Street which has changed over the last 40 years drastically and not necessarily for the better, I am talking about the traffic, but what I was hoping that Guild Hall...[inaudible]...times and the new changes it will bring more vitality to the neighborhood, I love to see people walking on the sidewalk in front of our houses, people chatting, you hear it after performances, nice to hear. I wholeheartedly support every effort that they are doing, the changes that they are making are nominal in my estimation and I am a preservationist. I would love living in a historic home on Main Street if I wasn't so I am very sensitive to changes that have been around us but here the changes that were presented to me at least appear to be very much in keeping with the needs of

a cultural institution that is so important for our area, so important for East Hampton, and so important for the vitality of Main Street. I wholeheartedly, having listened to all the arguments, I wholeheartedly hope that the Zoning Board will approve these applications and Guild Hall will continue to flourish and continue to be a major pride of the cultural society in East Hampton. Thank you.

Mr. Gambino: All right, that is two minutes.

Mr. O'Connell: Jody, next caller.

Mr. Gambino: Next caller ending with 8212, you are on the line.

Ms. Toulantis: Yes, hello, this is Marie Toulantis, 25 Dayton Lane, East Hampton.

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

Ms. Toulantis: Yes I do.

Ms. Bennett: Thank you.

Ms. Toulantis: So yes, I am literally a stone's throw away from Guild Hall. I have owned homes in East Hampton for many, many years, my current place for six years and prior to that another home in the Village for many years before that. Again, I just want to add my voice of support to everything that has been said. As someone who, again, lives literally a stone's throw away from Guild Hall, I have used the facilities, visited, taken advantage of all that Guild Hall has to offer for many years, and I just applaud this current plan to bring it up to a really world class institution. I think it is great for the Village and I certainly support the plans in their entirety as they have been presented. Thank you.

Mr. Gambino: All right, the last caller we have, ending with 5470, you are on the line.

Ms. Brock: My name is Mary Jane Brock, I live at 117 Main Street.

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

Ms. Brock: I do.

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Ms. Bennett: Thank you.

Ms. Brock: I feel a little like an echo because I think those who have spoken before have been so articulate and said it so well but I too am a neighbor, I lived diagonally across the street from Guild Hall for 25 years, I am the other corner from the Library and then 15 years ago moved a little closer to the Village but more than 40 years ago, when we bought the house at 173 Main Street, became involved with Guild Hall as a volunteer and participant and finally worked my way up to being a Trustee today. I have watched as presentations have been made to us by this group of truly best possible excellent designers, and I think as has been said Guild Hall is going about this with the upmost sensitivity and thoughtfulness, and I heartedly support and embrace the improvements because I think Guild Hall is the Lincoln Center of Long Island. It brings so much to us and I respect the way they are going about the planning and think it will be a win, win all the way around.

Mr. O'Connell: Thank you very much. Jody, you have no other callers on the line, correct?

Mr. Gambino: Correct.

Mr. O'Connell: Okay, so now I would like to move to the Board and hear what comments the Board may have about this project. Joe Rose?

Mr. Rose: I want to echo everyone's enthusiastic appreciation for the important roll that Guild Hall has played and continues to play in the Village, the Town, and the whole South Fork. That being said, a couple of questions relating to the issues on the front hall of the area, the terrace area that shows tables and chairs out in front and the access point in the front on the, I guess it is the eastward side, the particular question is whether alternative locations were examined in terms of arriving at how deep the lightwell/staircase is that going to be programmed as an entrance, is that only in an emergency access point or is that going to be a regular entrance?

Mr. Pennoyer: We do not intend it as an entrance, it is simply there to bring light and air into the offices. We are providing a metal stair so that it could be used for egress but I cannot image that Guild Hall would ever want people to actually enter the building through that way. It doesn't make sense.

Mr. Rose: Right, so it is not a required egress for purposes of Code?

Mr. Pennoyer: No, it is not. The building currently complies. It is primarily light and air.

Mr. Rose: Can someone speak to the other issue about the terrace area in the front yard setback.

Mr. Hollander: Sure, I will speak to that, it is Ed Hollander: The purpose for this was really two or threefold, one, as people come to Guild Hall and congregate either before performances or after or in between acts of shows, the thought was to try to create a small, discrete area where people could gather and sit and enjoy the streetscape. I forget who mentioned it but we also thought it would bring life to the street a little bit. Right now, people gather on that brick walkway, that brick terrace in the front but adding a few discrete chairs on a permeable surface, it allows them to sit down and I think it will enhance the user experience, the pedestrian access, and life along the front of Main Street and Guild Hall there.

Mr. Pennoyer: As an architect, frankly during intermissions, there simply is not enough room for the audience and especially some of the elderly audience don't have anywhere to sit. We see people sitting on the ground out there now.

Mr. Rose: And the lighting proposal for both the...[inaudible]...out there in front, is that going to be illuminated. In the rendering it shows it being illuminated.

Mr. Pennoyer: Correct, all dark sky compliant, all shielded, all very subtle, it is not intentioned to make this pop out on Main Street.

Mr. Rose: What hours is that...

Mr. Pennoyer: I don't know, I can't answer that question, I can't image that they would want to accept, I doubt that it is an all night deal but that would be up the administration of Guild Hall.

Mr. O'Connell: Ms. Grover, do you want to make a comment on that?

Ms. Grover: Sure. Joe, you are talking about the seating area outside, what hours that would be open?

Mr. O'Connell: I am sure he, he froze, but he was asking about the illumination of the sign with whatever is occurring at Guild Hall.

Ms. Grover: The pylon. It will be the same as it is now which is, it is very low illumination and it is on all the time unless there is some reason to turn it off.

Mr. Karmely: I would like to ask a question if Joe is, Joe froze so not to cut him off, and along the same line of questions. First of all just to reflect my sentiment, I am a resident of 127 Main Street, I am a neighbor, one of the reasons I am in East Hampton actually is because of Guild Hall and I couldn't imagine a better team to have Mr. Pennoyer and Mr. Hollander, both of whom I am familiar with their work doing what they are doing here, the team is excellent, I think the approach that Mr. Pennoyer has, I am preservationist myself, is very thoughtful, very sensitive. My one comment and request is that if there is any way the team can improve, and maybe they have already, the amount of screening from landscaping especially with the parking lot and that is always a good idea and if they could take another look at that and perhaps they have and any additional screening through the introduction of vegetation is always welcome specifically with regard to the parking area which is an eyesore right now so anything is an improvement so I would request that. And secondarily as to hours of operations, the only concern I have, and this is something that I voiced before when I toured Guild Hall, was this summer there was a series of weekends of outdoor performances, one of which I visited, there was a stage set outside of Guild Hall and the light was very harsh and the noise was very, very loud. I could hear it up and down Main Street, it was very intrusive. I am just wondering if there will be creation of new outdoor areas, is this something that Guild Hall is planning to continue or will they revert back to sensitivity that has always demonstrated and contain noise levels to those who want to hear what is going on as opposed to those who are forced to hear what is going on.

Ms. Grover: I am happy to take that. Thank you, Shahab. So the backyard theater that we established in the summer of 2020 was due to the COVID virus and our inability to have programming indoors. Going forward if it is to be used, it will be for similar circumstances when we can't perform inside if we continue to have issues with viruses, and when used it will be with great sensitivity to the neighbors and the audio level. And neighbors just adjacent to us, they have my cell phone number in case they have any issues with sound but it will be limited in use going forward unless we are stuck in a pandemic forever which I hope not.

Mr. Karmely: Okay, well thank you. That would be my one recommendation because this summer was really very annoying other than that, I think excellent job, excellent work, absolute asset to the East End and we love you guys and what

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your mission statement is, and I think the plans that have been submitted by your team are outstanding. That is my only commentary, Mr. Chairman.

Mr. O'Connell: All right, thank you Shahab. Carrie, Andy, either of you have any comments you would like to make. Carrie, I see you are unmuted so go ahead.

Ms. Doyle: Well again I want to echo I do think it is an excellent much needed improvement, I am really glad that you are adjusting the parking lot which I found so chaotic, it can be very dangerous people coming in and out of there. Additionally, I love the addition of the egress window in the basement. I think it is really important that they have light and access to get in and out of there as a safety concern, it is always a good thing. I just want to circle back, I just didn't get a good idea about the tables in the front. So, is that something, I get on intermission that they will come out and sit but are people going to be eating there, is that going to be dining, is there any of that, it is just going to be sitting between shows?

Ms. Grover: Thanks Carrie for that question. Yes, we have a concession stand inside which is just prepackaged goods, candies, chips things like that, coffee. The food will not be for sitting outside. We have a seating area inside. This is really to alleviate just what Peter was talking about. The theater has over 300 seats, the lobby has a capacity of under 100 so when we have something like the opera which is broadcast from the Met and that can run five hours, we sometimes have two intermissions, the primary attendance is senior citizens for that. You can imagine what the lobby is like then. So, this is a way during nice weather for people to flow outside and have a pleasant seating experience. It is not meant to be food service area or an area that is active all the time.

Ms. Doyle: Okay, thank you Andrea.

Ms. Grover: Thank you Carrie.

Mr. O'Connell: Andy, do you have any questions?

Mr. Baris: No, I don't have any questions, I would just be reiterating everyone else's thoughts so that is fine.

Mr. O'Connell: So, the question I have is why can't people be directed to the garden at intermission as opposed to out in front and seating be provided there? Because as so many people said, this is the gateway to the Village having tables and chairs might seem like a good idea but in the long run, it might not be so with

people congregating there perhaps when Guild Hall isn't even open or doesn't have a show going on.

Mr. Hollander: I think one of the design theories of this is that the tables and chairs would really be out and be put out by Guild Hall when performances were going on. I don't think the thought was to leave them there in perpetuity. The other thought is that people actually add life and people and the point of Guild Hall is to invite people into the Village and then making a pleasant experience for them. I think the idea is right, we don't want people using this as art but making the user experience at Guild Hall while they are there, I think both improves Guild Hall, I think it is an improvement for the Village. I mean one of the things that is so great about the Village of Sag Harbor now is that there are people walking the street and bringing life to the street and people really make the space. Inviting people to sit and to become part of the streetscape is actually a great benefit. It is not huge numbers, it is small numbers at discrete times in a discrete area.

Mr. Pennoyer: In terms of the architecture, the access to the Minikes Garden is relatively restricted, it is one door at the end of a corridor so just in terms of moving 300 people through, even if that were the directive, it would be hard to do that into the garden in the back.

Mr. O'Connell: It is not realistic is what I am hearing.

Mr. Pennoyer: Yes.

Mr. O'Connell: Okay.

Mr. Karmely: Phil to add to your comments, my support of this was with the assumption that this is only in use when they are in use. The last thing I want is a bunch of chairs and tables sitting out there permanently becoming a loitering area. At the very least it is garbage and refuse which inevitably collects in areas like this and at the worst it becomes a loitering dark corner. So, my assumption was very much that this is only in use for a specific intended period of time and not just in general loitering area to be sitting out there.

Mr. O'Connell: So I have a question. Lenny, don't walk away this one involves you. This is for both Mr. Messina and Mr. Ackerman. One is can we make part of this issuance of Special Permit, Mr. Messina, that the front area will not have sound stages and sound events, I am talking about the part between Main Street and Guild Hall, not talking about the side, that won't occur out there and that the

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table and chairs will be put out prior to, if there is a concert happening, there is something in the theater not just when the museum is open and removed after the event or shortly thereafter within an hour or so. Is that something we can do Mr. Messina and is that something Mr. Ackerman your client would be amenable to?

Mr. Ackerman: I didn't hear exactly at the beginning, are you proposing a covenant or are you proposing a restriction?

Mr. O'Connell: A restriction, covenant. As a condition that the space between Guild Hall and Main Street, you have that 30, 40 feet, not be used for an outdoor show or concert, that type of stuff, you limit it to the garden, that was one condition. The second condition is that the table and chairs only be put out prior to a show in the theater, I know there are comedy shows, there is ballet, the opera, etc. and then removed shortly thereafter so that it doesn't sit out there overnight, it is not there days on end and that they not be put out when there is no show occurring because I don't want there to be any confusion...

Mr. Ackerman: I understand. Let me ask, Andrea, this is a question for you. Do either of these strike you as something we need further discussion on or can you respond now?

Ms. Grover: Yes, thank you, Lenny. So the first item no further discussion. We are not planning to have any kind of performances in front of the building, no amplified music, nothing like that so that, to me, that is completely fine. The second item with the table and chairs, I would be very grateful if we could have them out whenever the museum is open. We are not open late, the museum is open four days a week in the...[inaudible]...season and then it is open seven days a week in the summer but closed at five. So, in terms of not having them out except for performances during the summer, we have performances that are irregular, we might have a children's magic show during the day and then as you said Mr. O'Connell, we might have musicians or comedy that night. So, I think the idea of our limited staff putting tables and chairs out around hours like that, it gets very complex but certainly when the museum is closed which is generally by five o'clock and we wouldn't leaving those out until late into the evening or anything like that.

Mr. O'Connell: So here is my concern is as the plan was presented, Mr. Hollander mentioned that they see it as a place to gather at intermission, before and after a show so when it is the museum, I don't see the need for that, again, it is the gateway to the Village and there is a concern.

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Mr. Rose: Mr. Chairman, I just want to agree with your, the implied condition about the temporary nature of those chairs and we can discuss this among ourselves I think in terms of what the condition is but that it be temporary and be tied to the use for a show I think makes a lot of sense.

Mr. O'Connell: Shahab...

Mr. Baris: Can I ask you something, Phil?

Mr. O'Connell: Sure.

Mr. Baris: I fully disagree with you guys. I think we should leave it up to Guild Hall, at their discretion, it is furniture that they are probably going to want to take in anyway because they want to keep it nice, I don't understand the stipulations. I think Guild Hall is pretty responsible and pretty respectful to the area so I think if that is your concern, I would say we should leave it up to them.

Mr. O'Connell: Shahab, I would like to hear from you.

Mr. Karmely: I tend to agree with you and Joe more. I hear Andrea and she is right. It is just impractical to move furniture in and out. My concern really is overnight, my concern is weekends when the museum or the shows are not open. As long as the placement is sensitive and of course they would be responsible for maintaining that area spotless. The last thing I want to see is wrappers and candy and ice cream spots on the floor, so long as they are made to fully, and I am sure they will because it reflects on them, and it is just during working hours and it gets taken in at five o'clock, I don't have an issue with that. I am fine as long as it is restricted to hours of operation, days of operation and sensitivity toward the type of furniture obviously and cleanliness in the area.

Mr. O'Connell: Those are good comments. Joe? Because I think that is the sticking point on this application. Linda Margolin is going to ask me for a nexus probably because I see her on here but it is coverage. Joe, I can't hear you, you have to unmute.

Mr. Rose: I think there is plenty of nexus and I have a lot of history on movable chairs and public spaces throughout New York City, Bryant Park, we can work out what makes sense and what is reasonable so not to be unduly burdensome but it is not a big ask to have it be appropriately managed in terms of how those spaces are

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used. This is not intended to be an ongoing picnic area for Main Street in the Village. I am sure that is not Guild Hall's intent either so we can, over the course of our deliberations, we can find an appropriate set of parameters.

Mr. Ackerman: Phil, this is Lenny. Joe makes a good point, Joe has the history here, more so than most of us do. Could I ask this though, Guild Hall is under a very tight schedule to start construction. As you know, we have to go back to the DRB. Could we see before the, could we close the hearing, and, Vinnie, you have to tell me if this is possible. Could we close the hearing so we can move forward and over the next week or so could we have from Village Counsel and Board Members some language that they feel comfortable with that I could present to the Board and to Andrea with respect to the chair issue. We know that there will be that we can have a condition of no staging, everyone is in agreement on that but with respect to the chairs, maybe Joe could help with some language, as long as I could see something, a paragraph that we could pass around we could come to an understanding on that and keep the process moving. That is my intent here is to keep the process moving if we can. Vinnie, do you think that is doable?

Mr. Messina: Yes, as long as that is the wish of the Board, I have no issue with doing that. I will work with Mr. Rose and the other Board Members and then you and I can discuss and nail down specific language.

Mr. O'Connell: Can I make a suggestion, just as we did with West Dune where we close and do the determination, I think just in case we run into any issue, maybe we will keep it open for written submission and then this way we can...

Mr. Ackerman: Well that puts us another month behind, Phil.

Mr. O'Connell: Well...

Mr. Messina: It doesn't because like we did earlier...

Mr. O'Connell: With West Dune.

Mr. Messina: With your office, we closed and we voted at the same time, consecutively, same here, so we could do that, again, if the Board wishes.

Mr. O'Connell: I am okay with that.

Mr. Ackerman: As I understand, we are coming live, coming back to live in May so that will give us an opportunity to get the determination and we will resolve this before, okay, that is fine.

Mr. Messina: Bite your tongue Mr. Ackerman, live meetings in May, stop that.

Mr. Ackerman: Actually, I am going on a diet so I can fit into my suits again. I am looking forward to getting back live, that is the highlight of my month is when I can perform in front of the Board.

Mr. Baris: Counsel, can we get a ruling on that?

Mr. O'Connell: All right so the plan is, we are going to leave the board open, Joe you are going to, with Vinnie, kind of assist here so we get a workable plan that Guild Hall can work with that it is not unduly burdensome. Andrea, are you good?

Ms. Grover: Yes.

Mr. Ackerman: Yes, that will be fine, all right, thank you very much. I appreciate it.

Mr. O'Connell: I am going to repeat one more time for those callers that are concerned about the interior of Guild Hall, it is agrover@guildhall.org, the phone number is 631-324-1831. Andrea Grover is the person to express those interior concerns to and she will put them in front of her Board.

Mr. Ackerman: Thank you very much.

ORIGINAL HEARING

Lily Pond Equities – 33 Lily Pond Lane – SCTM #301-13-13-11.1

Mr. O'Connell: Pam?

Ms. Bennett: Ready?

Mr. O'Connell: Do you want to move on to public hearing notice for Lily Pond Equities, 33 Lily Pond Lane.

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Ms. Bennett: Yes. A request is made by Lily Pond Equities, SCTM#301-13-13-11.1, for a one-year extension of time of a Coastal Erosion Hazard Area Permit and Variance granted by the Zoning Board of Appeals on March 12, 2021 and amended April 9, 2021 that authorized the construction of additions and alterations to the existing residence and the construction of a screened porch and accessory improvements. The subject property is 76,811 square feet in area and is located at 33 Lily Pond Lane in Residence District R-160. The property adjoins the ocean beach and is located in FEMA Flood Zone VE (el. 17) and Zone X. This project is classified as a Type II Action in accordance with SEQR.

Mr. O'Connell: All right, Mr. Ackerman, or Ms. Margolin? Who is going to go on this one?

Mr. Ackerman: No, I am going to, Tom Lawrence, are you on?

Mr. Lawrence: Here I am, Lenny.

Mr. Ackerman: Tom is the construction manager on this project and he can answer any questions but one of the things that this application focuses on is the fact that the coastal erosion law that we have has a very severe and short fuse with respect to its expiration date or sunset provision. One year to obtain and develop the plans, apply to Health, apply to DEC, and then go back to get a building permit in our case it took almost a year to do all that. We had an incredible amount of difficulty with, first of all because of COVID with the Health Department not functioning at full capacity and then Health Department wanted, before they would issue, wanted DEC and as a result, we still don't even have our building permit which is pending this determination because the building permit was filed and the Building Department didn't want to issue a permit until we had the extension and it is a real short window for anyone to, not just commence construction, but to complete construction and that is something perhaps Vinnie we should look at in terms of, based upon our experience of maybe extending out because I think that's a carryover from the DEC rule where coastal erosion is only good for a year. Every Coastal Erosion application I have handled in the last 10, 15 years has required modification. Perelman was numerous modifications and wherever we started construction going up and down the ocean on Lily Pond and West End required modifications. So, I think this application cries out for relief but I think perhaps we should legislatively look at changing the rule and giving us a little bit more time. So Tom is available if you have any questions.

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Mr. O'Connell: I will have some questions but I want to just go, if you are finished, I just want to see if anybody from the public is on the line. Jody, do we have anybody on the line?

Mr. Gambino: We have no new callers on the line.

Mr. O'Connell: You know, one of the questions I had was when we were granting this permit it was presented that the family needed the additional space and now it is for sale, I believe it may be, I believe, I am not 100 percent sure, may even be in contract so obviously it is switching hands.

Mr. Ackerman: That is factually not correct. The family went to Israel for a family event. Both Mr. and Mrs. Starke came down with COVID and as of this morning when I spoke to them, their intent on not returning to the United States and staying in Israel where their family, primarily where their family is located. Their entire family lives in Israel and the house has not been sold and is not under contract. They are going to offer the house for sale but they don't even have a building permit to even start construction yet and until and unless this is granted, they cannot commence construction. If the house is, when perhaps the house is sold any buyer of this house will probably come in and want to do a different project or a different house and perhaps start all over again, however, this property needs a building permit because of the coastal erosion limitations so we need a modification so we can get our building permit.

Mr. O'Connell: All right, does any other Board Member have questions. Joe Rose?

Mr. Rose: I have one point and this goes to an issue that we discussed at the time of the original granting which is there are some nonconforming items in the dune land that are not permitted and their removal is not constrained by COVID so the lights, the things that should be removed I would have no problem with the extension of this permit that, it would make a lot of sense to remove the things that need to be removed and shouldn't have been there in the first place and they should be removed now, not to wait years and years.

Mr. Ackerman: Joe, that is a good point. Let me ask Tom something. Tom, does the building permit cover these items? I don't exactly what they are that Joe is referring to?

Mr. Lawrence: Yes, sir it does.

Ms. Bennett: I have to swear Tom in first. Please raise your right hand and state your name and address for the record?

Mr. Lawrence: Thomas Lawrence, 68 Clinton Street, East Hampton, New York 11937.

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

Mr. Lawrence: I do.

Ms. Bennett: Thank you.

Mr. Lawrence: And to answer Lenny's question, yes, Len, all the conditions stipulated in the ZBA approval are part of the building permit application.

Mr. Ackerman: And does that include what Joe is referring to, the violations?

Mr. Lawrence: Yes sir.

Mr. Rose: You require a building permit to remove a violation?

Mr. Ackerman: I think it does but I just did not know, Joe, whether they were included or not, I believe it does because they are in coastal erosion or the dune scape. Are you talking about stuff that is in the dune scape or...

Mr. Rose: Yes.

Mr. O'Connell: The fencing and the lighting.

Mr. Ackerman: Yes, see that all needs a prior approval, you just can't go in there and whack it out of there and remove it, it has to be done with construction protocol and the like, that is what Tom is saying, I don't know the answer.

Mr. Rose: I would just ask, I would refer this to Billy and to the appropriate enforcement entities to see, to make sure as soon as possible moment we can get the things that should be removed, removed.

Mr. Ackerman: No, no, I understand, I understand. All right.

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Mr. Rose: Motion to close, Mr. Chair.

Mr. O'Connell: You are making a motion to, does anybody else have any comments on the public hearing, any other Board Members. All right, Joe has a motion to close the public hearing, do I have a second?

Mr. Ackerman: Phil, thanks a lot, job well done, Phil, job well done.

Mr. O'Connell: All in favor of closing the public hearing?

Mr. Baris: Aye.

Mr. Karmely: Aye.

Mr. Ackerman: Thank you, bye, bye.

Mr. Lawrence: Thank you all.

Mr. O'Connell: As there is no other, thanks Lenny, as there is no other business, do I get a motion to close this meeting.

Mr. Rose: So moved.

Mr. Karmely: Motion.

Mr. Rose: Second.

Mr. O'Connell: Thank you. All in favor? Aye.

Mr. Rose: Aye.

Mr. O'Connell: Everybody have a great day. Thank you all for your participation.

The meeting was adjourned at 12:35 p.m.

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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, April 8, 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 the hearings are to be conducted via video-conferencing, please contact pbennett@easthamptonvillage.org to find out how to participate. The applications can be viewed on the Village's website easthamptonvillage.org by clicking on the "Alerts" tab.

Application of Maidstone Club, Inc., SCTM#301-9-4-11, for a Special Permit and Variance in accordance with Chapter 278, Zoning, and Chapter 163, Freshwater Wetlands, to install a series of leaching pipes and sump pump to capture stormwater runoff and transfer it to an existing retention pond. A Freshwater Wetlands Permit and variances are required in accordance with Chapter 163 and Section 278-3.A.5. to install approximately 1,422 linear feet of drainage piping, a pump station in a wet well and associated power supplies within wetland setbacks. A Special Permit is requested in accordance with Section 278-7.D. for the extension and installation of structures associated with a membership club. The subject property is 33.87 acres and is located at 95 Dunemere Lane. The property is located in Residence Districts R-160,

in Flood Zone AE (el.10) and has frontage on Hook Pond. This project is classified as an Unlisted Action in accordance with SEQR. Application of Guild Hall of East Hampton, Inc., SCTM#301-8-5-3, for a Special Permit and Variances in accordance with Chapter 278, Zoning, to make alterations to an existing theater use and construct accessory improvements. A Special Permit is requested in accordance with Section 278-7.D. to make alterations to the building and construction of accessory building and accessory structures in connection with the special permit use of the property. A 3,464 square foot variance is requested from Section 278-3.A.(9) to permit 33,325 square feet of coverage where 29,861 square feet presently exists and 9,170 square feet is the maximum permitted by zoning. Variances are requested from Sections 278-3.A.(3), (4) and (5) and 278-3.E.(1) and (2) to permit the construction of the following improvements: A stairway/light well 14.8 feet and 19.6 feet from the front yard lot lines where the required setbacks are 50 feet; an ADA accessible ramp 20 feet from the front yard lot line where the required setback is 55 feet; two terraces located 2.4 feet and 2.9 feet from the front yard lot lines where the required setbacks are 55 feet; a storage shed located 9 feet from the rear yard lot line where the required setback is 34 feet; two pedestrian walkways located 0 feet from the front and rear yard lot lines where the required setbacks are 34 feet; and resurfacing and enlargement of an existing parking area

to be located 0 feet from the front and side yard lot lines where the required front yard setback is 55 feet and the side yard setback is 34 feet. A variance is requested from Section 278-3.E.(2) for the omission of landscape plantings within the 34-foot transitional yard setback. A variance is requested from Section 278-7.C.(2) to permit the alteration of a building containing a nonconforming theater use located in a residential district, and any other relief necessary. The property is 45,848 square feet in size and is located at 158 Main Street. The property is located in Residence District R-80 and the Main Street Historic District. This project requires approval of the Design Review Board and is classified as an Unlisted Action in accordance with SEQR.

A request is made by Lily Pond Equities, SCTM#301-13-13-11.1, for a one-year extension of time of a Coastal Erosion Hazard Area Permit and Variance granted by the Zoning Board of Appeals on March 12, 2021 and amended April 9, 2021 that authorized the construction of additions and alterations to the existing residence and the construction of a screened porch and accessory improvements. The subject property is 76,811 square feet in area and is located at 33 Lily Pond Lane in Residence District R-160. The property adjoins the ocean beach and is located in FEMA Flood Zone VE (el. 17) and Zone X. This project is classified as a Type II Action in accordance with SEQR. Said Zoning Board of Appeals will at said time and

place hear all persons who wish to be heard in connection with the applications. Interested parties may be heard in person, by agent, or by attorney. Dated: March 18, 2022
By Order of John L. McGuirk III, Chairman, Zoning Board of Appeals, Inc. Village of East Hampton

FILED
VILLAGE OF EAST HAMPTON, NY
DATE: 5/16/22
TIME: 10:30 AM

Pamela J Bennett

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