

Zoning Board of Appeals  
May 13, 2022  
11:00 a.m.  
via Video-Conferencing and  
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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  
Andrew Baris, Alternate Member  
Vincent Messina, Village Attorney  
Lisa Perillo, Village Attorney  
Thomas Preiato, Building Inspector  
Billy Hajek, Village Planner  
Richard A. Hammer, Attorney on behalf of Lisa and Gary Seff  
Tara Burke, Agent on behalf of Lisa and Gary Seff  
Lisa Seff, Applicant  
Trevor Darrell, Attorney on behalf of Booke Georgica LLC  
Kevin O'Sullivan, Architect on behalf of Booke Georgica LLC  
Charlie Henry, Neighbor of Lisa and Gary Seff  
Christopher Carillo, Attorney on behalf of Moonburd, LLC  
Leonard I. Ackerman, Attorney on behalf of Traumhaus 1, LLC  
Jody Gambino, LTV Moderator  
Pamela J. Bennett, Village Clerk

Mr. McGuirk: Good morning and welcome to the Village of East Hampton's Zoning Board of Appeals' meeting for Friday, May 13, 2022.

MINUTES

Mr. McGuirk: On the agenda we have the minutes from April 8, 2022. May I have a motion?

Mr. McMullan: I make a motion.

Mr. McGuirk: Second please.

Ms. O'Connell: Second.

Mr. McGuirk: All in favor?

Mr. O'Connell: Aye.

Mr. Rose: Aye.

Mr. McGuirk: Okay, we are going to hand the meeting over to Philip.

### DETERMINATION

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

Mr. O'Connell: Okay. We have determinations to go through, we have four today. In the application of Maidstone Club, Inc., 95 Dunemere Lane, Suffolk County Tax Map #301-9-4-11, to install drainage piping, a pump station, and associated power supplies is approved. May I have a motion.

Mr. Rose: So moved.

Mr. O'Connell: May I have a second? Pam, can you poll the Board please.

Ms. Bennett: I am sorry, I missed who seconded?

Mr. O'Connell: I will second it.

Ms. Bennett: Thank you. Mr. O'Connell?

Mr. O'Connell: Yes.

Ms. Bennett: Mr. Rose?

Mr. Rose: Yes.

Ms. Bennett: Mr. Baris? Is Andy here? Oh, I see him. Andy, on the application of Maidstone Club, I am polling the Board.

Mr. Baris: Yes.

Ms. Bennett: Thank you. Mr. Karmely? Is Shahab here? I do not see Shahab, okay, so that is three yesses.

Mr. Baris: I was having difficulties getting in, maybe Shahab is having the same thing.

Mr. Gambino: Everybody should be in by now.

Ms. Bennett: Okay.

#### DETERMINATION

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

Mr. O'Connell: Let us keep moving forward. In the application of Lily Pond Equities, 33 Lily Pond Lane, Suffolk County Tax Map #301-13-13-11.1, for a one-year extension of time of a Coastal Erosion Hazard Area Permit and Variance is granted. May I have a motion?

Ms. Doyle: I will make a motion.

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

Mr. Baris: Second.

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

Ms. Bennett: Mr. O'Connell?

Mr. O'Connell: Yes.

Ms. Bennett: Mr. Rose?

Mr. Rose: No.

Ms. Bennett: Ms. Doyle?

Ms. Doyle: Yes.

Ms. Bennett: Mr. Baris?

Mr. Baris: Yes.

Ms. Bennett: And Mr. Karmely? Absent, okay.

CONTINUED HEARING  
and  
SEQR DETERMINATION  
Guild Hall of East Hampton, Inc. – 158 Main Street –  
SCTM #301-8-5-3

Mr. O'Connell: Now for Guild Hall, we have a couple of things to go through with this. What I would like to do is explain the process to the public who is watching. Right now, we are going to declare Lead Agency, the Village Planner prepared the SEQR declaration so right now I need a motion to adopt a Negative Declaration from the Board Members who sat on that application.

Mr. Baris: Okay, I will make the motion.

Mr. O'Connell: All right, second?

Ms. Doyle: I will second.

Mr. O'Connell: All in favor?

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Mr. Rose: Before we vote, we can just ask a question in terms of the procedural stuff because there are a bunch of issues. When we adopt the Lead Agency status and the Neg Dec it is pursuant to the revised materials that were submitted, is that correct?

Mr. Messina: That is correct Mr. Rose.

Mr. Rose: Which note the Historic District aspect.

Mr. O'Connell: Yes.

Mr. Rose: Thank you.

Mr. O'Connell: All right so all in favor? Aye.

Mr. Rose: Aye.

Ms. Doyle: Aye.

Mr. O'Connell: On the Neg Dec. So, what I want to do is I want to note that the DRB reviewed this application and it was sent over to the ZBA with no negative comments. It has come to Zoning for a Special Permit and Variances concerning outside of the building. The hearing was left over for written submissions so we are going to close the hearing today. So, do I have a motion to close the hearing?

Mr. Rose: Mr. Chair, Phil, Mr. Acting Chair, I just want to note in the context of this application and the process, I suggest, and I do not think we need it necessarily for our action, but it is important I think prior to the issuance of the Certificate of Appropriateness or the final disposition, I think it is important that this action be referred for comment and input from the Village Preservation Committee that was established by the Village Board in January. I do not think we need it for our action but I do not think that anything that we do should be, if they advise and the DRB after full review because they did not have all

the materials presented before them, if they come with a more restrictive proposal, I do not think anything that we are doing should be taken as indicative of permission granted in excess of what they are willing to permit, just a point for the record. I suggest the Village Preservation Committee be constituted, called for comment and input prior to a Certificate of Appropriateness being granted on this.

Mr. Messina: Just to be clear, that is within the purview of the DRB and they will make that determination if they see fit.

Mr. O'Connell: Okay. Thank you, Vinnie. The ZBA is going to issue a determination today and then we will send it back to the DRB to determine if it meets the criteria for a Certificate of Appropriateness. Before we issue the determination, I would like to reiterate that a significant number of neighbors spoke in support of the application, some were not in support of it, most of the negative comments concerned the interior of the building which was not what was before us so the Special Permit and Variances requested were on the outside. Another concern was the table and chairs to be placed in front of the building, and we have taken steps in this determination to mitigate some of the concerns such as no live entertainment out front, no umbrellas on the tables to block the view of the building, no wait service at the tables, the tables and chairs will be removed at the end of business or within one hour after a show has ended. The exterior lighting shall comply with the dark sky law. On the east and west patios, each patio shall be limited to three tables with three chairs around said tables and this is subject to renewal each year by application to the Village Building Department. So, we heard what the public was saying, we took that into account. So now we will close the hearing, right?

Ms. Bennett: You have to close, yes.

Mr. O'Connell: So I just need a motion, we adopted the Neg Dec, so I need a motion to close the hearing.

Mr. Rose: Just a quick question, is there anybody who is seeking to have more input or testify, have we made sure that we are...

Mr. O'Connell: Well, we were only open for written comments, and I think we have received a number of letters.

Mr. Rose: Including some that came in this morning I think, correct Pam?

Ms. Bennett: Correct.

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

Mr. Rose: So moved.

Mr. O'Connell: Okay, I need a second.

Ms. Doyle: I will second.

Mr. Messina: You need to take a vote, Mr. Chairman.

Mr. O'Connell: Yes.

Ms. Bennett: To close?

Mr. Messina: Vote, to close.

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

Ms. Doyle: Aye.

Mr. Rose: Aye.

Mr. Baris: Aye.

Mr. Messina: Sorry about that.

D E T E R M I N A T I O N  
Guild Hall of East Hampton, Inc. – 158 Main Street –  
SCTM #301-8-5-3

Mr. O’Connell: Thanks Vinnie. In the application of Guild Hall of East Hampton, Inc., 158 Main Street, Suffolk County Tax Map #301-8-5-3, to make alterations to an existing theater use and construct accessory improvements is approved. May I have a motion?

Mr. Rose: Can I just clarify that the determination will be corrected as noted in a previous discussion with Counsel about...

Mr. Messina: Absolutely Mr. Rose, it was my error, the comment will be attributed to me, not you.

Mr. O’Connell: Okay, may I have a motion?

Mr. Rose: So moved.

Mr. O’Connell: Second?

Ms. Doyle: Second.

Mr. O’Connell: All right, Pam, would you poll the Board please?

Ms. Bennett: Sure. Mr. O’Connell?

Mr. O’Connell: Yes.

Ms. Bennett: Mr. Rose?

Mr. Rose: Yes.



Ms. Bennett: Ms. Doyle?

Ms. Doyle: Yes.

Ms. Bennett: Mr. Baris?

Mr. Baris: Yes.

Ms. Bennett: Mr. Karmely, if he is there, no, okay.

Mr. McGuirk: Do you want me to take over, Phil?

Mr. O'Connell: Do you want to just do Kooh?

Mr. McGuirk: Why do not you finish with Kooh and then I will do the hearings.

CONTINUED HEARING  
Kooh, LLC – 17 Terbell Lane – SCTM #301-13-10-3

Mr. O'Connell: Kooh, LLC, 17 Terbell, the record was left open for additional submissions which we received. So I need a motion to close the hearing.

Mr. McMullan: I will make a motion.

Mr. O'Connell: Second?

Mr. Rose: Second.

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

Mr. Rose: Aye.

Mr. McMullan: Aye.

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Ms. Doyle: Aye.

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

Mr. O’Connell: In the application of Kooh, LLC, 17 Terbell Lane, Suffolk County Tax Map #301-13-10-3, to legalize accessory improvements, clearing of native vegetation, installation of plantings, and the removal of Phragmites is approved. May I have a motion?

Mr. McMullan: I make a motion.

Mr. O’Connell: Second please.

Ms. Doyle: Second.

Mr. O’Connell: Pam, please poll the Board.

Ms. Bennett: Mr. McMullan?

Mr. McMullan: Yes.

Ms. Bennett: Mr. O’Connell?

Mr. O’Connell: Yes.

Ms. Bennett: Mr. Rose?

Mr. Rose: Yes, just noting all the restrictions regarding fertilizer use and watering, yes.

Ms. Bennett: Ms. Doyle?

Ms. Doyle: Yes.

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Ms. Bennett: Mr. Karmely?

Mr. McGuirk: Thank you Pam, now we are going to move onto the hearings, thank you Phil, Pam?

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

Ms. Bennett: Application of Lisa and Gary Seff, SCTM#301-8-7-18, for a variance from Chapter 278, Zoning, and to modify a previously approved area variance. A 29 square foot variance is requested from Section 278-3.A.(13) to permit a residence to contain 2,008 square feet of gross floor area where a prior variance approved 1,979 square feet of gross floor area. The maximum permitted gross floor area for this parcel is 1,812 square feet. The applicant hereby requests to modify the architectural plans approved by the prior determination, and any other relief necessary. The subject property is 8,118 square feet in area and is located at 43 Mill Hill Lane in Residence District R-40. This project is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: Is the applicant present? You have to unmute yourself, please.

Mr. Hammer: Richard A. Hammer representing the applicant, also Tara Burke from my office is on line too and hopefully we can answer any questions you might have.

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

Mr. Hammer: I can give you a brief synopsis essentially what is going on is there was a roofline change that was originally approved by the Building Department. Upon further review, they sent it back to the Zoning Board for review of the massing change that they thought was a reasonable thing. During the course of that review, Billy Hajek, the Village Planner, started reviewing the plans in more detail and said because of the massing change, we were going to be adding minor areas of gross floor area, some of which were actually included in the original

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plans but were excluded either because of a miss or because of the change to the roof. I think the total square footage maybe Tara, can you reiterate exactly what the changes are.

Ms. Burke: Sure so the original approval had the bay window...

Ms. Bennett: Tara, let me swear you in.

Ms. Burke: Sure.

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

Ms. Burke: Tara Burke, 9 South Devon Place, Montauk, New York.

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

Ms. Burke: Yes.

Ms. Bennett: Thank you.

Ms. Burke: So, the original approval as you know had the bay window in the front and it was both an architectural change and they were having a hard time getting the faceted window to line up with the roofline. So they chose to round the front of that bay window area rather than keep the angles. That is 19 square feet in gross floor area change and that is just a result of making the angles round. So, they had gone to the Building Department, the property owners and the architect, and the Building Department felt that this should be reviewed by the Zoning Board again for the massing and the change in appearance. So that is 19 square feet in there and then as Andy had noted when Billy started reviewing the plans that were already approved in a little bit more detail, he noticed that there is an additional 10 square feet of gross floor area because of the ceiling height above the five feet. So, it is not actually

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habitable space but just the way it is defined in the code that is another 10, so you have the 19 from the rounding and then the 10 in the ceiling height so, it is 29 square feet additional.

Mr. McGuirk: Tom, do you have any comments on this? Tom Preiato? You have to take yourself off mute, please.

Mr. Preiato: Sorry, thank you Mr. Chairman. Yes, there is an additional gross floor area variance being requesting here due to the change that was taken upon themselves to make and then when gross floor area variances are given, they are very specific as to where exactly. So, for where exactly within that home they exist, it is not just as a, as you know, that you can stick it on in any area, it is for that very volume. Having noted that change, we felt it would require going back to the Board. I have really no other comment.

Mr. McGuirk: Any comment from the Board here?

Mr. O'Connell: Yes, I want to know why the architect did not appropriately represent the GFA to begin with. This went through extensive review prior, there were many variances granted. You would think that the design would have been well enough thought out that they are going to take all this time to come before the Board the first time and then to come and change at the last minute, you start adding all these things up, another variance, it pushes it into the substantial area for me.

Mr. Preiato: And if I may, also I felt it a bit presumptuous on the homeowner, builder to take it to the extent that it did go so we did do a, I will call it a partial stop work order on that particular area.

Mr. McGuirk: Comments?

Ms. Seff: Hi, this is Lisa Seff, can you hear me?

Mr. McGuirk: We are doing the Board right now, Lisa.

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Ms. Seff: Oh okay, I am sorry.

Mr. McGuirk: Thank you. We will come back to you, I promise.  
Comments Jimmy?

Mr. McMullan: I had a little difficulty originally giving this variance. I did vote yes for it but with some reluctance. My thing is is now, as Phil said, you are adding more square footage to one that was questionable before so this just makes it that much more of a variance and I am not really in favor of that.

Mr. McGuirk: Thank you, Jimmy. Carrie, Joe, any comments?

Ms. Doyle: I would just echo what Phil and Jimmy have said. I think it has come before the Board, we have given the variance, and now to do it and then come back after it is already, they have already done work on this and asked for another variance seems like a lot to me.

Mr. McGuirk: I concur with Philip and yourself and Jimmy. Joe, any comments?

Mr. Rose: No, I concur.

Mr. McGuirk: Lisa, would you like to speak?

Ms. Seff: Sure, just...

Ms. Bennett: I have to swear you in, I am sorry.

Ms. Seff: Oh hi, sure.

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

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Ms. Seff: My name is Lisa Seff, my address is 43 Mill Hill Lane in East Hampton, New York.

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

Ms. Seff: Yes, I do.

Ms. Bennett: Thank you.

Ms. Seff: Just so that you are aware, we did go to the Building Department, we have been really proactive going to the Building Department several times over the past year and we went to them, this was last December, to talk to them about just really the curving of the area in the front. In a perfect world we would have had this all worked out ahead of time, but as was mentioned apparently, if I am right, and maybe Tara you can jump in or Andy, I believe our architect, unfortunately, he is awesome, he used the five foot rule for the height from floor to ceiling and all of that area is crawl space or mechanical stuff going through it and that stayed the same but when Billy and the Building Inspector when we went to them last December and said hey, we realized we are having the curve that one bump out area and it will still stay well within the first floor existing, nothing has changed on the first floor, that was when they caught that you know really this area should have been because I think in East Hampton the Village it is the seven foot rule as habitable space even if it is still in the walls and for mechanicals so that is where, as Tara mentioned, about 10 square feet was sort of there already, it just was not recorded properly. And I agree I would be looking at this as someone coming back for another variance but on the other hand we know and unfortunately building we tried making it a perfect plan and it was probably our mistake in really trying to respect that we were applying for a variance to keep the numbers really tight. We immediately, once letters were put in, I do not know if you remember our original plan, we were trying to keep the pool house and that was 300 square feet and we dropped that down to, not the pool

house, the studio and now it is a garden shed, and we dropped that down to 120 square feet after we saw the letters and we realized more about ourselves and the neighborhood and that we wanted to do right with what the neighbors wanted, that again, that curving of the bump out in the perfect plan it would have been planned out perfectly ahead of time but when you are actually building something, things change slightly, and, again, it was probably our mistake to try to be so tight with the numbers but we are not changing the side setbacks, we are not changing the front setbacks, we are within the initial approved first floor footprint, and we are really trying our best to make this tight and make it work so I appreciate the Board listening.

Mr. McGuirk: Thank you. Do we have any comments from anybody else on line?

Mr. Hammer: Yes, I would like to add that essentially a variance is a benefit versus detriment analysis. In this case the benefit to this building I think is largely aesthetic. If you compare the plans that were originally approved by the Board versus the plan that is proposed today, my personal feeling is the aesthetic from the streetscape is much improved. In terms of the benefit to the applicant, they are not really getting additional gross floor area on this property so it is not an intent to make the house larger, I think it was to include an architectural element that softened the design from the road frontage, it is actually been framed in that fashion right now so you can drive by and look at it but I think it is much more pleasing than the original design that was in front of them. So I do not really anticipate a detriment. I know that it sounded like the Board was obviously upset that an applicant would come back to them after having an approval, but I do think that this was not done to gain any kind of benefit, I think it was done based on the aesthetic improvement that the community will share. So as much as I do not relish coming back to a Board, particularly with an as-built change or a change that was started in advance, this is one that I think does meet the standard of the benefit here is so de minimis, but I do think the benefits of the community is much greater from the aesthetic improvement to the

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site that is clearly visible when you drive by. I think the massing, even though it is different, it is much softer than it was in the original approval that the house design in that approval I thought was very non-descript and sort of routine. I think has a lot more to offer in terms of the streetscape that the Board should take into consideration and balance against the benefit to the applicant here which is so de minimis.

Mr. McGuirk: Thank you, Andy. Anybody else on the line?

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

Mr. McGuirk: Can I have a motion to close the hearing?

Mr. Rose: So moved.

Mr. McGuirk: Second please?

Mr. McMullan: Second.

Mr. McGuirk: All in favor?

Ms. Doyle: Aye.

Mr. Rose: Aye.

Mr. O'Connell: Aye.

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

ORIGINAL HEARING

Booke Georgica LLC – 82 Apaquogue Road – SCTM #301-12-5-8

Ms. Bennett: Sure, application of Booke Georgica LLC, SCTM#301-12-5-8, for an Area Variance from Chapter 278, Zoning, to legalize the construction of a residence. A 482 square foot variance is requested from Section 278-3.A.(13)(a) to

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legalize the construction of a residence containing 5,944 square feet of gross floor area where 5,462 is the maximum permitted, and any other relief necessary. The subject property is 46,595 square feet in area and is located at 82 Apaquogue Road in Residence District R-160. This project is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: Trevor?

Mr. Darrell: Good morning, Mr. Chairman, Trevor Darrell, Fleming and Darrell PLLC, on behalf of the applicant, Booke Georgica. Also here with me is the architect on this application, Kevin O'Sullivan, who is the architect who drew the plans on this property. As Ms. Bennett just said, this applicant comes before you requesting a variance from the GFA relief Section 278-3.A.(13)(a) for a gross floor variance for an as built structure that is not completely as built in that the applicant, through their architects, submitted building plans to the Village Building Department back in 2019, the plans were reviewed and approved by the Village Building Department and the Permit Number 10737 was issued for the construction of the residence with the attached garage and out-structures, the pool and the pool house, per the plans that had been submitted. The construction began and work was completed over the last two and one-half years and the applicant, through his builders, went to have their C.O. inspection, let me backtrack that, throughout the process of the building phases, the property was inspected along the way as it should have been per each phase of construction and was approved along the way. During the final request for a C.O. inspection, the finality of the premises, the Building Inspector asked for the final GFA letter calculation from the architect. Once that request was made, the architects had to sign off on the GFA and they realized that an actual error had been made in the original plans that had been submitted to the Village which was not caught by the Village Building Department nor was it caught by the architects at the initial submission. So the structure was built as approved but with an error that is now a major issue and requires approval from this Board but prior to coming to the Board for a variance, the applicant, through his agent, did go meet with the Building Inspector to see if there was another way that we could get the relief from the GFA other than coming to seek a variance because as the Board may recall, we did apply for a variance back in 19, prior to filing for the construction to relocate the pool and pool house without meeting the setbacks and there was opposition to those variance requests, and the applicant wanted to be a good neighbor, withdrew that application because he wanted this project to move forward with the character of the neighborhood and without seeking variances. So, the fact that as this construction became completed and a variance was requested, the applicant obviously, as you can imagine, was not

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very happy with this need, but we went to the Building Inspector to see if there was a way that we could meet the GFA calculations and there really is no practical way to do it to amend the GFA because the garage is attached to the structure and it is included in the GFA calculation. So, to tear off the garage and relocate it is an impracticality and there is a great room in the house that has a double height ceiling and we had discussed if we dropped the ceiling it does not change the exterior of the building one iota so at a point of GFA calculation is this concept of massing, and if we drop the ceiling interior, the only person it impacts is the applicant, it does not change the exterior or the character of the neighborhood at all. I would note that if the garage, if it were to be detached, could be built actually a little bit larger than it is as an accessory structure and the accessory setbacks would actually allow it to be closer to the property line than it is. The fact that it is attached to the house does require us to seek this variance but a garage as an accessory structure would be permissible so I do note that the Board received late last night a letter in opposition from the neighbor, and I would submit to you that while we acknowledge her concerns, we dispute that the requested variance is substantial but I would also submit to the Board that I do have authority from the applicant that the garage as built is the garage that they will be using for this house. So we could, if the Board were so inclined, covenant to not have an additional accessory structure built outside of this existing premises or plans as submitted because we do not need an accessory structure since it is part of the main principal structure if that makes sense.

Mr. McGuirk: Can I go to Lisa real quick. Lisa, good morning, how are you this morning.

Ms. Perillo: Good morning.

Mr. McGuirk: Can we take that as a, I do not want to say, it is not a trade, he offered it to us, is that something that we could move on?

Ms. Perillo: You can take it into consideration when you make your decision.

Mr. McGuirk: Okay.

Mr. McMullan: Would that be something in the decision that we make that a condition of approval?

Ms. Perillo: You can do that, you can consider including it as a condition of approval.

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Mr. McMullan: Thank you.

Mr. McGuirk: Without any legal problems down the road?

Ms. Perillo: Well, we will look into that more clearly when I see what it is that you have decided to actually do with it if it is just going to be a consideration, if you are going to authorize it as a condition, what that condition looks like.

Mr. McGuirk: Okay, thank you. Go ahead Trevor.

Mr. Darrell: And so, I would submit to you that this request is based on the culmination of errors that was on the professional's parts, not on the applicant's part. The applicant is who will be burdened with the hardship. It is not self-created in that he hired people to build the house and design a house that conformed with the Code. It was the error on the architect's part who admittedly acknowledges that error and I think I did attach a letter with the initial application as well. They have never backed away from position and Kevin is here to officially state it for the Board as well. This was not a planned error by any stretch of the imagination but it is an error that has no other way to be resolved except seeking relief from this Board. At this point any questions of the Board might have.

Mr. McMullan: Does Tom have any...

Mr. McGuirk: Yes, I was going to ask Tom, do you want to just kind of bring us up to speed on this also and your take on it.

Mr. Preiato: Thank you again. I was not, that predates me, this application and the issuance of the permit, however, there was an error, and also as far as our office goes, we look a lot of things, rely on the architect's stamps and we do stamp every plan with no oversight or admission would grant anyone any rights basically. It seemed like an honest error. So far as the attached garage not being included and I believe the double height ceiling or ceilings over 15 feet not being included, it is an unfortunate thing. Are there other ways that maybe the applicant might not find practical to decrease the gross floor area and it might not be functional as far as the placement of windows etcetera, but what I am alluding to is decreasing some ceiling heights. I am not saying I agree or disagree with that but that is one consideration, one thing to be considered. That is basically what I have.

Mr. McGuirk: Thank you. Does Kevin want to speak?

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Mr. Darrell: Yes, I think you have to be sworn in by Pam.

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

Mr. O'Sullivan: Kevin O'Sullivan, 128 Main Street, East Hampton, New York.

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

Mr. O'Sullivan: Yes, I do.

Ms. Bennett: Thank you.

Mr. O'Sullivan: Hi, good morning, Members of the Board. I come before you today kind of cap in hand and apologetically and it was a genuine and honest error on my part when we were first designing the building. I think it is important for everyone to know that we go on our reputation and we get business by being reputable professionals in the field and we only get new business by being reputable members of the field and having a good reputation, and we are obviously very devastated by the error that I made and when we were originally doing the plans. So, I think that it is important just for me to know that this was not something that was calculated or something that was predetermined and it was not a slight of hand, it was just a genuine, honest mistake and it has put us in this position and really my client's position.

Mr. McGuirk: Okay, thank you Kevin. Board Members?

Mr. Rose: I have a bunch of questions because first of all this is a clearly self-imposed hardship, it may have been an unintentionally self-imposed problem but it is a self-imposed problem by the applicant and because you guys were acting as agents of the applicant, so the application should be corrected to indicate that it is a self-generated problem, just let us be clear, there is no point in obfuscating that. Secondly, the fact as Tom indicated is not the responsibility of the Building Department to be double checking and doing all the math every time a licensed architect and formal plans are submitted and the law is very clear on that subject. It is not a, it may be an explanation, I am not saying an explanation is not relevant in this case, but the implication that the Village bears responsibility for this because of the architect's mistake is absurd. Now for us to go to the nature of what the calculations and the actual substantive impacts. So, the source of the mistake,

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can you just walk through the exact source of the mistake and the calculations that were done incorrectly and the implication of how it relates to the building that is built.

Mr. Darrell: Certainly, and I apologize if it came across that we were blaming the Village, that was not my intention, the blame is to be fully held by the plans that were submitted by the architect for the applicant. We just mentioned that the Village reviewed the plans and signed the Building Permits for which we built so it was not that we were trying to say that somehow the Village was responsible for our error. With that, as to the structure itself, the calculations as you are aware are exterior wall to exterior wall and the garage is attached to the house where if it was detached from the house, we would have no GFA variance request to be had, but since it is in fact attached to the house, that calculation must be included to the overall GFA to the principal residence which is the 482 square feet overage that we have. So the way to fix that is to demolish the garage and relocate it as a detached structure which is almost the cost would be extremely prohibitive or the other way and that is what Tom had mentioned when we had met about dropping the height ceilings but it does not change the structure or the exterior structure of the building which is the GFA concept is that we do not want giant houses on small lots and creates this idea of massing, reducing the ceiling height only changes it on paper, it does not change the structure which is seen by the public eye. The only person that it negatively impacts would be the applicant. Does that answer your question?

Mr. Rose: I just want to make sure I understand. A. It is the fact that the garage is attached that sends it over and the fact that it is a double height ceiling is counted as as double GFA.

Mr. McGuirk: And Trevor, you have a right to build, you still have a right to build the garage somewhere else.

Mr. Darrell: We could, yes.

Mr. McGuirk: You could do another structure.

Mr. McMullan: A larger garage.

Mr. McGuirk: And you are offering that as a condition.

Mr. Darrell: Correct.

16855

Mr. Rose: Before we a question is what the criteria are for the granting the variance. Mr. Chair, I would like to have the opportunity to go by and just look if there is a very high hedge and fence around the property.

Mr. Darrell: There is.

Mr. Rose: To go and arrange at some appropriate time in the next few days to take a look just to see.

Mr. McGuirk: Trevor, do you mind if we keep this hearing open until next month so Mr. Rose just take a peek.

Mr. Darrell: I do not have issue, no.

Mr. O'Connell: I just had a question. So Kevin, what did you just miss in the Code that if you attach the garage that it becomes part of the GFA, was that the issue here?

Mr. O'Sullivan: Yes, Phil, what it was was that, it is a very heavy renovation of an existing structure and I mistook that the attached garage was going to be part of the GFA, it just completely blanked from me.

Mr. O'Connell: Okay.

Mr. O'Sullivan: I just felt it was non-habitable space and it was my error and so therefore we went ahead and we did the heavy renovation and the ceiling in the living room was actually the original was a very heavy pitch in the living room and what I did was I took the heavy pitch and I flattened out the ceiling of the living room. It makes the building look a lot better from the street which you can actually see from Apaquogue and more than you can from LaForest and it came about from me just not counting the GFA of the garage when I was doing the drawings.

Mr. O'Connell: Okay, thank you.

Ms. Bennett: Mr. Chair, there is a caller.

Mr. McGuirk: Okay, good morning.

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

16856

Mr. Henry: I was here to hear about 43 Mill Hill, my name is Charlie Henry..[inaudible]...the property.

Mr. McGuirk: Sorry Mr. Henry, we closed that hearing. Maybe you want to reach out to Pam or reach out on line to read the minutes, is that the best way, Pam?

Ms. Bennett: Yes, to watch the LTV YouTube probably.

Mr. Rose: Mr. Chair, if it is not too much of an imposition on everybody, I propose that we reopen the hearing after we are finished with this matter to allow the caller to be heard?

Ms. Bennett: Well, I see that the applicant's attorney is gone and the applicant is gone.

Mr. Gambino: The caller is off-line.

Mr. Darrell: Mr. Chairman, just on this matter as far as leaving it open, I do not have any issue with leaving it open except for I have been advised that my client's insurance, which you know more about than I, but because it is new construction, he has to close out his C. of O., is there any way to leave it for written record so Mr. Rose has a chance to go look or no?

Mr. McGuirk: I think we could leave it for written record and let Mr. Rose...

Mr. Rose: We can certainly at the next meeting...

Mr. McGuirk: If Mr. Rose gets the chance to go in through the gates and look at it, we will close it for written comment and then we can act on it at the next meeting if everything is...

Mr. Darrell: That is okay Mr. Rose, I am not trying to...

Mr. Rose: I am not trying to delay if it is a substantive issue but I want us to take a look and see.

Mr. McMullan: Can I say one thing also. I understand mistakes happen and I really do not have a problem with granting this variance because if it is detached, they could go with a larger structure so it being attached to the house, it keeps the structure within reason and if they are willing to add a covenant that they will not

16857



add another garage or structure, that is fine with me. I just want to put that out there now for everybody else to think about.

Mr. McGuirk: Thank you Jimmy.

Mr. Darrell: I would confirm that that would be amenable to the applicant...[inaudible]...future garage.

Mr. McGuirk: Lisa, should Trevor get you over something in writing in what he is proposing before the next meeting?

Ms. Perillo: Sure, yes, we can consider perhaps other additional conditions that might be appropriate.

Mr. McGuirk: Trevor, you got that?

Mr. Darrell: Yes, I will speak to...

Mr. O'Connell: To be clear, we are leaving the written record open?

Mr. McGuirk: Correct, I feel like we are playing a game show here.

Mr. Darrell: I do not know what that noise is.

Mr. Gambino: That is a caller signing off.

Mr. McGuirk: Okay, we are going to keep the record open for written comment. Mr. Rose is going to get the code, you are going to give the code for the property. All right, so let us move on.

Mr. Darrell: Give me a call or email or text and we can get you in there for sure. Thank you.

Mr. McGuirk: Thank you. So we will move onto the next hearing.

ORIGINAL HEARING

Moonburd, LLC – 253 Cove Hollow Road – SCTM #301-12-2-18.2

Ms. Bennett: Application of Moonburd, LLC, SCTM#301-12-2-18.2, for an Area Variance from Chapter 278, Zoning, to construct an addition onto an existing

16858

residence. A 14-foot variance is requested from Section 278-3.A.(4) to construct an addition 36 feet from the rear yard lot line where the required setback is 50 feet, and any other relief necessary. The subject property is 128,701 square feet in area and is located at 253 Cove Hollow Road in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: Is the applicant present?

Mr. Carillo: Good morning Chairman, Members of the Board, Christopher Carillo on behalf of the applicant.

Mr. McGuirk: Good morning, Christopher. Go ahead, do you want to speak a little bit on this.

Mr. Carillo: Sure, so this is 253 Cove Hollow Road, it is an older Hamptons home that was the principal structure was built prior to 1960. The issue here as you might see on several of the surveys or drawings is that the principal structure at its closest to the setbacks is approximately 26 feet where on this particular size property, it is almost a three-acre property that required principal structure setbacks of 50 feet. So, it is a preexisting nonconforming structure relatively sized as far as the property size about 3,000 square foot principal structure here. What the applicant is looking to do is to have an approximately 315-foot addition to the southern southwestern side of this principal structure to add it onto the kitchen and add a dining room/foyer with a fireplace. So what they are going to do is if you are looking at a survey or any overheads, they are basically there is a slate patio in place there now, they are going to push an existing outdoor pergola to the south a little bit but not go outside the existing structure lines as of right now and in that place they are going to add this nicely drawn up foyer/dining room. Bill Beeton of Beeton & Company has provided several of the drawings which do a pretty nice job of explaining to everybody what exactly they are trying to do here. It is just a one level simple sort of dining room/foyer with a fireplace. So as far as the variance requirements again what we are looking at is requirement would be to meet a 50-foot setback, the principal structure, the way it sits is a little bit of an angle to the property line so at its closest, the structure is about 26 feet, at its farthest, the principal structure is 38 feet, and what we are trying to do is put one in which is actually no closer to the lot line than the existing principal structure. In fact, where this is going to be seen it is about 10 feet further off the lot line than parts of the existing structure are already. As far as the variance requirements, again, about a 300 square foot addition, I do not see any undesirable change to the neighborhood, they are not going outside of the existing building coverage on this

16859

one, building coverage of the existing total lot coverage. As far as a more feasible method, when you are looking at it really, sort of cannot really see inside the house, that is directly where the kitchen is so any addition anywhere else is for a foyer/dining room does not really fit so there is really not a more feasible method, it is not really a substantial variance, I would say it is a rather benign request for the 300 square foot dining room and foyer. We do not see any adverse effects to the environment. It is already covered by a patio area so we are not adding additional lot coverage, no wetlands nearby or anything environmentally sensitive areas, and is a self-created difficulty? Well this has not been built yet. We are coming to you requesting this. Ultimately yes if we are going to be putting it in this location requesting it to be there, but my clients purchased this home in 2020, it has been there since at least 1960, that just happens to be where the kitchen is and really would not fit anywhere else on the principal structure. So that is really the long and short of it. I am happy to take any questions.

Mr. McGuirk: Thank you Christopher. Does any Board Members have any problem with this?

Mr. McMullan: I do not.

Mr. McGuirk: I do not either.

Ms. Doyle: No.

Mr. McGuirk: I think it is a beautiful property and this is not a big request.

Mr. O'Connell: On a three-acre property.

Mr. McGuirk: Motion to close the hearing?

Mr. O'Connell: Motion.

Mr. McGuirk: Second?

Mr. McMullan: Second.

Mr. McGuirk: Thank you. Pam, can we?

Mr. Carillo: Thank you for your time everybody.

16860

ORIGINAL HEARING  
Traumhaus 1, LLC – 75 West End Road – SCTM #301-15-5-11.1

Ms. Bennett: Yes. A request is made by Traumhaus 1, LLC, SCTM#301-15-5-11.1, for a one-year extension of time of a Coastal Erosion Hazard Area Permit and Variance granted on November 13, 2020 to a prior property owner, Calvin Klein, and amended on June 2, 2021, that authorized the construction of additions and alterations to the existing residence, redesign the driveway, and construction of accessory improvements. The subject property is 277,193 square feet in area and is located at 75 West End Road 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. McGuirk: Is the applicant present?

Mr. Ackerman: Yes, Lenny Ackerman.

Mr. McGuirk: Good morning.

Mr. Ackerman: Good morning, everyone.

Mr. McGuirk: Can I just ask the Board real quick here Mr. Ackerman before you start, does anybody have an issue with this application?

Ms. Doyle: No.

Mr. McMullan: No.

Mr. McGuirk: Okay.

Mr. Ackerman: Thank you.

Mr. McGuirk: Thank you Mr. Ackerman. Motion to close the hearing?

Mr. Rose: Let him make the case.

Mr. McGuirk: Okay. Do we need him to speak on this, I mean this is pretty...

Mr. Rose: He should present.

16860

Mr. McGuirk: You do want to just give us a brief, I guess, Mr. Ackerman, just a brief...

Mr. Ackerman: Sure, of course. This client is substantially into the construction program. The reason for the request for the extension is that because it is within Coastal Erosion and it is adjacent to substantial wetlands, not only did we have to get Suffolk County Health Department approval, we were required to get DEC non-jurisdiction and within a month of filing for the building permit in August, we commenced construction and we are well into construction. I think this client has moved expeditiously, it was associated of course with COVID, over Health it took us over two months to get Health, a month and one-half to get DEC after that because it could not run parallel, we started construction within a week of receipt of the building permit, the building permit itself took a month, and we are well into it. I do not think this is an unreasonable request under the circumstances. Tom Lawrence is here if you have any questions. Hopefully we will finish it well before the extension that we are requesting, however, we wanted to go out a year in case we ran into any additional problems. We had leaks, we had mold mitigation, this, as you know, this is a very old historic home and the client is restoring it and building it back to its glory so I think this is not an unreasonable request, and I would appreciate the grant of the application accordingly.

Mr. McGuirk: Thank you Mr. Ackerman. Anybody have any comments?

Mr. Rose: Yes, I have comment, I went by the site, as others have as well, there is obviously construction going on, it is a good faith effort to comply, this is a completely legitimate application as far as I can tell. I just want to contrast it to a previous application where I voted no which I think was the opposite. I do not think there was any good faith effort in the previous extension application and it was just game playing and I think this is a legitimate one and one that warrants our granting of the extension.

Mr. McGuirk: Thank you, Mr. Rose. A motion to close the hearing?

Mr. McMullan: I make a motion.

Mr. Rose: Second.

Mr. Ackerman: Joe, Joe, are you going to be able to get on a call at 2:00 o'clock?

Mr. Rose: Yes.

16861

Mr. Ackerman: Oh great. Thank you very much.

Mr. McGuirk: All in favor say aye.

Mr. O'Connell: Aye.

Mr. Rose: Aye.

Mr. McMullan: Aye.

Mr. McGuirk: Motion to close the meeting?

Mr. O'Connell: Motion.

Mr. McGuirk: Second please?

Mr. McMullan: Second. Thank you, Phil, for jumping in.

Mr. McGuirk: Thanks Phil, thank you all, have a nice weekend.

The meeting was adjourned at 11:55 a.m.

**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, May 13, 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 Zoom meeting, contact pbennett@easthamptonvillage.org. The applications can be viewed on the Village's website easthamptonvillage.org by clicking on the "Alerts" tab.

Application of Lisa and Gary Seff, SCTM#301-8-7-18, for a variance from Chapter 278, Zoning, and to modify a previously approved area variance. A 29 square foot variance is requested from Section 278-3.A.(13) to permit a residence to contain 2,008 square feet of gross floor area where a prior variance approved 1,979 square feet of gross floor area. The maximum permitted gross floor area for this parcel is 1,812 square feet. The applicant hereby requests to modify the architectural plans approved by the prior determination, and any other relief necessary. The subject property is 8,118 square feet in area and is located at 43 Mill Hill Lane in Residence District R-40. This project is classified as a Type II Action in accordance with SEQR.

Application of Booke Georgia LLC, SCTM#301-12-5-8, for an Area Variance from Chapter 278, Zoning, to legalize the construction of a residence. A 482 square foot variance is requested from Section 278-3.A.(13)(a) to legalize the construction of a residence containing 5,944 square feet of gross floor area where 5,462 is the maximum permitted, and any other relief necessary. The subject property is 46,595 square feet in area and is located at 82 Apaquogue Road in Residence District R-160. This project is classified as a Type II Action in accordance with SEQR.

Application of Moonburd, LLC, SCTM#301-12-2-18.2, for an Area Variance from Chapter 278, Zoning, to construct an addition onto an existing residence. A 14-foot variance is requested from Section 278-3.A.(4) to construct an addition 36 feet from the rear yard lot line where the required setback is 50 feet, and any other relief necessary. The subject property is 128,701 square feet in area and is located at 253 Cove Hollow Road in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR.

A request is made by Traumhaus 1, LLC, SCTM#301-15-5-11.1, for a one year extension of time of a Coastal Erosion Hazard Area Permit and Variance granted on November 13, 2020 to a prior property owner, Calvin Klein, and amended on June 2, 2021, that authorized the construction of additions and alterations

to the existing residence, redesign the driveway, and construction of accessory improvements. The subject property is 277,193 square feet in area and is located at 75 West End Road 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: April 22, 2022  
By Order of  
John L. McGuirk III,  
Chairman  
Zoning Board of Appeals  
Inc. Village of East Hampton  
42-2/149

FILED  
VILLAGE OF EAST HAMPTON, NY

DATE: 6/10/22

TIME: 3:29 PM

*Pamela J. Bennett*

16862