

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

John L. McGuirk III, Chairman
James H. McMullan, Member
Joseph B. Rose, Member
Lisa Perillo, Village Attorney
Thomas Preiato, Building Inspector
Billy Hajek, Village Planner
Jonathan Tarbet, Attorney on behalf of Stone Free Trust
David Gilmartin, Attorney on behalf of Brian Charles Johnston and
Joanne Johnston
Mr. and Mrs. Brian Johnston, Applicants
Fran Jacobs Wigotsky, Applicant
Mike Wigotsky, Son of Fran Jacobs Wigotsky
Martha Reichert, Attorney on behalf of Robert G. and Kristen S. DeLaMater
Kristen S. DeLaMater, Applicant
Janet Fink, Architect on behalf of the DeLaMaters
Eric Bregman, Attorney on behalf of Hamptons Residence LLC
Gail Golden-Icahn, Applicant, Hamptons Residence LLC
Henry Bokuniewicz, Professor of Oceanography in Stony Brook on behalf of
Hamptons Residence 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, July 8th.

MINUTES

Mr. McGuirk: The first order of business, we have the minutes from June 10,
2022, may I have a motion?

16887

Mr. Rose: So moved.

Mr. McGuirk: Second?

Mr. McMullan: Second.

Mr. McGuirk: All in favor?

Mr. Rose: Aye.

Mr. McMullan: Aye.

DETERMINATION

Acacia Greene LLC - 8 Marina Lane - SCTM #301-8-10-45

Mr. McGuirk: We have three determinations today. The files are available at Village Hall for reviewing. In the application of Acacia Greene LLC, 8 Marina Lane, Suffolk County Tax Map #301-8-10-45, to construct a tennis court is approved. May I have a motion?

Mr. McMullan: So moved.

Mr. McGuirk: Second?

Mr. Rose: Second.

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

Ms. Bennett: Sure. Mr. McGuirk?

Mr. McGuirk: Yes.

Ms. Bennett: Mr. McMullan?

Mr. McMullan: Yes.

Ms. Bennett: Mr. Rose?

16888

Mr. Rose: Yes.

DETERMINATION

Jack Levy and Frances W. Levy, 39 and 43 Georgica Road, SCTM #'s 301-8-12-30.2 and 10.2

Mr. McGuirk: In the application of Jack Levy and Frances W. Levy, 39 and 43 Georgica Road, Suffolk County Tax Map #'s 301-8-12-30.2 and 10.2, to construct an accessory dwelling unit is approved. May I have a motion?

Mr. McMullan: So moved.

Mr. McGuirk: Second?

Mr. Rose: Second.

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

Ms. Bennett: Mr. McGuirk?

Mr. McGuirk: Yes.

Ms. Bennett: Mr. McMullan?

Mr. McMullan: Yes.

Ms. Bennett: Mr. Rose?

Mr. Rose: Yes.

DETERMINATION

Heller Lane Residence LLC - 32 Heller Lane - SCTM #301-10-1-14.1

Mr. McGuirk: And the last determination, in the application of Heller Lane Residence LLC, 32 Heller Lane, Suffolk County Tax Map #301-10-1-14.1, to legalize fencing and swimming pool equipment is approved. May I have a motion?

Mr. Rose: So moved.

Mr. McGuirk: Second?

Mr. McMullan: Second.

Mr. McGuirk: Pam?

Ms. Bennett: Mr. McGuirk?

Mr. McGuirk: Yes.

Ms. Bennett: Mr. McMullan?

Mr. McMullan: Yes.

Ms. Bennett: Mr. Rose?

Mr. Rose: Yes.

REQUEST TO RE-OPEN HEARING
Lisa and Gary Seff – 43 Mill Hill Lane – SCTM #301-8-7-18

Mr. McGuirk: Next on the agenda is a request to re-open the hearing for Lisa and Gary Seff, 43 Mill Hill Lane. May I have a motion to re-open the hearing? I am going to ask one more time, do I have a motion to re-open the hearing? Okay, we are going to keep moving along here.

ORIGINAL HEARING
Stone Free Trust – 33 Hither Lane – SCTM #301-4-8-16

Mr. McGuirk: So we are going to go to the hearings for the day. Pam, can you please read the notice.

Ms. Bennett: Sure. Application of Stone Free Trust, SCTM#301-4-8-16, for Area Variances from Chapter 278, Zoning, to permit the continued existence of accessory improvements that will be made nonconforming by a subdivision. An

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approximate 34-foot variance is requested from Section 278-3.A.(5)(c) to permit swimming pool equipment to remain approximately 6 feet from a proposed rear yard lot line where the required rear yard setback is 40 feet. Variances of approximately 25.4 feet and 5 feet are required from Section 278-3.A.(5)(a) to permit the continued existence of a shed/greenhouse building located 49.6 feet and a shed located 70 feet from a proposed front yard lot line where the required front yard setbacks are 75 feet. A variance is required from Section 278-3.A.(5)(f) to permit the continued existence of a garage within the proposed front yard area of a lot where detached garages are prohibited within the front yard area of a lot, and any other relief necessary. The subject property is 218,600 square feet in area and is located at 33 Hither Lane in Residence District R-80. This project is classified as an Unlisted Action in accordance with SEQR.

Mr. McGuirk: Thank you, Pam. We have the applicant? Do we have the applicant?

Ms. Bennett: Yes, Jon Tarbet is there.

Mr. McGuirk: We cannot hear you, Jon.

Mr. Tarbet: Okay, sorry, glitch. Hold on one second. How is that?

Mr. McGuirk: Much better.

Mr. Tarbet: Okay, sorry. Jon Tarbet for the applicant. So, this property is owned by a gentleman, he owns actually what would appear to be vacant land on Hither Lane, a very old home which would appear to be...[inaudible]...of vacant land, which is actually one piece of five-acre property which is subdividable. It is two-acre zoning so you have five acres so all we are looking to do is subdivide off the front property. He also owns a building lot behind this five-acre property and then the farm that fronts on Pantigo Road so technically he owns from Hither Lane all the way to Pantigo. There is really no intention to build a house, he is an artist, and what would probably be the most likely result is that the property appears to be vacant in the front right now, would probably have an artist studio on it. You can tell if you have been to the property that this is not somebody who is looking to impress anybody by building a McMansion. He likes the very historic and old home that is on the property. We have been to the Planning Board; the

16891

Planning Board has no objections. I think they support the application. It would be nice to not have to remove the pool equipment or the greenhouse that currently sits on the property. The relief we are seeking is from what will be our own property line. So, if the subdivision were to be approved, there would be some pool equipment that would be, you have Hither Lane and then you have the vacant land, the pool equipment would be too close to that newly created vacant property and then the shed and the greenhouse in the back would be too close to our other property, which is a buildable lot directly, you can actually get to it from Egypt Close but it is directly behind the house lot. So, there are no affected neighbors, it is all in common ownership, and they are relatively inauscious variances we are requesting.

Mr. McGuirk: Okay, thank you. Any Board Members have any questions?

Mr. McMullan: I do not see any problem with this, I do not know if Billy wants to...

Mr. McGuirk: I was going to say do we have any callers first?

Mr. Gambino: Yes, we have some callers on the line. I can unmute the first caller.

Mr. McGuirk: Thank you.

Mr. Gambino: Caller ending with 5153, you are on the air.

Mr. McGuirk: Good morning.

Ms. Wigotsky: 5153.

Mr. Gambino: That is you.

Ms. Wigotsky: That is me. Fran Wigotsky.

Mr. McGuirk: We are not talking about that application yet.

Mr. Gambino: I will go to the next caller. Caller ending with 4397, you are on the air.

16892

Mr. Wigotsky: Hi, this is Mike Wigotsky so the one further down as well.

Mr. McGuirk: Thank you.

Mr. Gambino: And that is all the callers, Mr. McGuirk.

Mr. McGuirk: Thank you. Billy, you wrote a memo on this. Can you give us an overview here?

Mr. Hajek: Sure. Good morning Chairman, Members of the Board. I did prepare a memorandum to the Board, it is dated July 29, 2022. The project itself is a subdivision and the subdivision itself, the creation of two lots, does not require any variances. Both lots conform to the minimum zoning setback requirements, minimum lot width requirements. The variances are just to maintain structures that exist, that preexist on parcel labeled numbered two on the map and part of that is due by the location of the proposed lot line and the selection of the front yard by the applicant. And so, the rear yard, lot two, which contains the improvements is classified as a flag lot and as a flag lot, the owner has the authority or the ability to select their front yard and they have selected the northerly-most property line as the front yard, which necessitates most of the variances requested here. I would note that regardless of which property line they selected for their front yard, variances would have been required anyway so it is not as though you can select a different front yard and eliminate any of the variances that are being requested. So, I do not know if there is much more I can add to the discussion. It has been reviewed by the Planning Board, it is a complete application, and the Planning Board made a SEQR declaration, they made a Negative Declaration, so the Zoning Board is free to act on this. If the Zoning Board were to approve the variances, it would go back to the Planning Board for a final approval and then they could record the map.

Mr. McGuirk: Okay, thank you. Any questions for Billy from the Board?

Mr. McMullan: No.

Mr. McGuirk: Okay. I am good with it also.

Mr. Rose: Motion to close.

Mr. McGuirk: Yes. Second please?

Mr. McMullan: Second.

Mr. McGuirk: Okay, thank you.

Mr. Tarbet: Thank you.

Mr. McGuirk: Pam, can we move onto the next hearing please.

ORIGINAL HEARING

Brian Charles Johnston and Joanne Johnston – 19 The Circle –
SCTM #301-3-5-23.1

Ms. Bennett: Sure. Application of Brian Charles Johnston and Joanne Johnston, SCTM#301-3-5-23.1, for an Area Variance from Chapter 278, Zoning, to construct additions to an existing residence and a swimming pool. A 920 square foot variance is requested from Section 278-3.A.(13) to construct additions totaling 3,110 square feet where the maximum permitted gross floor area is 2,190 square feet. The legally preexisting gross floor area is 3,338 square feet. A 5 foot variance is requested from Section 278-3.A.(5)(A) to construct a swimming pool 30 feet from a front yard lot line where the required setback is 35 feet, and any other relief necessary. The subject property is 11,899 square feet in area and is located at 19 The Circle in Residence District R-20. This project is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: Is the applicant present?

Mr. Gilmartin: Yes, for the applicant David Gilmartin Jr., GreenbergTraurig, 2317 Montauk Highway, Bridgehampton, and the Johnstons, the property owners, are here as well. If you listen to the legal notice, I think the most important, can I share my screen Mr. Chairman?

Mr. McGuirk: Please.

16894

Mr. Gilmartin: The single most important statement in that is as I have highlighted here the legally preexisting gross floor area is 3,338 square feet. So, while it appears we are asking for a lot of relief, we are actually asking for 228 square feet less than what we were legally entitled to because of that preexisting gross floor area, the 3,338. We are asking for that relief so that we can add an additional bedroom to the structure and we accomplish this by removing a 708-foot two-car garage. I have highlighted here the areas on the house where the addition is going to take place. First this area here, can you see where my cursor is?

Mr. Rose: Yes.

Mr. Gilmartin: So that shown, that is a proposed second floor addition that is within the current footprint of the house, and then we have 108 square foot proposed two-story addition, which would give us a little bit of space on the ground floor and let us round out the bedroom on the second floor. Looking to the balancing test, the benefit here is that we are able to achieve an additional bedroom, which is necessary for the Johnston family. It would also allow us to get a little separation for the pool from the house. You can see the pool is at 30 and then there is about a five-foot separation, a little more than five feet, we could fit the pool up against the house but this gives us a little separation in putting the pool in that location. Realistically I do not see a detriment here because we are reducing the GFA. We are removing a garage that was at approximately 18 feet, replacing it with an at-grade pool. The additions to the structure will be on the rear, not visible from either street, and again, the tradeoff in the reduction of the garage and the addition that we are asking for and the addition being 228 square feet less, will result in less massing on the lot, it will actually be a benefit to the neighborhood. With respect to the five-prong test, if you look at the character of the neighborhood, first, this property was originally built the house was originally built in 1978 and then redone with the C.O. in '97 with the attached two-car garage so it has existed there for almost 25 years and I would say has become the character of the neighborhood. Removing that particular part of the structure, that garage structure, I think will simply be in keeping of the character of the neighborhood as you are lessening any mass or impact. The lots in the neighborhood, if we look at the Suffolk County Tax Map, range in size as we head to the west, they are smaller, across the street are smaller, but as we head to the south, they are larger so I would say that it is somewhere in the middle. I have an

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aerial here and you will see there are many, many pools; they are almost ubiquitous in this neighborhood. We are here, this is a floor plan which shows the first floor and that is the 108 square feet that are being added and here is the bedroom that we are able to achieve with the variance that we hope you will grant to us. I think what we are doing is really in keeping with the character of the neighborhood because we are lessening the impact. Because of the way that the Code is structured, we need to ask for the relief. We could not trade the GFA from the garage to get the extra bedroom so that required us to make that application so the benefit could not be achieved by any other method other than this application. I also submit that based on the reduction in GFA, that the variance is not substantial, in fact it is really a negative, we are reducing the GFA on the site by 228 square feet. There is no impact to the environment; this has been designated as a Type II Action under SEQR, which is, as determined by the DEC, not going to have a negative impact on the environment. And then I would also submit that the hardship here was created by an after approved change to the GFA from the time that this structure received its C.O. in '97. We respectfully request that you grant the variance, and, again, Mr. and Mrs. Johnston are here, and we can try to answer any questions that you have, I think it is a pretty straightforward case.

Mr. McGuirk: Thank you, David. Any Board Members have any questions?

Mr. McMullan: I have one question and maybe David or the owner can clarify this. On the back of that house there is an existing deck I believe that is, is that addition basically encompassing or all-encompassing on that deck footprint now or is it expanding out further?

Mr. Gilmartin: So, what is happening is that there is, we are extending this wall over to where there was a cellar entrance, we are enclosing that area in. I hope that answers your question.

Mr. McMullan: I believe there is some back deck area there as well so I do not see this as expanding lot coverage in that area.

Mr. Gilmartin: It is squaring the back of the house off basically is the way that I describe it and it is 108 square feet.

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Mr. McGuirk: Thank you.

Mr. McGuirk: Mr. Rose?

Mr. Rose: No comment.

Mr. McGuirk: Are there any callers on the line?

Mr. Gambino: Just the same two callers, there are no new callers.

Mr. McGuirk: A motion to close the hearing.

Mr. Rose: So moved.

Mr. McGuirk: Second?

Mr. McMullan: Second.

Mr. McGuirk: All in favor?

Mr. Rose: Aye.

Mr. McMullan: Aye.

Mr. McGuirk: Thank you, Mr. Gilmartin.

Mr. Gilmartin: Thank you, enjoy your weekend.

ORIGINAL HEARING

Victor W. and Fran Jacobs Wigotsky – 102 Dayton Lane – SCTM #301-2-5-3.2

Mr. McGuirk: All right we are going to move onto the next hearing, Pam, please.

Ms. Bennett: Sure. Application of Victor W. and Fran Jacobs Wigotsky, SCTM#301-2-5-3.2, for an Area Variance from Chapter 278, Zoning, to legalize a shed and storage bin. A variance of approximately 34 feet is required from Section 278-3.A.(5)(a) to legalize a shed and bin located approximately 11 feet

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from the front yard lot line where the required front yard setback is 45 feet, and any other relief necessary. The subject property is 24,252 square feet in area and is located at 102 Dayton Lane in Residence District R-40. This project is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: And I just want to add to the record that we did get a letter in today at Village Hall from the neighbor of Fran Jacobs who has no issue with this and she is at 100 Dayton Lane. So who is here for the applicant?

Ms. Bennett: I think the applicant has called in.

Mr. McGuirk: Okay.

Mr. Gambino: I will unmute.

Mr. McGuirk: Good morning.

Ms. Wigotsky: Good morning, it is Fran Wigotsky.

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

Ms. Wigotsky: Fran Jacobs Wigotsky, 102 Dayton Lane, East Hampton.

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

Ms. Wigotsky: I do.

Ms. Bennett: Thank you.

Mr. McGuirk: Go ahead please.

Ms. Bennett: You can go ahead.

Ms. Wigotsky: Good morning, yes, we are simply requesting after your other weighty issues it seems a shame to take your time with such a simple issue. We

have a garden shed that we wish to retain in its present position. It is a flag lot, the confusion of where our front yard is and the zoning requirements when it was erected many, many years ago, we were told that it should be 10 feet from the neighbor's property, it is 11 and one-half, but it is nestled under mature trees. We did inquire as to its possibility of moving it when we requested approval, it seemed not to be possible for other areas there is not enough land property to accommodate where it is. It is not visible from the street, it is not visible to anybody except our one back neighbor, Jean Vanderbilt, so we respectfully request that it remain where it is.

Mr. McGuirk: Thank you. I have to say the neighbor's garage is actually right on the line right behind this shed too so I do not have any objection to where it is at this point. Any Members of the Board?

Mr. McMullan: No, I do not either.

Mr. Rose: No comment.

Mr. McGuirk: So may I have a motion to close the hearing.

Mr. Gambino: We have one more caller.

Mr. McGuirk: Go ahead, please.

Mr. Gambino: Caller ending with 4397 you are on the air.

Mr. Wigotsky: Yes, hi, this is Mike Wigotsky, thank you Mr. Chairman and fellow Board Members. I am Fran Wigotsky's son, she described it aptly, and I have nothing further to add. Thank you.

Mr. McGuirk: Motion to close the hearing?

Mr. Rose: So moved.

Mr. McGuirk: Second?

Mr. McMullan: Second.

Mr. McGuirk: All in favor?

Mr. McMullan: Aye.

Mr. Rose: Aye.

Mr. McGuirk: Okay, Pam, please, the next hearing.

ORIGINAL HEARING

Robert G. and Kristen S. DeLaMater – 24 Ocean Avenue - SCTM#301-8-13-15.1

Ms. Bennett: Application of Robert G. and Kristen S. DeLaMater, SCTM#301-8-13-15.1, for an Area Variance from Chapter 278, Zoning, to establish an Accessory Dwelling Unit. Variances of 23.2 feet and 20.1 feet are requested from Section 278-3.A.(4)(a) to establish an Accessory Dwelling Unit within an existing accessory building that is located 26.8 feet from the rear yard lot line and 29.9 feet from a side yard lot line where the required side and rear yard setbacks for an Accessory Dwelling Unit are 50 feet, and any other relief necessary. The subject property is 106,927 square feet in area, is located at 24 Ocean Avenue and is located in Residence District R-80 and the Ocean Avenue Historic District. This project is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: Good morning, is the applicant present?

Mr. Reichert: Yes, Martha Reichert, Twomey, Latham, Shea, Kelley, Dubin and Quartararo, 33 West Second Street, Riverhead, New York for the applicants Robert and Kristen DeLaMater.

Mr. McGuirk: Go ahead Martha, please.

Ms. Reichert: All right, thank you. May I share my screen please, Mr. Chairman?

Mr. McGuirk: Please do.

Ms. Reichert: So I am joined today by Janet Fink of Fink and Platt Architects who has prepared some of the drawings and the elevations that you see today. So, what we are dealing with here is an existing building, and to give a little bit of

color to the background of this building, the proposed ADU is for an existing barn that was originally the garage on this property, and circa 2003 or '04 it was moved to the southwesterly corner of the property where you can see it here. The prior owner, Mr. Jonathan Sheffer, had an application before the ZBA to convert it into a music studio, that application was subsequently withdrawn after some community opposition, and apparently Mr. Sheffer finished the interior and had cooking facilities replete with a cooktop and a bathroom with a shower. So, he received a notice of violation in 2010 and in order to cure that notice of violation, the shower was removed, the fireplace was sheet rocked over, and the cooktop was removed. The property received a C.O. and my clients, who are the present owners, the DeLaMaters, purchased the property in 2012. So, what we have here is a legally preexisting nonconforming accessory structure, the barn has an existing GFA of a little over 1,700 feet and in height it is 25 feet eight inches where the maximum allowed is 14 feet for an accessory structure so what we have here is a structure that does not conform to the maximum 250 square feet GFA that is permitted for an accessory dwelling and it also exceeds the height. And so, what we are looking for here is, as you can see from this particular site plan, the barn is in its existing location, it has a substantial foundation, we explored ideas about whether or not it could be moved. The grading on the property, the barn sort of sits on a little bit of a, it is at its optimal location. The rest of the property then slopes down but you can also see from the site plan that there are numerous mature trees and what we have here is because of the unusual shape of this property, this is the principal building envelope right here, it is very small and so even if we were able to move this barn within this envelope, it probably still would need variance relief, and, as we said, it would require significant site work which is not something the applicant wants to do given the mature trees, they have no desire to regrade the property, and it does sit already on top a very substantial foundation. One of the things I want to point out is that since the DeLaMaters have owned the property, they have used the barn without any complaints from neighbors, and, in fact, the two closest neighbors 18 and 28 Ocean have submitted letters of support. So, with respect to the variance standards, the five-part test, I would submit that if the Board was to grant these variances to allow this existing, finished space to be turned into an ADU, that it would not create any undesirable change to the character of the neighborhood or the community. As I said we have neighbors in support, by converting it to an accessory dwelling unit, we would actually end up eliminating three nonconformities from this barn because an accessory dwelling unit, it is a

16901

permissible height under the ADU law so it is no longer over height for an accessory structure, it is no longer oversized as an accessory structure, and we also reduced, currently the property has, it is over the maximum allowed for the aggregate of accessory structure GFA so by converting it to an ADU, we bring the accessory GFA, the aggregate number, we reduce it by about 64 percent to conforming number. So, we do not believe it will result in any change to the character of the community, the barn has been in its existing location for 20 years without any complaints. One thing I would like to show you is sort of the distance from neighbors here. So right here and here are the two properties that submitted letters in support but the additional principal dwellings in the neighborhood are all easily here we have 188 feet and then ranging to 400 feet. We understand that this particular lot right here, 12 Pudding Hill Lane, is under development right now and will be 64 feet from the ADU. We have not received any communications from them so I cannot speak to whether or not they are in support of it or not but it is still, given the character of the community which is within the Ocean Avenue Historic District, you know I think whenever you are dealing with a historic district, you often see nonconformity because these are older properties. No work is proposed on the main principal dwelling, which is the historic structure on this property. The barn itself while it is older and its architecture echoes nicely the historic architecture of the principal structure, which is the Munroe house. I think you will see within the character of the community you often have principal residences that are closely spaced to each other so again I do not think this creates any undesirable change to the character of the community. The historic aspects of the Munroe house remain preserved, the ADU is not visible from the street, and, again, to reiterate looking at this map, the majority of principal structures in the surrounding properties are located for the most part greater than 200 feet from this proposed ADU.

Mr. McGuirk: Okay, thank you. Billy did prepare a memo on this so maybe we will listen to Billy first, Board Members, and then we will ask some questions if you have any.

Mr. Hajek: Good morning, Chairman, Members of the Board. I had not prepared a report on this...

Mr. McGuirk: You did not?

16902

Mr. Hajek: No, I did not.

Mr. McGuirk: Oh, I am sorry.

Mr. Hajek: That is all right. I do think Martha summarized it correctly. It is a preexisting nonconforming accessory structure by converting it to an accessory dwelling unit or an ADU, it actually makes the building in some respects more conforming although it then does make it nonconforming with regard to setbacks so I think that is a balance test that the Board is going to have to weigh on. If you have any specific questions for me, I would be happy to try to answer them.

Mr. McGuirk: Thanks Billy. Board Members?

Mr. McMullan: I do not have any problem with this as Martha said. It is quite a distance away from everything, it has been there for a while, it has not presented any issues in the past. Even though someone is building next door or is going to be developing next door, I do not think it is an issue.

Mr. McGuirk: Mr. Rose?

Mr. Rose: Barring any comments from the neighbors, I think the case that has been laid out is compelling and conforming with the newly adopted regulations from the Village regarding ADUs so I have no problem.

Mr. McGuirk: Thank you. Are there any callers 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?

Mr. McMullan: Second.

Mr. McGuirk: All in favor?

Mr. Rose: Aye.

Mr. McMullan: Aye.

Mr. McGuirk: Okay, the last hearing of the day, please, Pam.

ORIGINAL HEARING

Application of Hamptons Residence LLC – 16 Nichols Lane - SCTM#301-13-11-11

Ms. Bennett: Application of Hamptons Residence LLC, SCTM#301-13-11-11, for Variances from Chapter 101, Coastal Erosion Hazard Areas, Variances from Chapter 278, Zoning and Variances from Chapter 124, Preservation of Dunes to legalize accessory buildings and accessory improvements. A Coastal Erosion Hazard Area Permit and Variances are required in accordance with Sections 101-9.(B) and 101-19 to legalize a deck and accessory building, a shed, and fencing installed seaward of the Coastal Erosion Hazard Area line. Variances of 35.2 feet and 62.2 feet are requested from Sections 124-1.A.(1) and (2) and 278-3.A.(7) to legalize a deck and accessory building constructed 64.8 feet from the 15-foot contour line and 87.8 feet from the edge of beach where the required setbacks are 100 feet and 150 feet. Variances of approximately 90 feet and 130 feet are requested from Sections 124-1.A.(1) and (2) to legalize approximately 480 linear feet of fencing located at its nearest point, 10 feet from the 15-foot contour line and 20 feet from the edge of beach grass where the required setbacks are 100 feet and 150 feet. An 8.3 foot variance is requested from Section 278-3.A.(5)(b) to legalize a shed installed 11.7 feet from a side yard lot line where the required setback is 20 feet. Variances of approximately 25 feet and 20 feet are required from Sections 278-3.A.(5)(a) and (b) to legalize a slate patio area 50 feet from the front yard lot line and 0 feet from the side yard property line where the required setbacks are 75 feet and 20 feet. Variances of approximately 14.9 feet, 8 feet and 20 feet are requested from Sections 278-3.A.(5)(b) to legalize slate walkways located 5.1 feet and 12 feet from the rear yard lot line and 0 feet from side yard lot line where the required setbacks are 20 feet, and any other relief necessary. The subject property is 116,464 square feet in area and is located at 16 Nichols 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.

16904

Mr. McGuirk: Good morning, Mr. Bregman.

Mr. Bregman: Hi, can you hear me?

Mr. McGuirk: Yes, maybe just a little louder.

Mr. Bregman: Okay, thank you. May I share my screen?

Mr. McGuirk: Yes, please.

Mr. Bregman: Or try to. I do not know what happened, it froze up, sorry. Okay this is first for a gazebo, which is the most important part of this, which is on the front lawn of the property. I have on the screen now some historic aerials from Google Earth.

Mr. Rose: It is not being shared yet.

Mr. Bregman: Let me try again, sorry.

Mr. McGuirk: It is okay.

Mr. Gambino: I am still not getting it on my end.

Mr. McGuirk: All the Board Members, we received the aerials that he sent.

Mr. Rose: I would like to see them.

Mr. McGuirk: On the screen.

Mr. Rose: Yes.

Mr. Bregman: I am sorry, I do not know why this is not letting me share.

Mr. McGuirk: Mr. Bregman, why do we not do this. Why do you not tell us about the application and then we can maybe keep the hearing open and review the information if somebody needs to look at it.

Ms. Golden-Icahn: Eric, can you just your monitor so people can see it instead of seeing you.

Mr. Bregman: That by the way, Members, is Mrs. Icahn.

Ms. Golden-Icahn: Yes, hi everyone.

Mr. McGuirk: Good morning Mrs. Icahn.

Ms. Golden-Icahn: Good morning.

Mr. McGuirk: Let us do this, let us go through the application, let us run through it, we will keep the hearing open and the Board Members can look at the photos.

Mr. Rose: These are the same photos that were submitted?

Mr. Bregman: Yes, they are all there, of course I cannot point them out exactly but the historical photos show that it was not there in 2004 to '06 rather and began to show up at the end of 2006, 2007, the initial part of it and by 2010, it was there with the deck and you have those all on one piece of paper as was submitted to you. The bottom line of that is that it has been there for about 16 years, 14 years and they go back to 2007 so it has been there a long time. There has not been any complaints about it. It has not adversely affected the dune, and as you see from the reports from Dr. Bokuniewicz who is also here with us and can answer any questions if you have any, the existence of this gazebo has not destabilized the dune and will not. It is not on pilings, there has not been any disruption of the dune, it is there, it has been stable, the dune itself, if you go back to the 2008 Woods Hole Institute report had been very stable and you obviously have had many applications for dunes along the strip which has been very stable and this part has been as well and Dr. Bokuniewicz as you can see in this letter is the distinguished Professor of Oceanography in Stony Brook and also has been part of the studies of the East Hampton dunes and has confirmed that this has no destabilizing effect whatsoever. It is also, and this is what I wanted to show you and I cannot, I do not know why, my computer is doing all kinds of weird things, I do not know why, but what I was hoping to show you was along that coastline this is totally consistent with other structures if you walk down the

coastline. If you look at next door to the east there is a house and you go further to the east, give me one more second please, okay, there is a swimming pool that is actually a little further seaward of the gazebo, to the west is a house that is actually a little further seaward than the gazebo. If you continue to the east, there is another swimming pool and a house that is further seaward, and if you continue up and down the coast, there are a number of swimming pools and other structures, which are consistent with the setback from the dune crest and from the ocean and from the beach. So it is not unusual and it is totally consistent with the neighborhood.

Mr. McGuirk: Mr. Bregman, you said the gazebo just sits on top of the grass? There are no pilings?

Mr. Bregman: There are no pilings. There are two by fours or four by fours there but no piles and there has not been any.

Mr. McGuirk: There is no plumbing, heating, or air conditioning?

Mr. Bregman: There is no plumbing, no heating, no air conditioning. There is electricity but that is all. No plumbing, no heating, no air conditioning, it is not at all a dwelling. It has, as you see in the pictures, there are, it is an octagon and there are, I should say pentagon, and there are inserts for the windows or screens. Basically, they are not structural, they are there for weather protection when it rains, mostly it is screens in the summertime.

Mr. Hajek: Excuse me, I do not mean to interrupt, would you like me to try to share my screen and show the photographs that Eric submitted?

Mr. Rose: Yes, please

Mr. McGuirk: That would be great.

Mr. Hajek: Yes, actually I am sorry, I cannot get to the documents that he submitted, I will not be able to do that, I thought I could, I am sorry.

Mr. McGuirk: We will listen to Mr. Bregman, we will go back and look at the information and keep the hearing open.

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Mr. Bregman: Okay, I will keep talking. With respect to the gazebo, that basically cannot see, it has not bothered anybody, it has been there forever, forever meaning 16 years approximately, nobody has complained, there has not been any issue about it, and, more fundamentally, it does not disturb the dune or create any stress on the dune in any way. The shed, again, it is hard to show without it, the shed is on top of the existing driveway. It is a plastic, prefabricated, I think it is made by Rubbermaid, that covers things like bicycles and lawn chairs, etc. It does not do anything to the dune because it is sitting by itself on top of the preexisting driveway. So there has again, there is no ground being disturbance of the dune, it is just sitting there.

Mr. McGuirk: It is actually very tucked in, you really cannot see it at all.

Mr. Bregman: You cannot see it and nobody else can see it and it is hidden away. Those are the two main things. When we made the application, we were not aware of the fence issue, Billy brought that up, there had been, again, the photos I submitted show this, there had been over the years fences, two kinds of fences, one there is a fence sort of at the base of the dune, traditional snow fence for tracking sand and the Icahns have done that and the neighbors have done it and some of the pictures show shots down the beach, is that you, Billy?

Mr. Hajek: Yes, I was able to, sorry I just had a technical glitch...

Mr. McGuirk: Thanks Billy.

Mr. Bregman: That is from 2008, and, again, you can see that there are the zigzag fences. In addition, starting at east in about 2010 I have some photos that are submitted to you, in that 2010 historical photo there has been a fence and you can see it in the background of what Billy just put up. There is a fence that is parallel to the beach and the ocean and somewhat up the dune, not at the base of the dune, and that runs in a straight way, and it curves around at the end of the property. The purpose of that is it is acting as a deer fence and that is why it is there, has been there for at least 10 years, and the reason it acts as a deer fence is it is sloped and the deer have to jump up as well as over the fence, because they are going uphill and they cannot do that or they do not do that, and that is what the purpose has been. There are, in the historic photos, similar fences along

properties both to the west and to the east that have been there for a while. That is the purpose of it, and, again, does not impose and I have reviewed this with Dr. Bokuniewicz, it does not impose any stress or destabilization on the dune in any way or interfere with the water runoff or interfere with the vegetation. So it is, again, serves an important purpose for the Icahns and it does not have any detrimental effect on the dune. The other two issues are very simple. Billy, do you have the big area aerial showing the back of the property?

Mr. Hajek: I do not, no. I can get one, hold on.

Mr. Bregman: I do not know why my thing does not work, it worked just the other day in a different hearing.

Mr. Hajek: It is going to take me a few minutes though, Eric.

Mr. Bregman: Okay. Well, the two paver issues, the Icahns own two properties, one is the one we have been looking at, which is the oceanfront, and there is another one immediately to the north of it which is adjacent, and as Billy mentioned in his comments, they are treated as a compound and really treated as one property although they are kept separate, they are single and separate. When they had some work done on the pool, they put pavers that go from the north side of the pool to a paving patio or a ground level, also pavers, on the other property. It does not look like two properties when you look at it, I wish I could show it to you, but in the course of that, those pavers have obviously encroached on the setbacks because there is, in fact, a property line between the two properties but it is totally inconsequential in terms of nobody sees it, nobody has any issues with it, and there is no downside to that other than the technical violation setback. You cannot see it from any other property, it does not impose on anybody in any way. That is the short version, it was longer with the pictures, I am sorry it got lost there.

Mr. McGuirk: It is okay, it happens. Eric, Billy did prepare a memo, so Billy can you go through the highlights of the memo please.

Mr. Hajek: Sure. I shared my screen with the aerial Eric was looking for I think to...

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Mr. Bregman: Thank you, if I may just finish. If you look at the property, which is in the middle, I cannot move my cursor...

Mr. Hajek: You were saying that this middle property right here, right?

Mr. Bregman: Yes, that is the northern property. If you go down to the pool Billy, move your cursor down, just to the north, right there, there is some paving that connects the decking on the northern piece to the pool, those are the pavers.

Mr. McGuirk: Eric, how about the lighting that is in the dunes themselves, I do not believe there is natural vegetation there, right Billy?

Mr. Bregman: There is not, again, I wish I could show you, there are some terrific photos, I took them myself so I of course I think they are terrific. The lighting has also been there as long as anybody can remember. It is purely security lighting, nobody can remember actually ever having gone off but it is only triggered by, would only be triggered by an intruder. It is not used for lighting the beach or having a party or for any other purpose. It is purely security.

Mr. McGuirk: Is it motion?

Mr. Bregman: Yes, that is right. Mrs. Icahn is here so she can...[inaudible]...to me that does not remember it ever having gone off or turned on. In terms of the dune itself, at the top of the dune, Billy, do you have the survey, the latest...

Mr. Hajek: No, I do not have the survey as a PDF, sorry.

Mr. Bregman: You can see on this picture, it is on Billy's computer, there is sort of a dark line halfway up from the beach and if you see what I am saying, and then another brown area between that dark line and the house itself. That dark line is some landscaping. What we are talking, right there, that is it, thank you Billy, below that is an area that it was going back again, almost since the Icahns bought the house but certainly 10 or 15 years, there was an area that a meadow along with some bayberries and other native bushes but it was always a meadow. When the application was made in 2008 for a coastal erosion permit having to do with an extension of the house, which was not granted, it was a non-issue. And in fact, Billy, if you have the picture of the dune from 2008 that you had up before,

so that was always a meadow that was trimmed once or twice a year in an area along with this I said some bayberry and related bushes. What happened was that the landscaper got aggressive and you can see but that line, where Billy is showing, that is the line that is the dark line on the other photo, the landscaping line just seaward of that where there is a cape, there are a couple of bushes which are now more of them. Right around there was this kind of area of grasses and that has been there for a very long time. What happened was when we made this application, the landscaper had gotten very aggressive and was trimming it and David Saskas said, hey, that is a lawn, that is not a meadow. So, I said back then in 2020 I said let us let it grown and it now has grown back, it remains a meadow, it is the same meadow that has been there for 20 years and it is very safe. Billy has some thoughts about remediation and replacing those grasses with beach grasses. Dr. Bokuniewicz has told me that probably would be very slightly better in the great scheme of things but it would be minimally better and the destruction of doing that might be more disruptive than actually doing it. So we are happy, if you could see the current picture, it is in there somewhere Billy, I do not know where...

Ms. Golden-Icahn: It would be the picture with the black shutters on, now it is all grown in.

Mr. Bregman: It is not, there are better pictures from the top area Billy...

Mr. Hajek: I do not have those. What year is this photograph from, Eric?

Mr. Bregman: 2008.

Mr. Hajek: Yes, it looks mowed here in 2008.

Mr. Bregman: Yes.

Mr. Hajek: Mowed lawn.

Mr. Bregman: But traditionally they did not, one is if you catch it at the right time, it is going to be mowed, it is mowed once or twice a year, but I think their landscaper was doing it for them. They do not use it as a lawn, nobody goes there

and they are perfectly happy to keep it as a meadow which would not be anything somebody would use to walk on.

Ms. Golden-Icahn: It is just starting to come in now so it does not look anything like that now, it is just fully grown in, you had a picture but I do not know what happened to it but...

Mr. McMullan: We have it in our packet.

Mr. McGuirk: We will go back and look at it.

Mr. McMullan: Thank you.

Mr. Bregman: And, again, Dr. Bokuniewicz says the meadow also stabilizes the dune and has been ever since the Icahns bought the house. So that was a classic overactive landscaper and nobody paid much attention from the Icahns frankly but it is better to leave it as a meadow, it always has been a meadow, it was designated a meadow in the 2008 application and it was a non-issue back then. Another question?

Mr. McGuirk: I do not know if you are done with your presentation. Can we have Billy discuss his memo now, Mr. Bregman?

Mr. Hajek: Sure, check for call ins Mr. Chairman?

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

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

Mr. McGuirk: Thank you, sir. Billy?

Mr. Hajek: Sure, I prepared a report for the Board dated June 28th and I had attached two aerial photographs to that report for the Board, one is 2020, and the other more current aerial that we have available, and the second is 2016 which I thought was perfect because it showed the exposed revetment on the property and it also showed the area that was a deck which the deck has been removed but the area is still presently lawn. This is a 2.6-acre parcel of land,

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neither residence is preexisting nonconforming, it is a three-story residence, very nice, with a swimming pool, pool patio, driveway, and various other ancillary improvements, the property is split by the coastal erosion hazard area zone. I would say roughly 50 percent of the property is seaward of the coastal erosion hazard area zone and that is where most of the improvements are located with the exception of the swimming pool and some of the driveway. There has been done discussion of the managed meadow and some of the other improvements that currently exist. There are old Zoning Board decisions relative to this property, some of them did require restoration of the dune with dune compatible or dune vegetation so while some of this work may have been done completed prior to the Icahns owning the property, there were prior decisions specifically when the revetment was reconstructed which required reestablishing dune vegetation across the face of the dune. So while that work may have been done prior to the Icahn's acquisition of the property, I cannot speak to when the meadow area was established but it is generally believed that a native dune is not going to be managed as a meadow, it is usually a dune feature which is typically more appropriate for areas that are along the beach and I would note that the meadow, the managed meadow, is located within the required dune setbacks which prohibits landscaping, the area is supposed to remain in a natural state which is conventional or traditional dune vegetation. I cannot speak to the condition of the property in 2008, I was not an employee of the Village of that time, but as Eric had pointed out, the property is owned in cooperation with two lots to the north and it appears that some of the improvements straddling the line are just for convenience for use of usage of both parcels. That shed that seeks legalization is like a prefabricated type structure and it is located on an area that is already asphalt pavement, and the deck/gazebo structure is located in an area that appears to have always been lawn. I do not believe any clearing was conducted to install that building. And with regard to the fencing, based on my reading of the files, the prior permits and approvals and surveys, I do not see any permit for a fence. There has always been conventional snow fencing here but nothing that acted as a deer fence and I would just pose that question of the Board if this is portrayed as deer fencing, if everybody along the ocean put deer fencing at the toe of the dune, I think you have a substantially different appearance of the beach area. I would note that the one area that I am asking or suggesting be revegetated which is presently lawn, it is not part of the meadow, that was a deck that has been installed, removed, installed again; it was subject to an appeal of the Zoning Board. It was constructed pursuant to a Building Permit

that was issued in error and that decision required removal of all the lighting and removal of the patio deck and the restoration of that area with beach vegetation and it is presently lawn and I believe that is where the lighting is located. So, I think at a minimum that area should be restored to what was required of the prior Zoning Board determination. I have here the coastal erosion hazard area variance standards, I think Eric has touched on all of those, that is why I am not going to elaborate, and I have gone over my suggested potential mitigation to the Board but if you have any questions, I would be happy to elaborate.

Mr. Bregman: May I comment or do you want...

Mr. McGuirk: Any Board Members have any comments at this point?

Mr. Rose: When was the property acquired by the current owner?

Mr. Bregman: I believe it was early 1990's...

Ms. Golden-Icahn: I think it was 1992.

Mr. McGuirk: Thank you. I think we should keep the application open until the next hearing. Mr. Bregman, maybe you could submit some of the shared screens to us electronically.

Mr. Bregman: They are all there.

Mr. McGuirk: In our packet.

Mr. Bregman: Yes. May I say two quick things in response to Billy who has been very helpful by the way in this whole process. The middle area that we are talking about is not on the face of the dune, if I could show you the pictures, the face of the dune is all totally natural except the fence that runs down sort of the middle of it. This meadow area is on top of the dune, it is really an extension, it is the other side of the landscape bushes that you saw. There is the lawn on the north side and this meadow area to the south of it so it is not the face of the dune. Number two, we have no problem revegetating the deck area. Number three, that is not where the lighting is that I saw; the lighting I saw was sort of on the lawn parallel to the ocean. That is it.

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Mr. McGuirk: Okay, thank you Mr. Bregman.

Mr. Rose: Can I ask a question; I know we are keeping the hearing open but was there a Building Permit issued for the gazebo?

Mr. Bregman: No, it grew by topsy. The answer is no. It started out by as a...

Ms. Golden-Icahn: It just started out as a...

Ms. Bennett: Mrs. Icahn, can I swear you in please, sorry.

Ms. Golden-Icahn: Sure.

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

Ms. Golden-Icahn: Gail Golden-Icahn, 16 Nichols Lane, East Hampton.

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

Ms. Golden-Icahn: I do.

Ms. Bennett: Thank you.

Mr. McGuirk: Thank you Mrs. Icahn, go ahead.

Ms. Golden-Icahn: Just to say that at some point we had, and I am sure anyone else could talk about this, a yellow jacket swarming for a number of seasons on the beachside for some reason. I have not seen them since but you could not sit outside because the bees were everywhere. So, we had one of those collapsible things you can buy on Wayfair where you can put it up and have breakfast out there with screens and so this gazebo was born out of that initial structure which would collapse on strong winds so we started just gradually coming up with okay let us figure out how we could have this in a more permanent way. So that was

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the idea behind the gazebo and it just gradually came over a number of seasons until it came to the point of what you see today.

Mr. McGuirk: Thank you. Any questions Board Members? So we will keep this hearing open. A motion to close today's meeting.

Mr. Rose: So moved.

Mr. McGuirk: Second?

Mr. McMullan: Second.

Mr. McGuirk: All in favor?

Mr. Rose: Aye.

Mr. McMullan: Aye.

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

The meeting was adjourned at 12:10 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, July 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 Stone Free Trust, SCTM#301-4-8-16, for Area Variances from Chapter 278, Zoning, to permit the continued existence of accessory improvements that will be made nonconforming by a subdivision. An approximate 34-foot variance is requested from Section 278-3.A.(5)(c) to permit swimming pool equipment to remain approximately 6 feet from a proposed rear yard lot line where the required rear yard setback is 40 feet. Variances of approximately 25.4 feet and 5 feet are required from Section 278-3.A.(5)(a) to permit the continued existence of a shed/greenhouse building located 49.6 feet and a shed located 70 feet from a proposed front yard lot line where the required front yard setbacks are 75 feet. A variance is required from Section 278-3.A.(5)(f) to permit the continued existence of a garage within the proposed front yard area of a lot where detached garages are prohibited within the front yard area of a lot, and any other relief necessary. The subject

property is 218,600 square feet in area and is located at 33 Hither Lane in Residence District R-80. This project is classified as an Unlisted Action in accordance with SEQR.

Application of Brian Charles Johnston and Joanne Johnston, SCTM#301-3-5-23.1, for an Area Variance from Chapter 278, Zoning, to construct additions to an existing residence and a swimming pool. A 920 square foot variance is requested from Section 278-3.A.(13) to construct additions totaling 3,110 square feet where the maximum permitted gross floor area is 2,190 square feet. The legally preexisting gross floor area is 3,338 square feet. A 5 foot variance is requested from Section 278-3.A.(5)(A) to construct a swimming pool 30 feet from a front yard lot line where the required setback is 35 feet, and any other relief necessary. The subject property is 11,899 square feet in area and is located at 19 The Circle in Residence District R-20. This project is classified as a Type II Action in accordance with SEQR.

Application of Victor W. and Fran Jacobs Wigotsky, SCTM#301-2-5-3.2, for an Area Variance from Chapter 278, Zoning, to legalize a shed and storage bin. A variance of approximately 34 feet is required from Section 278-3.A.(5)(a) to legalize a shed and bin located approximately 11 feet from the front yard lot line where the required front yard setback is 45 feet, and any other relief necessary. The subject property is 24,252 square feet in area and is located at 102 Dayton Lane in Residence District R-40. This project is classified as a Type II Action in accordance with SEQR.

Application of Robert G. and Kristen S. DeLaMater, SCTM#301-8-13-15.1, for an Area Variance from Chapter 278, Zon-

ing, to establish an Accessory Dwelling Unit. Variances of 23.2 feet and 20.1 feet are requested from Section 278-3.A.(4)(a) to establish an Accessory Dwelling Unit within an existing accessory building that is located 26.8 feet from the rear yard lot line and 29.9 feet from a side yard lot line where the required side and rear yard setbacks for an Accessory Dwelling Unit are 50 feet, and any other relief necessary. The subject property is 106,927 square feet in area, is located at 24 Ocean Avenue and is located in Residence District R-80 and the Ocean Avenue Historic District. This project is classified as a Type II Action in accordance with SEQR.

Application of Hamptons Residence LLC, SCTM#301-13-11-11, for Variances from Chapter 101, Coastal Erosion Hazard Areas, Variances from Chapter 278, Zoning and Variances from Chapter 124, Preservation of Dunes to legalize accessory buildings and accessory improvements. A Coastal Erosion Hazard Area Permit and Variances are required in accordance with Sections 101-9.(B) and 101-19 to legalize a deck and accessory building, a shed, and fencing installed seaward of the Coastal Erosion Hazard Area line. Variances of 35.2 feet and 62.2 feet are requested from Sections 124-1.A.(1) and (2) and 278-3.A.(7) to legalize a deck and accessory building constructed 64.8 feet from the 15-foot contour line and 87.8 feet from the edge of beach where the required setbacks are 100 feet and 150 feet. Variances of approximately 90 feet and 130 feet are requested from Sections 124-1.A.(1) and (2) to legalize approximately 480 linear feet of fencing located at its nearest point, 10 feet from the 15-foot contour line and 20 feet from the edge of

beach grass where the required setbacks are 100 feet and 150 feet. An 8.3 foot variance is requested from Section 278-3.A.(5)(b) to legalize a shed installed 11.7 feet from a side yard lot line where the required setback is 20 feet. Variances of approximately 25 feet and 20 feet are required from Sections 278-3.A.(5)(a) and (b) to legalize a slate patio area 50 feet from the front yard lot line and 0 feet from the side yard property line where the required setbacks are 75 feet and 20 feet. Variances of approximately 14.9 feet, 8 feet and 20 feet are requested from Sections 278-3.A.(5)(b) to legalize slate walkways located 5.1 feet and 12 feet from the rear yard lot line and 0 feet from side yard lot line where the required setbacks are 20 feet, and any other relief necessary. The subject property is 116,464 square feet in area and is located at 16 Nichols 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: June 17, 2022
By Order of John L. McGuirk III, Chairman, Zoning Board of Appeals, Inc. Village of East Hampton 50-2/265

FILED
VILLAGE OF EAST HAMPTON, NY
DATE: 8/2/22
TIME: 1:23 pm

Patricia J. Bennett

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