

Zoning Board of Appeals
March 10, 2023
11:00 a.m.
Emergency Services Building
One Cedar Street, East Hampton

Those present were:

John L. McGuirk III, Chairman
James H. McMullan, Vice Chairman
Philip O'Connell, Member
Joseph B. Rose, Member
Abigail Lamb FitzSimons, Alternate Member
Lisa Perillo, Village Attorney
Billy Hajek, Village Planner
Thomas Preiato, Village Building Inspector
Trevor Darrell, Attorney on behalf of Art. Fourth B. Trust
John Huber, Attorney on behalf of The Rosery LLC
Andrew Rose, Applicant, The Rosery LLC
Karel de Boer, Neighbor of The Rosery LLC
Pam Pospisil, Architect on behalf of The Rosery LLC
Jonathan Tarbet, Attorney on behalf of Benjamin Louis Zucker Trust and
Patricia H. Robert 2020 Family Trust
Thomas J. Osborne, Attorney on behalf of the East Hampton Historical Society
Steve Long, Executive Director, East Hampton Historical Society
Jody Gambino, LTV Moderator
Pamela J. Bennett, Village Clerk

MINUTES

Upon motion of Joseph B. Rose, duly seconded by James H. McMullan,
the Board unanimously approved the minutes of **February 10, 2023**.

17049

DETERMINATION

Hamptons Residence LLC – 16 Nichols Lane – SCTM #301-13-11-8

Upon motion of Joseph B. Rose, duly seconded by Philip O’Connell, the request to legalize a shed, a bin, and walkways is granted, with conditions, and to legalize a fence, lighting, a gazebo, and a deck is denied.

Chairman McGuirk – Aye
Member McMullan – Aye
Member O’Connell – Aye
Member Rose – Aye
Member Baris – Excused

DETERMINATION

Gianfranco and Surbhi D’Attis – 16 Gould Street – SCTM #301-1-1-12

Since a quorum of the Board on this application was not present to act upon this determination, it was postponed until the April 14, 2023 meeting.

DETERMINATION

Philip Shuttleworth and Paula Maria Harvey – 72 Pantigo Road –
SCTM #301-4-7-7.1

Upon motion of Joseph B. Rose, duly seconded by James H. McMullan, the request to construct additions to an existing residence and to convert a third story attic into habitable space is granted, with conditions.

Chairman McGuirk – Aye
Member McMullan – Aye
Member O’Connell – Aye
Member Rose – Aye
Member Baris – Excused

DETERMINATION

EH 226 L.L.C. – 226 Further Lane – SCTM #301-5-3-11.5 & 11.6

Upon motion of Joseph B. Rose, duly seconded by Abigail FitzSimons, the request to install an elevated pedestrian walkway is granted, with conditions.

Member McMullan – Aye

Member Rose – Aye
Member FitzSimons – Aye
Member Baris – Excused

DETERMINATION

53 Lily Pond LLC – 53 Lily Pond Lane – SCTM #301-13-13-2

In the application of 53 Lily Pond LLC, 53 Lily Pond Lane, Suffolk County Tax Map #301-13-13-2, to construct a swimming pool and pool house is granted, with conditions.

Member McMullan – Aye
Member Rose – Aye
Member FitzSimons – Aye
Member Baris – Excused

REQUESTED ADJOURNMENT

Orion Properties II, LLC – 46 Further Lane – SCTM #301-9-6-10.5

The Board is in receipt of a request to adjourn this hearing until the April 14, 2023 meeting.

REQUESTED ADJOURNMENT

Jewish Center of the Hamptons – 44 Woods Lane – SCTM #301-8-7-46

The Board is in receipt of a request to adjourn this hearing until the May 12, 2023 meeting.

CONTINUED HEARING

Art. Fourth B. Trust c/o Candace Phillips – 12 Egypt Close – SCTM #301-4-7-20

Chairman McGuirk called the hearing to order at 11:03 a.m.

Trevor Darrell Esq. appeared on behalf of the applicant and stated that this application was adjourned from the last meeting as Member Rose wished to make an on-site inspection, and that the objecting neighbors, who appeared last time, have submitted a follow-up letter to the Board today. Mr. Darrell noted that with reference to the pool variance, the addition does not cross the

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existing setback line which would be nearest the neighbor. With reference to the proposed doorway, Mr. Darrell stated that it is the most minimal variance necessary to achieve the benefit to the applicant; the benefit to the applicant substantially outweighs any detriment to the neighbor.

Upon motion of Philip O'Connell, duly seconded by James H. McMullan, the Board unanimously closed the Public Hearing.

CONTINUED HEARING
The Rosery LLC – 146 Main Street – SCTM #301-8-5-1

Chairman McGuirk called the hearing to order at 11:05 a.m.

John Huber Esq. appeared on behalf of the applicant and asked Mr. Rose (applicant) to speak.

Andrew Rose, Manager of The Rosey LLC, P.O. Box [inaudible] Greenville, Delaware 19807, duly sworn in by the Village Clerk, swore to tell the truth, the whole truth, and nothing but the truth. Mr. Rose stated that he is a direct descendant of Ezekiel Sanford who built the bridge in Bridgehampton in 1680 and his family has been responsible for the Sanford homestead for 14 generations in Bridgehampton. Mr. Rose stated that he remembers when the house had no electricity in 1963 and the reason that is relevant is because houses have to evolve over time.

Mr. Rose stated that when he took over the house from his father, who inherited the house from Helen Parker, the house had been neglected for the last 20 years and as his parents got older, they could not access the second floor; Mrs. Parker who owned the Old Barn Book Shop on Main Street, also could not access the second floor. Houses need to evolve and be updated for current generations. The major issue with the house is there is no decent access to the back second floor, there is a very steep staircase which his father fell down at least twice, one time breaking his shoulder. Mr. Rose stated that when he took over the house, he wanted to solve what he felt was a major safety issue for the house which is access to the second floor, to get up and down the stairs, but also in case there was a fire. The historic front portion of the house will not be touched. Mr. Rose stated that after meeting with Mr. de

Boer, the roofline has been dropped about four and one-half feet. The existing footprint of the house is not changing but there will be a second floor addition on Mr. de Boer's side of the house but on the existing footprint.

John Huber Esq. appeared on behalf of the applicant and stated that since the adjourned hearing of December 9, 2022, members of the Rose (applicant) family and Architect Pospisil met with Karel de Boer, neighbor, and revised plans were submitted on March 3, 2023. The applicant has lowered the proposed roof ridgelines from 25 feet 5 inches and 22 feet 10 ½ inches down to 21 feet 11 ¼ inches and 20 feet 2 inches and has also altered the proposed roof pitches from 10 and 12 to 7 and 12. The intent of the alteration was to address Mr. de Boer's concerns about sunlight. This resulted in an approximate four-foot reduction in height of the highest ridge. The benefit the applicant requires is an updated, family-friendly floor plan that will promote optimized use and enjoyment of the house and adjacent outdoor spaces. The proposed improvements are also required to make the house habitable, consistent with contemporary living standards. A major aspect is enlarging and reconfiguring and relocating the house's central staircase to the north floors. The existing staircase is both narrow and steep and the proposed alterations will provide a much safer, user-friendly alternative. Applicant's modest addition on the house's north side will be placed directly above the existing side exit which will be removed and that is the exit between the applicant's home and Mr. de Boer's home; the house's footprint in that location will not be altered. The applicant also removed 220 square feet of existing brick patio adjacent to the house's north and east sides.

Karel de Boer, 144 Main Street, East Hampton, duly sworn in by the Village Clerk, swore to tell the truth, the whole truth, and nothing but the truth. Mr. de Boer apologized to the Board for being unable to attend the December meeting as he had medical issues. Mr. de Boer stated that the Rose family are fantastic neighbors in every respect and he wants to be a good neighbor too, but 144 Main Street and 146 Main Street are close together, historically nobody's fault, as was the case when the house changed hands. Mr. de Boer stated that he is one of the three year-round residents on Main Street so his side yard and backyard are extremely important. The houses on Main Street are designed with all the major rooms facing south which means his rooms are facing the back of the Rose house and currently has sunlight coming in and is

afraid that the proposed alterations are going to take all that away. Mr. de Boer stated that the lowering of the roofline is an improvement but with reference to the second addition, the second story to the existing nonconforming addition, which is very close to the property line, he was hoping to find a way that it could be pushed back by a couple of feet but that he has been convinced by Mr. Rose and Ms. Pospisil that that is not an option. Mr. de Boer thanked the Board and also wants to be a good neighbor to the Roses who are good neighbors to him.

Pam Pospisil, 141 Hampton Road, Southampton, New York, duly sworn in by the Village Clerk, swore to tell the truth, the whole truth, and nothing but the truth. Ms. Pospisil stated that the challenge of the project is that the house is in a nonconforming location and it is in the Historic District; the goal was to respect and be sensitive to the view that will be seen from Main Street, to limit the variances required, and to create a design which would address the flow and livability issues within the house. The design has been successful in that way and has minimally impacted the view. The footprint has been expanded minimally, the majority of which is in a conforming location and the one portion of the house that is being expanded, the 96 square feet that requires the variance, is not expanding any closer to the northern property but rather just going up to the existing footprint. If the addition were pushed in the two feet that Mr. de Boer is asking, the ridgeline would only be brought down minimally, inches. Chairman McGuirk stated that it is already lowered by four and one-half feet. Ms. Pospisil stated that a patio is being removed on that side of the house which is a potentially livable, noisy, activity which is being given up and the area that requires the variance is a stair which again will impact Mr. de Boer's privacy minimally because it is not living space where people are not looking out windows into Mr. de Boer's yard. Ms. Pospisil submitted for the record a photo, taken on December 17th, which shows the two houses together and it was taken on a day that is close to the shortest day of the year and you will see that the house already is in shadow.

Upon motion of Joseph B. Rose, duly seconded by James H. McMullan, the Board unanimously closed the Public Hearing.

ORIGINAL HEARING

Benjamin Louis Zucker Trust – 38 Huntting Lane – SCTM #301-3-7-26.2

James H. McMullan recused himself from this application.

Chairman McGuirk called the hearing to order at 11:22 a.m. and the Public Notice, as duly published in the East Hampton Star, was read.

Application of Benjamin Louis Zucker Trust, SCTM#301-3-7-26.2, for Area Variances from Chapter 278, Zoning, to construct accessory structures. A variance is requested from Section 278-3.A.(9)(a) to permit 8,074 square feet of coverage where the maximum permitted coverage is 6,833 square feet. The legally preexisting coverage is 8,003 square feet. Variances of 5 feet and 4 feet are required from Section 278-3.A.(5)(c) to construct a cellar stairwell 25 feet and 24 feet from side yard lot lines where the required side yard setbacks are 30 feet. A 25-foot variance is required from Section 278-3.A.(5)(a) to construct a cellar stairwell 20 feet from a front yard lot line where the required from yard setback is 45 feet. The subject property is 31,667 square feet in area and is located at 38 Huntting Lane in Residence District R-40 and the Huntting Lane Historic District. This project is classified as a Type II Action in accordance with SEQR and requires approval of the Design Review Board.

Jonathan Tarbet Esq. appeared on behalf of the applicant; no additional material was submitted into the record; no one appeared in opposition. Mr. Tarbet stated that the applicant wishes to rebuild a pool house in the exact same footprint with the addition of a basement. The advantage to adding a basement is having the pool equipment located in the basement, a sound attenuation for the applicant and for the neighbors. Also proposed is a spa over an existing brick patio. Member O'Connell noted for the record that the spa will be closer to the house so it will impact the neighbors less.

Upon motion of Joseph B. Rose, duly seconded by Philip O'Connell, the Board unanimously closed the Public Hearing.

ORIGINAL HEARING

Patricia H. Robert 2020 Family Trust – 117 Egypt Lane – SCTM #301-9-1-5

Chairman McGuirk called the hearing to order at 11:26 a.m. and the Public Notice, as duly published in the East Hampton Star, was read.

Application of Patricia H. Robert 2020 Family Trust, SCTM#301-9-1-5, for a Wetlands Permit from Chapter 163 and Area Variances from Chapter 278, Zoning, and to legalize five A/C condenser units. Variances of approximately 7.4 feet are required from Section 278-3.A.(5)(a) to legalize the construction of five A/C condenser units, the nearest of which is located approximately 47.6 feet from the front yard lot line, where the required front yard setbacks are 55 feet. A Wetlands Permit in accordance with the provisions of Sections 163-3 and 163-5 and variances of approximately 52 feet are required from Section 278-3.A.(8) to legalize five A/C condenser units, the nearest of which is located approximately 98 feet from wetlands, where the required wetland setbacks are 150 feet. The subject property is 49,661 square feet in area and is located at 117 Egypt Lane in Residence District R-40. This project is classified as a Type II Action in accordance with SEQR.

Jonathan Tarbet Esq. appeared on behalf of the applicant; no additional material was submitted into the record; no one appeared in opposition. Mr. Tarbet stated that this is a unique house, mostly unchanged, and is over 400 years old, moved from Amagansett to this location, and there is a Robert J. Hefner historic inventory on the house. The house is three stories, obviously built without air conditioning, and it was not until relatively recently that the a/c was added. The house is now for sale so as part of preparing to sell the house it was discovered that the a/c units were added without a building permit and also too close to the front property line; the wetlands are on the other side of the house, pool, and garage. The reason for five a/c condenser units is because without demolishing the interior of the house and running hvac throughout, which you could get away with one or two condensers, they did short runs which is why there are five condensers. The reason for the requested variance is because of the way the property is laid out, the a/c condenser units would be closer to the wetlands but also you would be staring at a/c condenser units from inside the house as it is a small yard and also would cost about \$20,000 to move them. The a/c condenser units are not producing

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any noise that anybody can hear, no neighbors are impacted, it is not a neighbor variance, the setback variance is from Egypt Lane. Member O'Connell noted for the record that the a/c units are right up against the applicant's house. Chairman McGuirk added that they are also away from the wetlands.

Upon motion of Joseph B. Rose, duly seconded by James H. McMullan, the Board unanimously closed the Public Hearing.

ORIGINAL HEARING

East Hampton Historical Society – 8 James Lane – SCTM #301-8-5-7

Chairman McGuirk called the hearing to order at 11:30 a.m. and the Public Notice, as duly published in the East Hampton Star, was read.

Application of the East Hampton Historical Society, SCTM#301-8-5-7, for a Special Permit and Variances in accordance with Chapter 278, Zoning, to construct an accessory storage barn. A Special Permit is requested pursuant to Section 278-7.D.(1)(b) to construct an accessory storage barn. A 15.7 foot variance is requested from Section 278-3.E.(1) to construct an accessory storage barn 34.3 feet from a side yard lot line where the required setback is 50 feet. A 2,630 square foot variance is requested from Section 278-3.D.(1) to construct an accessory storage barn containing 2,880 square feet where the maximum size for an accessory building is 250 square feet. A 1,660 square foot variance is requested from Section 278-3.D.(7) to permit a total of 6,852 square feet of accessory building floor area where the legally preexisting combined accessory building floor area is 5,172 square feet. A 9.5-foot variance is requested from Section 278-3.D.(6) to construct an accessory storage barn with an overall height of 23.5 feet where the maximum permitted height for an accessory building is 14 feet. The subject property is 127,789 square feet in area and is located at 8 James Lane. The property is located in Residence Districts R-40 and R-80 and the Main Street Historic District. This project requires approval of the Design Review Board and is classified as an Unlisted Action in accordance with SEQR.

Thomas J. Osborne Esq. appeared on behalf of the applicant; no additional material was submitted into the record; no one appeared in opposition. Mr. Osborne stated that the Design Review Board, at their meeting

on March 7, 2023, concluded their preliminary review; Steve Long, the Executive Director, will explain the request.

Steve Long, 38 Maple Lane, East Hampton, New York, duly sworn in by the Village Clerk, swore to tell the truth, the whole truth, and nothing but the truth. Mr. Long stated that he started as the Director of the Historical Society just over a year ago and discovered the Historical Society has a world class collection and for the last 100 years, the Historical Society has been the stewards of East Hampton's cultural heritage; there are over 20,000 artifacts. The Historical Society has Reverend Samuel Buell's, the third minister of East Hampton's Meeting House Church, wig that was used by Colonial Williamsburg to find out how 18th century wigs were made. The Historical Society has a scrub brush made by George Fowler, a Montaukette gardener, who worked at Home Sweet Home, at the Moran studio, and at a number of other properties. There is an amazing collection of material culture of the Montaukettes. The Historical Society has the world's most outstanding collection of Dominy clocks and furniture but unfortunately, they are housed in substandard conditions and in different locations. This is not what museums should be doing; museums need to house their collection in centralized locations in climate-controlled facilities. The Historical Society is requesting permission to build such a facility that will house their collection over the next 100 years.

Chairman McGuirk asked if the building will have air conditioning and heat. Mr. Long said yes, state of the art climate control, fire suppression systems, security systems, and will also give the Historical Society an opportunity to have a small research space. Currently there are researchers from all over the country coming to East Hampton and the Historical Society does not have the proper facility for them to look at their collection; in a sense it is an embarrassment as the Historical Society should have a space for researchers to learn about East Hampton and its importance here in the United States.

Member McMullan questioned the material of the exterior of the building; the roof and the side walls. Mr. Long stated that essentially it will recreate the current storage barn that was built in the 1970's in its appearance but it will have a metal roof similar to the building at St. Luke's but otherwise would look like a barn like it does today. Mr. Osborne stated that the reason

for the metal roof is to save money and for longevity. Member O'Connell asked if it will be a standing seam, lead-coated roof material or will look more like corrugated. Mr. Osborne stated that he does not have a photo of the material. Chairman McGuirk asked Village Planner Hajek if it is the role of the Zoning Board to review the building's materials. Mr. Osborne stated that the Design Review Board also questioned the proposed roof material. Village Planner Hajek stated that the application is a Special Permit so under the guise of a Special Permit probably not, but the building does need height and gross floor area variances so under the guise of a height variance you usually look at the appearance of the building. Chairman McGuirk noted that the proposed building will be taller than the building that is in front. Mr. Osborne stated by quite a few feet, yes.

Member Rose suggested that the application be referred to the Historic Preservation Committee for their review and comment. Mr. Osborne stated that Bruce A.T. Siska, architect for the project, wrote that the roof will be a standing seam metal roof by "Englert" in a galvalume-plus mill finish. Member McMullan stated that his understanding is that it will have a silvery gray look; it is not green, it is not red, it will dull slightly. Member O'Connell stated that it will not be a bright, shiny roof. Member McMullan agreed. Mr. Osborne pointed out that one of the Church's buildings next door has a metal roof which is a dark brown color.

Chairman McGuirk stated that the application will be forwarded to the Village's Historic Preservation Committee and the hearing will continue at the April 14, 2023 meeting.

Upon motion of Joseph B. Rose, duly seconded by James H. McMullan, the Board unanimously adjourned the meeting at 11:37 a.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, March 10, 2023, at 11:00 a.m. on the following applications and to conduct such other business as may come before the Board. The applications can be viewed on the Village's website easthamptonvillage.org by clicking on the "Alerts" tab.

Application of the Jewish Center of the Hamptons, SCTM#301-8-7-46, for a Special Permit and Variances in accordance with Chapter 278, Zoning, to construct accessory structures. A Special Permit is requested pursuant to Section 278-7.D.(1)(b) to construct a pavilion structure over a proposed patio and install planters. A 24.7-foot variance is required from Section 278-3.E.(1) to construct a patio and pavilion structure 25.3 feet from the rear yard lot line where the required transitional rear yard setback is 50 feet. Variances of 70 feet are requested from Section 278-3.A.(3)(a) to install multiple planters on and directly adjacent to the front yard lot line where the required front yard setback is 70 feet. A 869 square foot variance is required from Section 278-3.A.(9) to permit 30,321 square feet of coverage where a prior variance granted 29,452 square feet of coverage. The maximum permitted coverage by zoning is 29,129 square feet. The subject property is 145,643

square feet in area and is located at 44 Woods Lane. The property is located in Residence District R-80 and contains a special permit use identified as the Jewish Center of the Hamptons. This project requires approval of the Design Review Board and is classified as an Unlisted Action in accordance with SEQR.

Application of Orion Properties II, LLC, SCTM#301-9-6-10.5, for an Area Variance from Chapter 278, Zoning, to legalize an A/C condenser unit. A 10-foot variance is requested from Section 278-3.A.(5)(b) to legalize one A/C condenser unit located 10 feet from a side yard lot line where the required setback is 20 feet. The subject property is 73,371 square feet in area and is located at 46 Further Lane in Residence District R-160. This project is classified as a Type II Action in accordance with SEQR.

Application of Benjamin Louis Zucker Trust, SCTM#301-3-7-26.2, for Area Variances from Chapter 278, Zoning, to construct accessory structures. A variance is requested from Section 278-3.A.(9)(a) to permit 8,074 square feet of coverage where the maximum permitted coverage is 6,833 square feet. The legally preexisting coverage is 8,003 square feet. Variances of 5 feet and 4 feet are required from Section 278-3.A.(5)(c) to construct a cellar stairwell 25 feet and 24 feet from side yard lot lines where the required side yard setbacks are 30 feet. A 25-foot variance is required from Section 278-3.A.(5)(a) to construct a cellar stairwell 20 feet from a front yard lot

line where the required from yard setback is 45 feet. The subject property is 31,667 square feet in area and is located at 38 Hunting Lane in Residence District R-40 and the Hunting Lane Historic District. This project is classified as a Type II Action in accordance with SEQR and requires approval of the Design Review Board.

Application of Patricia H. Robert 2020 Family Trust, SCTM#301-9-1-5, for a Wetlands Permit from Chapter 163 and Area Variances from Chapter 278, Zoning, and to legalize five A/C condenser units. Variances of approximately 7.4 feet are required from Section 278-3.A.(5)(a) to legalize the construction of five A/C condenser units, the nearest of which is located approximately 47.6 feet from the front yard lot line, where the required front yard setbacks are 55 feet. A Wetlands Permit in accordance with the provisions of Sections 163-3 and 163-5 and variances of approximately 52 feet are required from Section 278-3.A.(8) to legalize five A/C condenser units, the nearest of which is located approximately 98 feet from wetlands, where the required wetland setbacks are 150 feet. The subject property is 49,661 square feet in area and is located at 117 Egypt Lane in Residence District R-40. This project is classified as a Type II Action in accordance with SEQR.

Application of the East Hampton Historical Society, SCTM#301-8-5-7, for a Special Permit and Variances in accordance with Chapter 278, Zoning, to construct an accessory storage barn. A Spe-

cial Permit is requested pursuant to Section 278-7.D.(1)(b) to construct an accessory storage barn. A 15.7 foot variance is requested from Section 278-3.E.(1) to construct an accessory storage barn 34.3 feet from a side yard lot line where the required setback is 50 feet. A 2,630 square foot variance is requested from Section 278-3.D.(1) to construct an accessory storage barn containing 2,880 square feet where the maximum size for an accessory building is 250 square feet. A 1,660 square foot variance is requested from Section 278-3.D.(7) to permit a total of 6,852 square feet of accessory building floor area where the legally preexisting combined accessory building floor area is 5,172 square feet. A 9.5 foot variance is requested from Section 278-3.D.(6) to construct an accessory storage barn with an overall height of 23.5 feet where the maximum permitted height for an accessory building is 14 feet. The subject property is 127,789 square feet in area and is located at 8 James Lane. The property is located in Residence Districts R-40 and R-80 and the Main Street Historic District. This project requires approval of the Design Review Board and is classified as an Unlisted Action in accordance with SEQR.

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: February 17, 2023 By Order of John L. McGuirk III, Chairman, Zoning Board of Appeals, Inc. Village of East Hampton 33-2/248

FILED
VILLAGE OF EAST HAMPTON, NY
DATE: 4/19/23

TIME: 2:25 pm
17060 Pamela J Bennett