

Zoning Board of Appeals
May 12, 2023
11:00 a.m.
LTV Studios
75 Industrial Road
Wainscott, NY

Those present were:

John L. McGuirk III, Chairman
Philip O'Connell, Member
Joseph B. Rose, Member
Andrew Baris, Member
Abigail Lamb FitzSimons, Alternate Member
Lisa Perillo, Village Attorney
Thomas Preiato, Village Building Inspector
Jonathan Tarbet, Attorney on behalf of Apaquogue 72 LLC
David Menelaws, Builder on behalf of Apaquogue 72 LLC
Trevor Darrell, Attorney on behalf of David and Jennifer Hammond
Leonard Ackerman, Attorney on behalf of CG85 LLC and Guild Hall of
East Hampton Inc.
James Grimes, Grimes Land Design on behalf of CG85 LLC
David Martins, Architect on behalf of CG85 LLC
Graham Rice, Architect on behalf of Guild Hall of East Hampton Inc.
Pamela J. Bennett, Village Clerk

MINUTES

Upon motion of Joseph B. Rose, duly seconded by Philip O'Connell, the minutes of **April 14, 2023**, were unanimously approved.

DETERMINATION

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

In the application of Gianfranco and Surbhi D'Attis, 16 Gould Street, Suffolk County Tax Map 301-1-1-12, to construct a new single-family residence, a detached garage, a swimming pool and accessory improvements is denied.

Philip O'Connell – Aye

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Joseph B. Rose – Aye
Andrew Baris – Aye

DETERMINATION

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

In the application of the East Hampton Historical Society, 8 James Lane, Suffolk County Tax Map #301-8-5-7, to construct an accessory storage barn is granted with conditions.

John L. McGuirk III – Aye
James H. McMullan – Excused
Philip O’Connell – Aye
Joseph B. Rose – Aye
Abigail FitzSimons – Aye

DETERMINATION

Joseph R. and Amy M. Perella – 43 Terbell Lane – SCTM #301-13-10-5

In the application of Joseph R. and Amy M. Perella, 43 Terbell Lane, Suffolk County Tax Map #301-13-10-5, to construct a driveway gate is granted.

John L. McGuirk III – Aye
James H. McMullan – Excused
Philip O’Connell – Aye
Joseph B. Rose – Aye
Abigail FitzSimons – Aye

DETERMINATION

Orion Properties II, LLC – 46 Further Lane – SCTM #301-9-6-10-5

In the application of Orion Properties II, LLC, 46 Further Lane, Suffolk County Tax Map #301-9-6-10.5, to legalize an a/c condenser unit is granted.

John L. McGuirk III – Aye
James H. McMullan – Excused
Philip O’Connell – Aye
Joseph B. Rose – Aye
Abigail FitzSimons – Aye

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ADJOURNMENT

50 East Hollow LLC – 50 East Hollow Road – SCTM #301-8-10-42

This application is adjourned until the June 9, 2023, meeting.

ADJOURNMENT

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

This application is adjourned until the June 9, 2023, meeting.

CONTINUED HEARING

Apaquogue 72 LLC – 72 Apaquogue Road – SCTM #301-12-6-9

Chairman McGuirk called the continued hearing to order at 11:03 a.m. and Joseph B. Rose recused himself from this application.

Jonathan Tarbet Esq. appeared on behalf of the applicant and, refreshing the Board's memory, stated that the owner is in the process of rebuilding the house historically accurate. There was a dormer on the front of the house 100 years ago and at one point there was a fire in the house and the dormer was not put back. The applicant now, as part of the historical renovation, is requesting a variance to put the dormer back which will be no higher than the original one and the story already exists; it is already habitable space but the dormer will create a little more headroom within the existing fourth floor.

Member O'Connell stated that when he recently drove past the project, the roof, on the right-hand side, appeared to have been taken off and asked what was happening.

David Menelaws, 69 Gould Street, East Hampton, duly sworn in by the Village Clerk, swore to tell the truth, the whole truth, and nothing but the truth. Mr. Menelaws stated that steel is called for in the plans so to get the steel into the house, they cut the roof, and lowered the steel into the house.

Mr. Tarbet stated that he cannot say that the neighbors are appeased because he did not speak to them, but the homeowner did and they are not in attendance, which is a good sign.

Upon motion of Philip O'Connell, duly seconded by Abigail FitzSimons, the Public Hearing was unanimously closed.

ORIGINAL HEARING

David and Jennifer Hammond – 11 Pondview Lane – SCTM #301-9-1-9.4

Chairman McGuirk called the hearing to order at 11:05 a.m. and the Public Notice, as duly published in the East Hampton Star, was read.

Application of David and Jennifer Hammond, SCTM #301-9-1-9.4, for an Area Variance from Chapter 278, Zoning, to allow coverage to exceed the maximum allowable limit. A 511 square foot variance is requested from Section 278-3.A.(9) to permit 8,533 square feet of coverage where the legally preexisting coverage is 8,373 square feet and zoning limits coverage on this property to 8,022 square feet. The subject property is 40,111 square feet in size, is situated at 11 Pondview Lane and is located in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR.

Trevor Darrell Esq. appeared on behalf of the applicant; no additional material was submitted into the record; no one appeared in opposition. Mr. Darrell stated that the applicant seeks a coverage variance and as referenced in Mr. Hajek's memorandum, the premises was granted a Certificate of Occupancy in 2019 and again in 2022, and as part of the interior renovation, the architect and applicant/owner thought adding a covered front porch would make a huge difference in the overall aesthetics of the front of the house. A front porch would meet with the character of the neighborhood. The property currently has a Certificate of Occupancy with 8,373 square feet of coverage but the maximum allowed under the Code currently is 8,022 square feet so the property is 351 square feet over at the existing time; the proposed relief is for 511 square feet in total but only 160 square feet of new coverage. Mr. Darrell stated that the new house across the street has a front porch as do many of the houses on the street. There is a large hedge in front of the applicant's property so it limits any impact that the porch may have on the overall view from the street.

Member O'Connell stated that what has been done is extensive; the applicant could have taken that into account and taken some of the coverage off one of the patios at the rear of the house. Mr. Darrell stated that he did

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have that conversation and the patios were already built when this came about for the front of the house; he spoke to the Village about picking up the cobblestone that is in the area between the house and the garage and was told that basically because it is part of the driveway, if it were removed it would not change the coverage so then you are really looking at the patios in the back. Member O'Connell stated that there are two patios.

Upon motion of Joseph B. Rose, duly seconded by Andrew Baris, the Public Hearing was unanimously closed.

ORIGINAL HEARING
CG85 LLC – 104 Georgica Close Road – SCTM #301-7-4-14.4

Chairman McGuirk called the hearing to order at 11:09 a.m., and the Public Notice, as duly published in the East Hampton Star, was read.

Application of CG85 LLC, SCTM#301-7-4-14.2, for a Wetlands Permit and Variances in accordance with Chapter 278, Zoning, and Chapter 163, Freshwater Wetlands, to make alterations to the existing residence, construct additions, reconstruct an existing tennis court, construct a swimming pool, pool house, sanitary system and drainage structures and remove phragmites. A Freshwater Wetlands Permit in accordance with Section 163-3 is requested to make alterations to an existing residence and construct an attached garage, construct a swimming pool, decking, covered patios, pool house and other accessory improvements and to cut phragmites using handheld tools and to revegetate with native vegetation. Section 278-3.A.(8) requires a 150-foot setback from wetlands for the construction of buildings and structures, the following improvements require variances from this provision: A 52.1 foot variance to install a septic system 147.9 feet from wetlands; A 101.8 foot variance to construct a swimming pool 48.2 feet from wetlands; A 103 foot variance to construct wooden decks with the nearest being located 47 feet from wetlands; An 88.5 foot and 5.9 foot variance to construct two outdoor kitchens located 61.5 feet and 144.1 feet from wetlands; A 86.9 foot variance to renovate and make alterations to an existing residence located 63.1 feet from wetlands; A 118.3 foot and 49 foot variance to construct two sets of steps to a tennis court located 31.7 feet and 101 feet from wetlands; A 48 foot and 6 foot variance to construct gravel and stone driveways 102 feet and 144 feet from wetlands; A 55.8 foot variance to construct a pool house with overhang and

pool equipment 104.2 feet from wetlands; and a 40 foot variance to construct stone walkways the nearest of which is located 110 feet from wetlands. A 1.2-foot variance is requested from Section 278-3.A.(4)(a) to renovate and make alterations to a residence located 69.8 feet from a front yard lot line where the required front yard setback is 70 feet. A 24.1-foot variance is requested from Section 278-3.A.(5)(a) to construct a pool house with roof overhang and pool equipment 49.9 feet from the front yard lot line where the required front yard setback is 75 feet. The subject property is 83,112 square feet in size and is located at 104 Georgica Close Road with frontage on Georgica Pond. The property is located in Residence District R-160 and this project is classified as a Type II Action in accordance with SEQR.

Leonard I. Ackerman Esq. appeared on behalf of the applicant; no additional material was submitted into the record; no one appeared in opposition. Mr. Ackerman stated that this property is located on Jones Cove, the house was built in the 70's, and over the last 10 years it has come under a tremendous amount of unimprovement and no maintenance. The neighbors on Jones Cove have been working to remove Phragmites to keep the health of the Pond and Jones Cove as healthy as possible as well as working with the Friends of Georgica Pond. The renovation and upgrading will significantly add to the health of Jones Cove and Georgica Pond. The house is within the wetlands jurisdiction. Mr. Ackerman, referring to Village Planner Hajek's email, stated that the applicant will adhere to Mr. Hajek's recommendations and that certain improvements to the plans have been accomplished to eliminate some of the variances. The house is preexisting nonconforming and there are going to be significant enhancements like decreasing wetlands coverage, upgrading the sanitary system, the setbacks for the pool and pool house have been pushed back, and there are no changes to the main house except a bump out of 381 square feet on the second floor to accommodate a slight expansion of the bedroom. The swimming pool is being made more conforming and the tennis court has reduced coverage. There is no more clearing, there is actually a decrease in coverage, nothing is getting closer to neighbors' properties. Mr. Ackerman stated that he sent the neighbors, who are on the wetlands' list, a note asking them to call if they have any questions. There is one letter from a neighbor which is contained in the file. There are obvious benefits to the Cove; there is no reasonable alternative; the maximum feasible setbacks are there for the benefits that are sought; and it is the same footprint for the main house,

pool house, tennis court and of course the mitigation is the sanitary system and the revegetation.

Member FitzSimons stated that the Board received plans initially and then received three additional sets of plans. Mr. Ackerman stated that he can explain. What happened is that the DEC requested that the applicant reduce coverage so a DEC variance would not be required so the footprint of the tennis court was reduced. Also, the plans were mislabeled identifying an outdoor kitchen, which obviously is not permitted, but are barbeques so that was corrected. Member FitzSimons asked if the revised plans eliminated any of the variances requested. Mr. Ackerman stated that it reduced them, yes, because it reduced coverage; it does not change the notice but ultimately what is going to be built is going to be less because the size of the court is reduced. Chairman McGuirk stated that Village Planner Hajek has in his report that the applicant will revegetate within six months. Member Rose stated that he would like a discussion about the landscaping treatment, the irrigation, and compliance with the regulations governing the Pond. Mr. Ackerman stated that Phragmites have been reduced but the Cove is closing up and the proposal will make a big difference, so it flushes out to the south. Member Rose asked for someone to speak to the landscape treatment and irrigation.

James Grimes, Grimes Land Design, duly sworn in by the Village Clerk, swore to tell the truth, the whole truth, and nothing but the truth. Mr. Grimes stated that the landscape plan was developed out of the observance of a violation. The applicant previously had permits but the permits had lapsed several years ago; it was observed that the Phragmites, as well as some of the herbaceous vegetation along the shoreline, had been cut back illegally and that is what prompted the Village Building Inspector to cite the property. A plan was developed, in accordance with Village Planner Hajek and Building Inspector Preiato, for the irrigation and re-restoration of the shoreline. Several years ago there was an extensive re-vegetation done when Mr. Nederlander owned the property, and, as Mr. Ackerman described, there was absolutely no care given to this wetland and the Phragmites started to make its way back into the property, interspersed with some of the native vegetation. What is being proposed is a more robust buffer than what was there originally; incorporated is some shrubby components to better define the wetland buffer, significantly more vegetation has been added to the area. None of the existing trees were

removed as part of the illegal operation so they are still there; the major woody component of the buffer is still very much in place and is healthy. What was done as part of Inter-Science's involvement are those trees were actually located and described on the survey so from a monitoring standpoint, it is very easy for the Village, in their capacity as an environmental oversight, and for the East Hampton Town Trustees in their capacity, to monitor the compliance issues here in the future.

Member Rose asked about irrigation and the Code restrictions. Mr. Grimes stated that they request temporary irrigation, above ground, for no more than two growing seasons at which point the native plants should be well established and that supplemental watering would no longer be required. Chairman McGuirk stated that the Board has allowed that in the past.

Member FitzSimons stated that when she visited the site, she noticed that the stairs on the southern border of the tennis court were inside the court. David Martins, 18 Midtown Road, Carle Place, New York, duly sworn in by the Village Clerk, swore to tell the truth, the whole truth, and nothing but the truth. Mr. Martins stated that currently the tennis court stairs are within the playing surface area and they are trying to remove that to get more room. Because there is a new two-foot-wide vegetated buffer around the interior of the tennis court, the playing area is getting smaller which is why the steps are no longer interior. The existing stair in the back will be rebuilt because it is dilapidated. Member FitzSimons questioned the need for the stairs to the south. Mr. Martins stated that in order to access the stair in the back, you have to go outside the property through a pool fence; the proposed stairs keeps the playing area all within the backyard without having to access another threshold into the front of the property; it is a secondary access versus in the back near the foul line; it is a more direct approach so it does not interrupt the play. Member FitzSimons questioned whether it was ever considered putting the stairs on the east side of the court so you would not need an additional variance. Mr. Martins stated that they could but that the grade is much more drastic and they are trying to be more mindful as to the coverage.

Upon motion of Joseph B. Rose, duly seconded by Andrew Baris, the Board unanimously closed the Public Hearing.

ORIGINAL HEARING

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

Chairman McGuirk called the hearing to order at 11:25 a.m., and the Public Notice, as duly published in the East Hampton Star, was read. John L. McGuirk III recused himself from this application and Philip O'Connell Chaired the hearing.

Application of Guild Hall of East Hampton, Inc. SCTM#301-8-5-3 for a Special Permit and Variances in accordance with Chapter 278, Zoning, to make alterations to an existing theater use and construct two additions. A Special Permit is requested in accordance with Section 278-7.D. to make alterations to the building and construct two additions in connection with the special permit use of the property. A variance is requested from Section 278-7.C.(2) to permit the alteration and construction of two additions to a building containing a nonconforming theater use located in a residential district. A 10-foot variance is requested from Section 278-3.A.(3)(a) to construct an approximately 55 square foot addition 40 feet from a front yard lot line where the required front yard setback is 50 feet. The property is 45,848 square feet in size and is located at 158 Main Street. The property is located in Residence District R-80 and the Main Street Historic District. This project requires approval of the Design Review Board and is classified as a Type II Action in accordance with SEQR.

Leonard I. Ackerman Esq. appeared on behalf of the applicant; no additional material was submitted into the record; no one appeared in opposition. Mr. Ackerman stated that this is a housekeeping event to bring Guild Hall to completion. In designing the stage curtain, it was discovered there was a need for a few more feet on either side in order to open the curtain to see the entire stage. This property is preexisting nonconforming and requires a Special Permit and an Area Variance.

Graham Rice, duly sworn in by the Village Clerk, swore to tell the truth, the whole truth, and nothing but the truth. Mr. Rice stated that the proposed additions, called doghouses or bump outs, allow the curtain to fully extend, which increases the view to the stage by about 20 percent, which is a significant improvement for performances. The bump outs also allow room for the addition of line sets, screens, lighting, and motors which operate the line sets. The ceiling is being moved up about eight feet; it is not additional square

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footage in terms of occupiable space just a modification of the envelope. Member Rose asked Mr. Rice to identify on the plans how it will look from the outside. Mr. Rice stated that the bump outs would match the white brick, are eight feet in height and are located off the first-floor roof but will be below the existing eave of the stagehouse. The bump outs are tucked in on the backside of the building and the octagon is rising up in front of them, so they are quite obscured. Member Rose asked what would be visible from Dunemere Lane. Mr. Rice showed Mr. Rose what would be visible. Chair Pro-Tem O'Connell stated that he went up on Guild Hall's roof and it is visible if you are looking for it but since it will be painted the same color as the building will blend in. Mr. Ackerman stated that this came as a complete surprise and they are trying to partially open for the summer and they need to have the stage working. Member Baris asked if it is being sacrificed to not bring the height all the way up. Mr. Rice stated that there are multiple designers on the project; the theatrical designer wants to do everything to make the theater work and the architect wants to make the most beautiful building. Initially the theatrical designer asked for more height, but they held it to the eave to limit the impact.

Upon motion of Joseph B. Rose, duly seconded by Andrew Baris, the Board unanimously closed the Public Hearing.

Upon motion of Joseph B. Rose, duly seconded by Andrew Baris, the Board unanimously adjourned the meeting at ~~9:33~~ a.m.

11:33

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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, May 12, 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 50 East Hollow LLC, SCTM#301-8-10-42, for Area Variances from Chapter 278, Zoning, to construct a tennis court and for coverage relief. A 417 square foot variance is required from Section 278-3.A.(9)(a) to permit 16,142 square feet of coverage where the maximum permitted coverage is 15,725 square feet. A 7.2-foot variance is required from Section 278-3.A.(5)(a) to construct a tennis court 47.8 feet from the front yard lot line where the required front yard setback is 55 feet. A 9.1-foot variance is required from Section 278-3.A.(5)(b) to construct a tennis court 30.9 feet from the side yard lot line where the required side yard setback is 40 feet. A variance is required from Section 278-3.A.(5)(d) to permit a pedestrian walkway 0 feet from a side yard lot line where the required setback is 3 feet. The subject property is 78,624 square feet in area and is located at 50 East Hollow Road in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR.

Application of David and Jennifer Hammond, SCTM #301-9-1-9.4, for an Area Variance from

Chapter 278, Zoning, to allow coverage to exceed the maximum allowable limit. A 511 square foot variance is requested from Section 278-3.A.(9) to permit 8,533 square feet of coverage where the legally preexisting coverage is 8,373 square feet and zoning limits coverage on this property to 8,022 square feet. The subject property is 40,111 square feet in size, is situated at 11 Pondview Lane and is located in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR.

Application of CG85 LLC, SCTM#301-7-4-14.2, for a Wetlands Permit and Variances in accordance with Chapter 278, Zoning, and Chapter 163, Freshwater Wetlands, to make alterations to the existing residence, construct additions, reconstruct an existing tennis court, construct a swimming pool, pool house, sanitary system and drainage structures and remove phragmites. A Freshwater Wetlands Permit in accordance with Section 163-3 is requested to make alterations to an existing residence and construct an attached garage, construct a swimming pool, decking, covered patios, pool house and other accessory improvements and to cut phragmites using handheld tools and to revegetate with native vegetation. Section 278-3.A.(8) requires a 150-foot setback from wetlands for the construction of buildings and structures, the following improvements require variances from this provision: A 52.1 foot variance to install a septic system 147.9 feet from wetlands; A 101.8 foot variance to construct a swimming pool 48.2 feet from wetlands; A 103 foot variance to construct wooden decks with the nearest being located 47 feet from wetlands;

An 88.5 foot and 5.9 foot variance to construct two outdoor kitchens located 61.5 feet and 144.1 feet from wetlands; A 86.9 foot variance to renovate and make alterations to an existing residence located 63.1 feet from wetlands; A 118.3 foot and 49 foot variance to construct two sets of steps to a tennis court located 31.7 feet and 101 feet from wetlands; A 48 foot and 6 foot variance to construct gravel and stone driveways 102 feet and 144 feet from wetlands; A 55.8 foot variance to construct a pool house with overhang and pool equipment 104.2 feet from wetlands; and a 40 foot variance to construct stone walkways the nearest of which is located 110 feet from wetlands. A 1.2-foot variance is requested from Section 278-3.A.(4)(a) to renovate and make alterations to a residence located 69.8 feet from a front yard lot line where the required front yard setback is 70 feet. A 24.1-foot variance is requested from Section 278-3.A.(5)(a) to construct a pool house with roof overhang and pool equipment 49.9 feet from the front yard lot line where the required front yard setback is 75 feet. The subject property is 83,112 square feet in size and is located at 104 Georgica Close Road with frontage on Georgica Pond. The property is located in Residence District R-160 and this project is classified as a Type II Action in accordance with SEQR.

Application of Guild Hall of East Hampton, Inc. SCTM#301-8-5-3 for a Special Permit and Variances in accordance with Chapter 278, Zoning, to make alterations to an existing theater use and construct two additions. A Special Permit is requested in accordance with Section 278-7.D. to make alterations to the building and construct

two additions in connection with the special permit use of the property. A variance is requested from Section 278-7.C.(2) to permit the alteration and construction of two additions to a building containing a nonconforming theater use located in a residential district. A 10-foot variance is requested from Section 278-3.A.(3)(a) to construct an approximately 55 square foot addition 40 feet from a front yard lot line where the required front yard setback is 50 feet. The property is 45,848 square feet in size and is located at 158 Main Street. The property is located in Residence District R-80 and the Main Street Historic District. This project requires approval of the Design Review Board and is classified as 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 21, 2023
By Order of John L. McGuirk III, Chairman
Zoning Board of Appeals Inc. Village of East Hampton
42-2/248

FILED
VILLAGE OF EAST HAMPTON, NY

DATE: 8/15/23

TIME: 12:41 PM

Pamela J. Bennett

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