

Zoning Board of Appeals

July 14, 2023

11:00 a.m.

LTV Studios

75 Industrial Road

Wainscott, NY

Those present were:

John L. McGuirk III, Chairman

James H. McMullan, Vice Chairman

Philip O'Connell, Member

Joseph B. Rose, Member

Andrew Baris, Member

Abigail Lamb FitzSimons, Alternate Member

Lisa Perillo, Village Attorney

Billy Hajek, Village Planner

Thomas Preiato, Village Building Inspector

Alexander Balsam, Attorney on behalf of the Jewish Center of the Hamptons

Arthur Malman, Member of the Board of Trustees of the Jewish Center of the Hamptons

Jameson McWilliams, Attorney on behalf of Debbie Buell and Charles Henry and Madelaine Haberman and Michael Sprung

Bonnie Schnitta, SoundSense on behalf of Debbie Buell and Charles Henry and Madelaine Haberman and Michael Sprung

Michael Brody, Crescendo Designs on behalf of the Jewish Center of the Hamptons

Debbie Buell, 22 Borden Lane, Neighbor of the Jewish Center of the Hamptons

Richard Whalen, Attorney on behalf of the Maidstone Club, Inc.

Linda Brandi, Present of the Maidstone Club, Inc.

Ken Koch, General Manager of the Maidstone Club, Inc.

Tony Panza, Architect, Rogers McCagg, on behalf of the Maidstone Club, Inc.

Martha Reichert, Attorney on behalf of Huntting Hospitality LLC

Sheila Anderson, General Manager, Huntting Hospitality LLC

Edward Burke Jr., Co-Counsel on behalf of Huntting Hospitality LLC

Daniel Terebelo, Advantage Architecture on behalf of Huntting Hospitality LLC

Lisa Dortch, 26 Davids Lane, Neighbor of Huntting Hospitality LLC

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Frank Morgan, 102 Main Street, Neighbor of Huntting Hospitality LLC
Joseph Bell, Village Resident
Thomas J. Osborne, Attorney on behalf of 23 East Dune Lane LLC and East Dune Lane Corp.
Leonard I. Ackerman, Attorney on behalf of West End Partners II, LLC, West End Partners, LLC, and Peter and Siri Burki
Pamela J. Bennett, Clerk

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

Chairman McGuirk asked Building Inspector Thomas Preiato to brief the Board on the request for an extension of time. Mr. Preiato stated that the applicant is requesting an extension of time of a determination issued by the Board. The Zoning Code has not changed since the Board issued the determination and in situations like this, it is a win, win situation; this is a building already in existence which is going to be converted into an accessory dwelling and the benefit is that both the house and the accessory dwelling unit will have the new I/A septic system. Chairman McGuirk noted that this is a request for a six-month extension of time.

Upon motion of Joseph B. Rose, duly seconded by James H. McMullan, the Board unanimously resolved to grant a six-month extension of time of their determination filed August 17, 2022.

John L. McGuirk III – aye
James H. McMullan – aye
Philip O’Connell – aye
Joseph B. Rose – aye

DETERMINATION
Nichols Ocean LLC – terminus of Nichols Lane – SCTM #301-13-11-12

Upon motion of Joseph B. Rose, duly seconded by James H. McMullan, the request to legalize the enlargement of a deck is approved.

John L. McGuirk III – aye
James H. McMullan – aye
Philip O’Connell – aye

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Joseph B. Rose – aye

ADJOURNMENTS

Skylight East LLC – 94 Apaquogue Road – SCTM #301-12-5-10

Mark K. Webb – 123 Egypt Lane – SCTM #301-9-1-6

Chairman McGuirk stated that both these applications have been adjourned until August 11, 2023.

CONTINUED HEARING

Russell J. DiGate and Noreen R. Sharpe – 7 Sherrill Road – SCTM #301-1-4-16

Chairman McGuirk stated that the applicant has submitted the requested affidavit statement that his two neighbors have no objection to the application.

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

CONTINUED HEARING

Jewish Center of the Hamptons – 44 Woods Lane – SCTM #301-7-6-46

Vice Chairman McMullan called the hearing to order at 11:03 a.m. John L. McGuirk III and Joseph B. Rose have recused. Vice Chairman McMullan stated that the hearing was kept open for the submission of the written material that was presented at the last meeting.

Alexander Balsam Esq. appeared on behalf of the applicant and stated that since the last meeting Mike Brody's presentation has been submitted; further details on the lighting plan have been submitted; details and cutsheets of the pavilion lighting itself have been submitted; also submitted is a sound map to show the sound as it decreases over distance; and additional letters of support have been submitted. Mr. Balsam stated that he wants to highlight the fairly minor changes since the last meeting; the Rabbi will now speak from the west side of the pavilion out with the grove to his back, facing east, which changed the number of speakers; 14 speakers instead of 17 as well as their orientation. Mr. Balsam stated that the number of lights, 92 lights are proposed with 14-watt bulbs pointed directly down and are set to provide 20-to-25 foot candles at 30 inches off the ground to illuminate the prayer books when sitting.

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Mr. Balsam stated that plans were set in motion at the last meeting to meet with some of the Borden Lane neighbors and this past Wednesday he met with Jameson McWilliams, Debbie Buell, and Michael Sprung. Instead of arguing the points of SoundSense's recent submission of the math or science behind it, what was done was we are going to use SoundSense's math, offer to bring the decibel max from 95, which was offered at the last meeting, to 85, and the map that Walbridge generated shows the sound emanating out using SoundSense's table for calculating and gets the applicant to reasonable points. Using the math of 304 feet, which is the property line of the Borden Lane neighbors, gets us to 53 decibels which happens to be the background decibels that SoundSense calculated at the property line and 384 feet at the residence to 50 decibels which is below the ambient background noise. At 85 decibels it more than gets it done to alleviate any reasonable concerns here. Mr. Balsam stated that he understands that there are other concerns about the possibility of weddings and obviously that might happen at some point, they are not ruling out any nonreligious celebrations. Just as the Jewish Center has protections from all the Borden Lane and other adjoining neighbors from events, the neighbors have the same protections, namely filing a special gathering permit for any non-religious celebration which they acknowledge would include weddings, bar mitzvahs, bat mitzvah celebrations.

Member O'Connell asked if there a reason that the applicant would not covenant the use of the pavilion for religious services and educational programs. Mr. Balsam stated that he does not find that to be a fair ask; they are not asking the Borden Lane neighbors to say well you cannot have a wedding on your property. Any wedding celebration that the Jewish Center does have is going to have to go for that permit; if there is a history of a lot of noisy celebrations, they are not going to get a permit. If every time the Jewish Center has a celebration and the neighbors call and have a legitimate complaint, the Village will take a hard look at any of the gathering permits particularly in terms of frequency. The Jewish Center has offered to send to their neighbors their calendar of events, most of which are not going to be noisy, but they will know when there are planned gatherings. Any time the Jewish Center applies for a Special Event Permit they will reach out to the Borden Lane neighbors and let them know and what the date will be so they will have a heads up; the Rabbi has shared his cell phone number with the

neighbors. Mr. Balsam stated that he would like to have Mr. Brody address the 85-decibel max. Member O'Connell asked about parking safety which was brought up by several of the neighbors and asked if that has been addressed; are there any thoughts when there are large celebrations that you have a parking attendant so the neighbors' driveways do not get blocked; is there any thought about using grass pavers since there is a lot of space in the front yard.

Mr. Balsam stated that currently there are parking attendants for large events but the pavilion will not generate more people on the premises. Member O'Connell stated that it is not known if it might generate more people. Mr. Balsam stated that he does not believe there will be any more members because of the ability to have outdoor services. Member O'Connell stated that more people may attend, there may be more educational events so it cannot be said for certain it will not generate more people. Mr. Balsam stated that for any bigger events parking is addressed.

Arthur Malman, a member of the Board of Trustees of the Jewish Center, 99 Georgica Close Road, East Hampton, duly sworn in by the Village Clerk, swore to tell the truth, the whole truth, and nothing but the truth. Mr. Malman stated that the Jewish Center does have big events which are on major holidays. Describing the parking, there are several ingresses for parking off the street and the biggest one is that the Jewish Center owns 30 Woods Lane and you can park, unknown as to the exact number, but a lot of cars in that area. Also, as you look to the left of the Jewish Center, there is a big grass field, when the tent is there, you cannot park cars but there is also ingress there which is a shared ingress, and if the Jewish Center were using the pavilion rather than having a high holidays tent, they can park cars there. There is room for hundreds of cars to park in those areas. They also have an arrangement with the Village for some of the high holidays where people park at the beach and are shuttled back and forth; that is not used very much as can they pretty much handle all the cars.

Member FitzSimons asked if the neighbors from Woods Lane, who appeared at the last meeting and were concerned about parking, were invited to the meeting that the applicant had on Wednesday. Mr. Balsam said no, that their talks had only been with Jameson McWilliams and her clients.

Vice Chairman McMullan asked that anyone speaking add only new information and not repeat old information from last month to keep the meeting moving.

Jameson McWilliams Esq. appeared and stated that she and her clients met with the Jewish Center this past Wednesday to have this all worked out where the neighbors are not adversely impacted by lighting and sound. The neighbors did receive the Rabbi's cell phone number and will be added to the email blast so they are aware of the regularly scheduled events. With reference to the 85-decibel level, the neighbors, Bonnie Schnitta, and Mike Brody had discussed an 80-decibel level so there might be a miscommunication. The special event question still exists and is not sure the neighbors will be comfortable because the Village does not have a Code provision for a specific decibel. If the Board does not limit the number of special events per calendar year, or Memorial Day through Labor Day, or using only the in-house speakers, not only during the religious ceremonies but the celebration of the reception after, if there is going to be live music and DJs and things like that and if this beautiful outdoor space that may attract more events or not if it is every weekend all summer every year in perpetuity. The neighbors would like to hash it out now so that they are not just stuck.

Bonnie Schnitta, 39 Industrial Road, Unit 6, Wainscott, duly sworn in by the Village Clerk, swore to tell the truth, the whole truth, and nothing but the truth. Dr. Schnitta submitted her Curriculum Vitae for the record. In determining whether noise levels can be addressed, Dr. Schnitta stated that they use an estimator and then a complicated sound plan analysis to determine exactly what needs to be done and in what frequencies. The neighbors are not asking for inaudibility but they are asking that they not be disturbed and there is criteria which will let you know best what that disturbance would be which is so many dB above background. The daytime readings, the LEQ, which is the average, and the L90 has to do with whether or not you are going to be disturbed by something. The 53 that was referenced was the LEQ, the average, but the L90 which is what is looked at in terms of something being a disturbance, that was closer to 40 daytime. Dr. Schnitta stated that from experience typically anywhere from 4 to 8 points are dropped between daytime noise levels and nighttime. So, using that as a criteria, it is 80 dB using the estimator with physics, Dr. Schnitta strongly believes they should be given more

time now that there is a better idea what speakers are being used to do the proper analysis. So, the concerns are anomalies, speech intelligibility, and reverberation amplification. Dr. Schnitta stated that in her years involved in applications such as this, there is usually a very strong criteria specific to how many events and what is the level that is going to be acceptable. In conclusion, the Jewish Center, working with Crescendo Designs, with the proper analysis you can easily come up with a great agreement that allows the Jewish Center to enjoy this wonderful design and space but is deeply worried about special events.

Vice Chairman McMullan asked how much do buildings, trees and landscaping affect the decibel numbers. Dr. Schnitta stated that due to the proximity to the ocean, there is a certain time of day, certain conditions where the waves of sound will be bent up and then down. When she saw the number of speakers and then saw 95 dB and then popped it in the estimator, the buildings make it a big thing. Member FitzSimons stated that the Jewish Center also offered to limit the use of base and asked if that is helpful. Dr. Schnitta stated that that is one of the major things that needs to be done. Member O'Connell asked if 85 is the real number because reading the report it seems like if you have a number of speakers, it takes the 85 and elevates it to a higher number. Dr. Schnitta stated that the less number of speakers in an adjusted position.

Michael Brody, 93 Evergreen Avenue, East Moriches, New York, duly sworn in by the Village Clerk, swore to tell the truth, the whole truth, and nothing but the truth. Mr. Brody stated that a couple of changes have been made since the last meeting and that is a result of listening to the neighbors on Borden Lane and meeting with SoundSense. The position of the speakers on the pavilion have been changed so they would fire toward the building instead of firing out on the walkway. There is no math formula but if you stand behind a speaker in different locations, you will hear it differently, it is going to have different drops of sound. Mr. Brody stated that he believes this would help decrease some of the noise pollution that radiates from the sound. The speaker count has been adjusted to 14 as discussed at the last meeting; with that quantity equally surrounding the listeners, the volume can be kept as low as possible but allow them to hear the Rabbi or music. The maximum decibel level has been reduced of all the speakers to 80 decibels at 12 feet from the

speaker following the tables that Dr. Schnitta presented; 80 is the decibel level that would be 12 feet below the speakers and then sound radiates from there. Mr. Brody stated that the maximum volume that can be produced from all the speakers, 12 feet below, is 80 decibels. Member O'Connell asked about the output from the speaker, is it at 80 or is it at 85. Mr. Brody stated that the speaker output, which they are changing how it is said, following Dr. Schnitta's method of measuring the speaker at the 12-foot reference point, so if you refer to her presentation, you will see that she shows her target level to start at 12 feet from the speaker. The electronics is what is going to control the speakers which allows the creation of a limit, to set the decibel limit, using a decibel meter and then the amplifier to stop it at that 80 decibels. That product also is what is letting us adjust the frequency and capping that frequency. The only people that can adjust this is an audio video company. The Jewish Center of the Hamptons cannot go in here and crank it up. This is going to be a stated maximum level that these speakers can play. Mr. Brody stated that they have created a predictive map of sound and on that map, you will see that it is noted at the 80 decibels level A-weighted 12 feet from the reference target. The electronics is what is going to control the speakers; it allows for a limit to set the decibel limit, we will be using a decibel reader and using the amplifier to stop it and cap it at that 80 decibels. The product lets someone adjust the frequency and cap the frequency; the only people that can adjust this is an audio video company, the Jewish Center of the Hamptons cannot go in and crank it up so this will be a stated maximum level that the speakers can play. The other thing has been done, as asked by the Board, was a predicted map of sound, and on that map, it is noted at the 80 decibels level A-weighted from the reference target. Mr. Brody stated that Dr. Schnitta had a table 1 decibel change of zero to three which is barely perceptible, sound level increase between zero and three decibels has no need for mitigation because it is barely perceptible. Leq at the front of the Buell residence is 53 decibels, Mr. Brody stated that he thought this was an important number to keep in mind. The updated map at 80 decibels, 12 feet from the referenced target using the inverse square law shows at 300 feet, we are measuring decibels, they should be 53 which matches the leq. At that level it would not be annoying or noticeable to the property owners. Mr. Brody stated that what has not been taken into account is the angle of the speakers being fired down in the pavilion or have taken into account that there are going to be people under the pavilion when the speakers are played. This is important because people are an

absorber of sound; the speakers will be used only when there is some type of service or event where there will be people to absorb some of the sound; the angle with the direction going toward the Jewish Center instead of over the lawn, and then there is also something in terms of landscaping. Mr. Brody concluded by saying that looking at the map it looks like the applicant has met the conditions set forth but reminded everyone that this is a maximum number; the reality of the decibel level that they will be using to hear somebody speak clearly underneath the pavilion is likely much lower than these levels. The speakers are not used 24/7, they are just used for events that they have and they are also not designed to be used for weddings or anything of that nature. It should be a simple audio system used to listen to a speech; we would cap the limit at a maximum level; we cap the frequency so it reduces the annoying sound and the goal is to not only keep the Jewish Center of the Hamptons happy so that they can use their facility but also the neighbors on Borden Lane happy.

Debbie Buell, 22 Borden Lane, East Hampton, duly sworn in by the Village Clerk, swore to tell the truth, the whole truth, and nothing but the truth. Ms. Buell stated that there has been a lot of information submitted within the last 24 hours; when appearing on June 9th it was the first time there was a substantive presentation on the noise factor and there was a lot of discussion at that hearing of 80 decibels but when she received the power point, she saw that it was 95 and she asked her consultant to analyze the 95 number. Yesterday there was an 85-decibel proposal and now today she is hearing about 80. Ms. Buell stated that she understands the applicant wants closure but it is a complicated issue, it is one that will affect the neighborhood for years to come and believes time should be taken to get it right. Ms. Buell stated that one of the things that the neighbors are interested in, in addition to understanding the decibel limit, is how the decibel limit is programmed; it is one thing to know what the limit should be but then how will it be programmed. The other open issue is how the Special Events would be handled; the Jewish Center would be in a very different place if she applied for a Special Event permit because she does not have a 3,000 square foot open pavilion that can accommodate up to 250 or 300 people. It just deserves more deliberation and more conversation to get to an agreement that hopefully would be satisfactory to the Board.

Vice Chairman McMullan suggested that the hearing be left open. Member O'Connell agreed hoping that the applicant and the neighbors can make progress to see if there is still some difference 80 decibels, the maximum, and the maximum level 12 feet out because they are much different than a neighbor be unlikely a neighbor would have five special events over the course of a summer where you have a large congregation that multiple people could be requesting to have special events some sort of limiting number of special events from Memorial Day to Labor Day.

The hearing was adjourned until August 11, 2023.

ORIGINAL HEARING

Maidstone Club Inc. – 50 Old Beach Lane – SCTM #301-9-5-22

Chairman McGuirk called the hearing to order at 11:59 a.m., and the Public Notice, as duly published in the East Hampton Star, was read.

Application of Maidstone Club Inc., SCTM#301-9-5-22, for a Special Permit in accordance with Chapter 278, Zoning. A Special Permit is requested pursuant to Section 278-7.D.(1)(b) to make structural alterations to the existing building, construct 5,531 square foot building additions and to construct 2,425 square feet of terraces. The property is 39.163 acres in size, is located in Residence District R-160, contains a special permit use identified as the Maidstone Club and requires approval of the Design Review Board. The property fronts on the Atlantic Ocean and is classified as an Unlisted Action in accordance with SEQR.

Richard Whalen Esq. appeared on behalf of the applicant; no additional material was submitted into the record; no one appeared in opposition. Mr. Whalen stated that the President of the Maidstone Club, Linda Brandi, is in attendance as well as Ken Koch, the General Manager of the Club, and Tony Panza, from Rogers McCagg, who is the architect. This is an application for a Special Permit pursuant to Village Code Section 278-7.D because the Maidstone Club is considered to be a membership club devoted to outdoor sports in a residential zone. The clubhouse building was built in 1923-24 and there were two original clubhouses that were located on Maidstone Lane off James Lane. Originally the Maidstone Club had its clubhouse in the center of the Village and

after a fire, the second clubhouse was moved to the ocean site where it is located right now. The clubhouse has remained largely unchanged since that time. A fire in 1974 burned the western part of the building which was then redesigned; one of the goals in this proposal is to make alterations that will make the building look more compatible with how it was pre 1974. There are a series of interior and exterior changes to the building; the interior changes do not concern the Board except insofar as they have an external impact on the structure. The project will not change the membership nor will there be an increase in staff or the number of employees as a result of the project.

The structure is a three-story building, there will be no changes at the third story level, all the changes will be to the first or second floor. The main kitchen is on the first floor of the club, more than 90 percent of the food and beverages that are served or consumed are served or consumed on the second floor; the staff has to run up and down the stairs to the dining areas on the second floor. The main kitchen will be moved to the second floor, there are two employee bedrooms on the second floor that will be taken over, and then there will be a small addition on that level which will basically be invisible unless you are right up to the south side of the club building. There are, at the first floor level, the removal of the kitchen area which will open up space that can be used for the staff breakroom/lunchroom area and also for storage and lockers for the staff. There will be an addition built out to the south to accommodate some of the additional staff lockers, a dining room for them, and back-of-the-house storage. The lower level actually goes to grade on the south side so that extension is essentially underground although it is at the first-floor level. There will be a terrace that will be built outside, above that there is a dining room at the second floor that will now have an outside terrace. Administrative offices for the building at the southwest corner will be enlarged, some of which will be below grade. Probably the most notable external change will be the western end of the building at the first-floor level there is a women's lounge locker room area that will be rebuilt, there will be a basement built below, about 2,200 square feet of basement, and that area, the lounge locker room area for the women, will extend westward for about seven feet. Above that there will be a new outdoor terrace area, there is an outdoor terrace there right now at the second-floor level with an awning above it. The awning will be replaced, it will still be outdoor space, but there will be a fixed roof above which is similar to the way the building was designed prior to the 1974 fire. The western end of

the building, first and second floor levels, will move westward by seven feet, and there is a little outdoor patio on the western side of that which will be moved westward in accordance with the change above. The entrance to the Maidstone Club is on the north side of the building and that entrance will be moved slightly and there will be some change to the window treatments that are on the north side of the building. These are largely cosmetic changes which will be compatible with the design and architecture of the Maidstone Club building. The gross floor area of the ground floor/first floor will increase by 2,546 square feet, the second floor GFA will increase by 875 square feet, and there will be no changes to the third-floor level. The existing gross floor area is 31,920 square feet; 16,970 on the first floor, 12,670 square feet on the second floor, and 2,208 square feet on the third floor. The basement beneath the women's locker room will be 2,110 square feet in size. The total terrace area at the second-floor level will increase from 1,825 square feet to 4,250 square feet so that is a terrace increase of 2,425 square feet.

In compliance with Village Zoning regulations, there are no variances involved; coverage will increase by 0.149 percent; with the additions, coverage will be 16.4 percent where permitted coverage is up to 20 percent on the property. The applicable side yard setbacks, the nearest yard setback will be on the western side yard where the side yard requirement is 55 feet and the westward extension of the building, the building will come to within 230 feet from the western property line where the zoning requirement is 55 feet.

Chairman McGuirk noted for the record that the Board has received letters in support of the application.

Mr. Whalen stated that in issuing a special permit, the ZBA is required to ensure that the use will not prevent the orderly and reasonable use of adjacent properties or properties in adjacent use districts; that the project will not prevent the orderly and reasonable use or permitted or legally established uses in the district where the property is located; and finally that the project will not adversely affect the safety, health, welfare, comfort, convenience or order of the Village and that the proposal will be in harmony with the general purposes of the Village Code and the Village Comprehensive Plan. Mr. Whalen suggested that the project will, in all respects, comply with the Special Permit standards; there will be no increase in either the Club membership or the number of

employees when the work is done, and there will be no overall increase in vehicle traffic associated with the Club. In terms of zoning compliance, the Club is well within compliance. The Maidstone Club has used this particular site as its clubhouse now for about 100 years and there will be no basic change in how that operates. Mr. Whalen stated that the Maidstone Club meets the Special Permit standards and hopes for the Board's approval.

Chairman McGuirk noted that the applicant will be upgrading their septic system. Mr. Whalen stated that there will be an upgrade of the septic system to the new I/A system and the Club is also installing a geothermal system to make some of the heating/cooling more efficient. Member O'Connell asked if all the septic systems will be upgraded. Mr. Whalen referred that question to the applicant's architect, Tony Panza.

Tony Panza, 29 Turtle Pond Road, Southampton, New York, duly sworn in by the Village Clerk, swore to tell the truth, the whole truth, and nothing but the truth. Mr. Panza stated that there are two septic systems that serve the main clubhouse, one for the north, one for the south and the one for the south is generally for kitchen waste and that one will be upgraded and the one to the north will also be upgraded with an I/A system. Member Rose stated that the upgrading of the septic systems, in addition to the improvements to the Club, is a great asset to the environment.

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

CONTINUED HEARING
WITH
NEW PUBLIC HEARING NOTICE
Hunting Hospitality LLC – 94 Main Street – SCTM #301-3-8-1

Chairman McGuirk called the hearing to order at 12:13 p.m., and the Public Notice, as duly published in the East Hampton Star, was read.

Application of Hunting Hospitality LLC, SCTM#301-3-8-1 for Variances in accordance with Chapter 278, Zoning, to construct additions and legalize alterations to a preexisting nonconforming use, construct a swimming pool,

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construct porches and other accessory improvements. Variances from Sections 278-1.B.(1)(a) and 278-1.B.(2)(c) are required for the extension and enlargement and to make alterations to a nonconforming use where the extension or expansion of a nonconforming use is prohibited, including the construction of a swimming pool and patio, covered porch, ADA access ramp, a three-story addition, and to legalize interior alterations. A 24,179 square foot variance is requested from Section 278-3.A.(9) to permit 41,854 square feet of coverage where 17,675 square feet is the maximum permitted. Existing coverage is 41,112 square feet. A 4,844 square foot variance is requested from Section 278-3.A.(13) to construct 554 square feet of additions totaling 14,844 square feet of gross floor area where the maximum permitted gross floor area is 10,000 square feet. Variances are requested from Sections 278-3.B.(2)(a) and (b) to construct an addition with a roof, classified as a flat roof, where it appears more than 15% of the roof surface qualifies as a flat roof. A variance is required from Sections 278-2.B.(1) and 278-3.B.(3) to expand the third story of a building where buildings are limited to a maximum of two stories. A 9.6-foot variance is required from Section 278-3.E.(11) to locate a shed 40.4 feet from a rear yard lot line where the required transitional setback is 50 feet. The property is 88,376 square feet in size and is located at 94 Main Street. The property is located in Residence Districts R-80 and R-40 and the Main Street Historic District and is a contributing property to the East Hampton Historic District. This project requires approval of the Design Review Board and is classified as an Unlisted Action in accordance with SEQR.

Member Rose asked Village Attorney Perillo to review the criteria for evaluation of the application because it is different from the standard variance. Village Attorney Perillo stated that a use variance has a completely different standard than the area variance which is a high standard where you have to show unnecessary hardship. The showing that is required is that the applicant cannot realize a return, and it has to be substantiated by financial evidence, and that return has to be measured against every permissible use in the district. Also, the alleged hardship has to be a unique one to this property that means that a substantial number of other properties in the same district and neighborhood are not affected by the same circumstances. If the variance is granted, there has to be a showing that that variance will not alter the essential nature of the district or neighborhood and finally there has to be a showing

that the alleged hardship is not self-created, that is one of the dispositive factors.

Martha Reichert Esq., appearing on behalf of the applicant, clarified that the applicant is not applying for a use variance or required to; this is an area variance application. Ms. Reichert stated that this is the first hearing under this current hearing notice, the application has been before the Board previously and over the course of that time, they have listened to the Board's comments, listened to the neighbors' comments, and redesigned the project to the point where they have reduced their proposed overall coverage variance request by 50 percent. The coverage variance appears to be substantial because of the existing parking lot, but, in reality, the change to coverage is 764 square feet which is a change of one percent; same with the GFA, the building, which is historic, is characterized, as many of the buildings on Huntting Lane and the Main Street Historic District, as exceeding the maximum stories and also being above current modern GFA. This Board has dealt with that numerous times with the properties on Huntting Lane where they recognize these historic structures are commonplace to be bigger, have three stories, etc. The GFA variance is only for 555 square feet and that is to accommodate the addition of an elevator which is spread across all three floors.

Ms. Reichert stated that the proposed improvements, many of them are to bring the Huntting Inn into ADA compliance, are mandated, there is no exception for historic structures and what is proposed, in keeping with the design standards for the Historic District, the improvements are all located at the rear of the structure, they will not be visible from Main Street, they will not be visible from Huntting Lane, and given the 50 foot wide vegetative buffer that is proposed, it will not be visible from neighboring properties or from Davids Lane. Two ADA parking spaces, which will be adjacent to an ADA pathway, ADA compliance requires you to put your spots closest to the building and while there are a number of preexisting ADA spaces, given this new path for travel, these two new spots will enable someone who parks in that spot to then use the walkway which leads to a ramp that is covered, and brings you into the first floor of the building. There are currently no entrances in the building that do not have stairs. Once you enter through what is proposed as the new first floor area, there is an ADA compliant bathroom immediately adjacent to the entrance and an ADA compliant elevator which can take guests to the rooms on

the second and third floors. On the second floor there is an ADA suite that is immediately adjacent to the elevator which is a fully compliant mobility room meaning that someone in a wheelchair can be rolled into a shower. Although not within the purview of the Board, the plans also show that two seats at the bar have been made ADA compliant by lowering the bar so it meets the accessibility standards; there is also no change in occupancy of the rooms. With respect to the Inn's nonconforming use, it is not being expanded. The proposed improvements will modernize the establishment and bring Federally mandated accessibility to the Inn for the very first time and for the restaurant patrons with respect to access to the building.

With reference to the exterior, which has been established in prior filings, New York State Courts hold that a preexisting nonconforming use is entitled to its customary accessory uses. What is proposed is a swimming pool that meets the 50-foot transitional yard, again, an ADA compliant pervious paver patio and that is the source of the coverage variance. One of the reasons for the selection of the pervious paver patio is because it is ADA compliant for anyone who wants to use the pool, the pool itself will be a roll in pool so anyone who is ability impaired can use a ramp to walk in or in a wheelchair to be wheeled in. The previously proposed cabanas have been eliminated. Ms. Reichert stated that she is joined by her Co-Counsel Edward Burke Jr., architect Daniel Terebelo, and the Inn's General Manager Sheila Anderson.

Ms. Reichert stated that the application has been amended by reducing the requested coverage by 50 percent, the pool patio and the pool have been reconfigured to achieve the 50-foot transitional yard setback which is designed to address concerns for protection of light, air, noise, etc. when a commercial use abuts a residential district. What is needed for the transitional yard relief is a pool compliant barrier and fencing within the transitional yard regulations and a relocated shed which will be in the transitional yard, it is 40 feet from the rear yard so it needs a transitional yard variance of 10 feet. With respect to the swimming pool and response to the concerns of the neighbors, the applicant is offering to covenant the hours of operation from 10 am to sunset, there will be no amplified music, outdoor illumination will be limited to that which is required under the Village Code or any other regulatory Code for the minimum amounts of safety, it is all dark sky compliant and also proposed is a retractable pool cover so that at night when the pool is no longer available for guests, it will

not produce any outdoor illumination that can potentially bother the neighbors. The pool will also be buffered by a 50-foot-wide vegetative buffer, the Code only requires 20 feet, but the applicant felt that they wanted to protect the interest of the neighbors, and finally they are reducing the nonconformity on the property, there is a brick terrace previously discussed by Mr. Morgan at one of the past hearings about noise coming from that brick terrace. The brick terrace is being eliminated so there will not be an area for hotel guests to congregate adjacent to Mr. Morgan's preexisting nonconforming garage with an apartment which is one foot from the property line.

Member O'Connell asked if the property can be made ADA compliant without adding the swimming pool. Ms. Reichert said yes but in establishing the desire to have an accessory structure, the applicant would like to offer that amenity but also feels it becomes part and parcel with providing ADA amenities to their clients. Everyone loves the ocean but once you have mobility impairment, getting to the beach and especially getting to the ocean water is not necessarily always feasible. Even the Village's beaches, in their attempts to create ADA access, the mobi-mat only goes halfway down the beach, it is only one beach, only one beach has a beach wheelchair and how do you actually get to the water. The applicant's pool will not have year-round use even though the Inn is a year-round establishment. There is always the possibility of a preexisting nonconforming commercial use to then be converted to a residence. There is an example on Huntting Lane of the former nursing home, 29 Huntting Lane, which was reconverted back to a residence; this Board had to grant variances to reinstate the residential use on the third floor of that building because the nursing home had abandoned it; if the applicant's property should become a conforming residential use within its district, none of these variances would be needed. In fact, the swimming pool would have a required setback of only 40 feet as opposed to 50 feet and no requirement for a vegetative buffer. In looking at some of the prior variances that have been granted by the Board and the neighborhood, again, they are residential properties, but it speaks to the character of the community. 26 Davids Lane received a variance in 1999 for GFA for an accessory structure to allow a preexisting nonconforming garage to add a second-floor addition to a design studio bringing the GFA up to 1,192 square feet; their swimming pool is now preexisting nonconforming with respect to setbacks, the applicant is meeting the setbacks for a swimming pool. 14 Huntting Lane received a coverage variance for a swimming pool and what

the Board looked very favorably upon was the fact that the applicant re-located the pool to the rear yard in conformance with the Design Guidelines for the Historic District which the applicant has accomplished, they reduced the size of their pool but they did not need a coverage for their swimming pool. In 2020, 29 Huntting Lane received a 660 square foot coverage variance for at-grade improvements, they also received a 291 square foot GFA variance for an addition and to reinstate the residential use on the third story of the home. 19 Huntting Lane in October 28, 2011 received a 422 square foot variance for lot coverage and a 65 square foot GFA variance with similar circumstances with a house exceeding the number of stories. Ms. Reichert stated that the Board, when dealing with historic properties, there is a little bit of a shift in how the Board would approach newer construction because when you deal with historic neighborhoods and properties, a lot of what makes the property historic is requests that would not be allowed under modern zoning so this Board has always looked at how do you preserve the character of the community and that is really something that design guidelines speak toward. Ms. Reichert submitted into the record an aerial photo showing swimming pools in the neighborhood. Chairman McGuirk pointed out that it is only one family to a pool. Ms. Reichert stated that the Baker House, which is a preexisting nonconforming Inn, in the Main Street Historic District, in the same Zoning District, has a pool and was done prior to some of the changes to the Village Code that would have required them to come in for a variance but does not believe it is an issue for the neighborhood as there are no notices of violation or complaints.

Member Rose stated that the reason he asked for clarification of the application is to see if it is a variance to permit an accessory use or an accessory structure of a nonconforming commercial use. The argument as presented is that a swimming pool for the use of the guests is not a reasonable accessory, anticipated accessory amenity for a hotel. Member Rose questioned the nature of the use noting that this is a much-improved application, is this anticipated as an amenity for the hotel guests or is this an entertainment space. Ms. Reichert stated that this is an amenity for the hotel guests only; it will have a full compliant barrier and once evening hits, it will not be accessible because of the retractable cover, no extra illumination, covenanted hours, no amplified music outside. Ms. Reichert stated that in some ways they are reducing areas where hotel guests could have congregated if it remained just lawn. In terms of the

neighbors' concerns, they are getting the 50 foot wide vegetative buffer which is in excess of the 20 feet required, the applicant is amenable to additional sound mitigation like a double fence sound wall as there is for the parking lot; those are the things that the Board could request of the applicant but the applicant is providing a significant amount of vegetative buffer for the visual and sound mitigation, but with respect to adding the accessory structure, it does not increase traffic, it does not increase the Inn's capacity, it will be limited to Inn guests, there are 19 rooms, only used seasonally. Member Rose asked if the swimming pool will be available for lease or rental for events. Ms. Reichert stated that if the Board wants the applicant to covenant that the swimming pool will not be used for events, for people who are not a guest of the Inn, absolutely, it will be limited to Inn guests' use only.

Chairman McGuirk asked to hear the concerns of the neighbors.

Lisa Dortch, 26 Davids Lane, duly sworn in by the Village Clerk, swore to tell the truth, the whole truth, and nothing but the truth. Ms. Dortch submitted a letter from Lynn Douglass. Ms. Dortch stated that she appears to express her opposition to the Landry's variance application for a swimming pool and surrounding patios as well as elements that relate to their ADA compliance. Ms. Dortch asked the audience members to raise their hands who are in opposition to the application; 10 people raised their hands. The variance is not in keeping with the site's historic nature and does not support the Village Comprehensive Plan as it promises to protect the residential neighborhoods from the sights, sounds and smells of nearby commercial uses. Ms. Dortch stated that the Landry's plan has been modified to reduce certain aspects of their variance, however, she is unclear as to why the variance is still under consideration. The standards that the Board must address for consideration of the use and/or area variance as they relate to preexisting nonconforming properties have not been addressed. Ms. Dortch, addressing the area variance criteria, stated that the historical character of the property and its surrounding open space will be compromised; the sounds and light produced by a swimming pool use will be detrimental to surrounding residential properties. Item 2, the Landry application assumes that the only way the applicant can generate more or higher revenue is to add a swimming pool; elevating design elements of the property to the level of their competitors will enable them to obtain higher nightly rates similar to other in-demand Hamptons' hospitality

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venues. The requested variance is substantial. The permitted coverage for the property is 17,675 square feet and the existing coverage is 41,112 square feet, already two times greater than what is permitted, but they are proposing to add more. In terms of primary structure size permitted, the permitted structure is 9,838 square feet, not 10,000 square feet as is indicated in the application. The existing structure is already 14,476 square feet which is one and one-half times greater than what is permitted yet they are proposing a structure size still even greater. The addition and placement of a shed closer to the residences on Davids Lane and Huntting Lane is detrimental as it further exposes the neighbors to additional noise from their operation in using the shed. The addition of a swimming pool which is an amenity, not a right, and all that comes with it is indeed substantial; it is worth noting that this Board has previously turned down whole applications when not appropriate to the site. Standard 4. The slippery slope is preserving the Historic District, not just in this instance, but in years to come. Many residents in the Historic District have requested alterations to their properties and have been denied to protect the District as is rightfully so. Allowing this variance is unfair to those denied and will set a precedent for all those requests that are yet to come. Standard 5. Ms. Dortch stated that she thought the alleged difficulty is self-created as the Landry Group knew exactly what they were purchasing, a preexisting nonconforming property in a restricted residential Historic District. The Landry Group has the choice to renovate the Inn itself and in so doing, command higher prices. Ms. Dortch reviewed the use variance criteria. Ms. Dortch stated that there is not one person in the room or the community who does not support the handicap, however, presenting this as an application that is primarily about becoming ADA compliant is simply a false narrative. Ms. Dortch stated that The Huntting Inn is in the Main Street Historic District and the Huntting Lane Historic District and was placed on the National Register of Historic Places in 1987. By altering the Huntting Inn where the site change that never historically existed on the property, the integrity and relevance of the two historic districts is being jeopardized by adding an unnecessary swimming pool and a three-story elevator attachment, exterior to the building that only intends to accommodate one ADA bedroom. If there was sincerity in the Landry Group's desire to become truly ADA compliant and maintain their historical quality, there are ways by putting an elevator in the interior of the building. Ms. Dortch respectfully requested that the Board deny the

application. Chairman McGuirk asked Ms. Dortch to submit the names and addresses of the people in the audience who object to the application.

Chairman McGuirk asked for clarification on the type of variance requested. Village Attorney Perillo stated that this is not a use variance, it is area variance standards.

Frank Morgan, 102 Main Street, duly sworn in by the Village Clerk, swore to tell the truth, the whole truth, and nothing but the truth. Mr. Morgan stated that he resides at 102 Main Street which is adjacent to the Huntting Inn and his home was built around 1760, and at one point David Huntting was the owner of his property and Nathaniel Huntting owned the house next door which is now the Huntting Inn. Mr. Morgan stated that his house and the Huntting Inn are the only two properties on Main Street, between Davids Lane, named for David Huntting, and Huntting Lane, named for the family. He restored his home to its former glory making certain to keep its historic nature and appearance and was on the historic tour in 2019. Mr. Morgan stated that he was dismayed when, several years ago, that the new owners of the Huntting Inn desired to change the historic nature of the Inn and the character of the neighborhood by proposing a change to allow a swimming pool, hot tub, and cabanas next to his property line. He supports the Huntting Inn as a neighbor and appreciates the cosmetic work they have undertaken on the building and grounds. Given community opposition, he was pleased when the application for a change was withdrawn; modifications were made, the revised application presents the same basic question of change in the character of the property and the neighborhood. A number of points have been made about this but deserve to be re-made. First, the owners of the Inn were well-aware of the historic character of the Inn and its neighbors in the Main Street Historic District as well as the various restrictions that existed on the property at the time they acquired. Further, they knew it was a nonconforming business use in a residential district; there could be no expectation that they would receive a variance to put in a recreational complex as proposed. A commercial pool for an Inn of close to 20 rooms is a far different matter than a family swimming pool. The fact that the Baker House has a swimming pool from decades ago should not in any way impact this application. If the application is granted, the Maidstone Inn, the Hedges Inn, the Mill House Inn, and perhaps some B and B's will ask for one, a fresh precedent will be difficult to overcome. Mr. Morgan

stated that a swimming pool in an ADA wrapper is disingenuous; the prime purpose of the swimming pool is not to allow physically challenged individuals to take a dip. Mr. Morgan stated that he hoped that the Board's deliberations are separated from the ADA compliance changes. Adding a swimming pool to the Inn would create a nuisance with excessive noise and would impair his ability to enjoy his yard, front porch, and patio. The only noise from the Inn was in the summer of 2020 when they did outdoor dining virtually on his property line; some of the patrons stayed late and did not use their inside voices but the noise was short term, a unique situation to survive Covid restrictions. The Zoning rules and the Comprehensive Plan have been well thought out and serves to protect the Village and its homeowners; to approve this change would alter the character of the residential historic neighborhood and conflict the very purpose of zoning. The Inn and Palm have operated successfully for a very long time without a swimming pool with limited option for overnight accommodation in historic East Hampton and they will continue to do so. In terms of noise, the owners have agreed to use hours and other restrictions but who will enforce them. If the customer is paying \$700 a night, will the staff tell someone they cannot swim a bit past hours. Will the staff stop someone or a group of friends from bringing out cocktails to enjoy by the swimming pool. Will the manager confront a wedding party, whose reception ended at 11:00 p.m., and say they cannot afterwards chill in the pool with a glass of wine. It is clear that there will be noise and possibly other disturbances. Based on his experience with outside dining at the Inn in 2020, it is apparent that the noise and nuisance could not be well managed. Mr. Morgan stated that he is a supporter of small businesses, welcomes changes and improvements that are consistent with the nature and character of his historic neighborhood, however, the applicant has not made a case under the criteria for the area or use variances. The balance between the Inn and its neighbors is in favor of the neighbors; a legitimate concern about noise and nuisance should outweigh approval of an amenity that is not a must have but at most a nice to have.

Joseph Bell, 95 Davids Lane, duly sworn in by the Village Clerk, swore to tell the truth, the whole truth, and nothing but the truth. Mr. Bell stated that he was before the Board to ask for a number of variances for his own property at 95 Davids Lane and thought the Board was reasonable and ultimately compromises were made. Mr. Bell stated that this is a very difficult situation as

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he has been to the neighbors' houses who are in opposition and they have been to his house, they are lovely people, but stated that he cannot see in his heart how the application impacts the character of the Village. The Village needs to have these Inns as the Mayor supports. Mr. Bell stated that he assumes in their business interest it is advantageous for them to have a pool; it looks like it is 27 feet, it is a tiny pool, you are not going to be having large pool parties there, that seems like a very reasonable compromise to say at sundown we will close the pool. On the longest day of the year, you are talking about 8:25 and they are offering to cover the pool to keep people from violating that. Those seem like very reasonable accommodations; then you talk about the character of the Village; 95 percent of the homes have a swimming pool. Mr. Bell stated that he has only stayed at the Huntting Inn once but that he and his husband are regular guests there. Mr. Bell stated that when he goes on vacation, it is important to stay where they have a pool, it is an amenity. The Palm Restaurant and the Huntting Inn depend upon the season which is Memorial Day through Labor Day. Main Street is noisy with Police cars going by, sirens, Church bells right next door, train whistles, trucks, landscape vehicles going all day long. The pool is not going to be some kind of magnet for pool parties. It will be a minimal impact on the community. Mr. Bell stated that the reason he is in attendance is because he likes to go to the Palm Restaurant and that he puts guests up at Huntting Inn when he does not have room at his house. If this Inn does not make it, it is going to go under; it is not going to be all of Landry's that is going to go under. Mr. Bell respectfully asked for the Board's support of their application.

Ms. Dortch stated that there is a fair representation of people from the neighborhood, different from those who live very far away from the Huntting Inn than people who are adjacent to it, and those are the people who need to be protected.

Chairman McGuirk stated that the Board has received correspondence within the last couple of days and a lot of public comment which also needs to be digested and suggested that the hearing be held open until August 11, 2023.

Ms. Reichert asked for confirmation that the record will be closed except for written comment. Chairman McGuirk said no. Ms. Reichert stated that she will be back in August.

ORIGINAL HEARING

23 East Dune Lane LLC – 23 East Dune Lane – SCTM #301-9-5-21.4

Chairman McGuirk called the hearing to order at 1:02 p.m., and the Public Notice, as duly published in the East Hampton Star, was read. James H. McMullan and Joseph B. Rose recused.

Application of 23 East Dune Lane LLC, SCTM#301-9-5-21.4, for an Area Variance from Chapter 278, Zoning, to construct a patio. A 14.6-foot variance is requested from Section 278-3.A.(5)(b) to construct a patio 5.4 feet from a side yard lot line where the required setback is 20 feet. The subject property contains 66,473 square feet of area and is located at 23 East Dune Lane with frontage on the beach and Atlantic Ocean in the Residential District R-160. This project is classified as a Type II 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 proposed patio is right outside the kitchen, it is the area where the grill is located, and there is no way to meet the side yard setback. The neighbor, Maidstone Club Inc., has submitted a letter with no objection to the application. The variance is substantial but the only alternative would be to move the house or buy a piece of property from the Club and neither one is happening. The use of the area will not change and there will be no impact on the public.

Upon motion of Philip O'Connell, duly seconded by Andrew Baris, the Board unanimously closed the Public Hearing.

ORIGINAL HEARING

East Dune Lane Corp. – 27 East Dune Lane – SCTM #301-9-5-21.3

Chairman McGuirk called the hearing to order at 1:04 p.m., and the Public Notice, as duly published in the East Hampton Star, was read. James H. McMullan and Joseph B. Rose recused.

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Application of East Dune Lane Corp., SCTM#301-9-5-21.3, for Area Variances from Chapter 278, Zoning, and Chapter 124, Preservation of Dunes, to install two sculptures. Variances of 15.7 feet and 9.8 feet are requested from Section 278-3.A.3.(b) to install two sculptures 15.7 feet and 9.78 feet from a side yard lot line where the required setbacks are 20 feet. A 40.4-foot variance is requested from Sections 278-3.A.(7) and 124-1.A.(1) to install a sculpture 59.6 feet from the 15-foot contour where the required setback is 100 feet. The subject property contains 59,073 square feet of area and is located at 27 East Dune Lane with frontage on the beach and Atlantic Ocean in the Residential District R-160. This project is classified as a Type II 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 two sculptures are proposed and given the way the Code is written, they qualify as structures. The proposed locations of the sculptures is done advantageously from the point of view of the owner, no one else in the public will be able to see them, they cannot be seen from the beach, and the only neighbor that could be affected lives to the west and has written a letter in support. Mr. Osborne stated that it is an aesthetic point of view.

Upon motion of John L. McGuirk III, duly seconded by Philip O'Connell, the Board unanimously closed the Public Hearing.

ORIGINAL HEARING

West End Partners II, LLC – 51 West End Road – SCTM #301-15-5-6

Chairman McGuirk called the hearing to order at 1:06 p.m., and the Public Notice, as duly published in the East Hampton Star, was read.

Application of West End Partners II, LLC, SCTM#301-15-5-6, for a Permit and Variance from Chapter 101, Coastal Erosion Hazard Areas to make alterations and renovations to an existing residence. A Coastal Erosion Hazard Area Permit and Variance is required in accordance with Section 101-9 to make alterations, renovations, and to construct additions to an existing residence

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located seaward of the Coastal Erosion Hazard Area line. The subject property is 63,915 square feet in area and is located at 51 West End Road in Residence District R-160. The property adjoins the ocean beach and is located in FEMA Flood Zones VE (el. 17) and Zone AE (el. 10). 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 51 West End Road is a contiguous property guesthouse to 57 West End Road, another historic property designed by the same architect that did the Maidstone Club, with very small bump outs proposed, a net reduction in GFA.

Upon motion of Philip O'Connell, duly seconded by Andrew Baris, the Board unanimously closed the Public Hearing.

ORIGINAL HEARING

West End Partners, LLC – 57 West End Road – SCTM #301-15-5-8

Chairman McGuirk called the hearing to order at 1:08 p.m., and the Public Notice, as duly published in the East Hampton Star, was read.

Application of West End Partners, LLC, SCTM#301-15-5-8, for a Permit and Variance from Chapter 101, Coastal Erosion Hazard Areas to construct an outdoor sauna. A Coastal Erosion Hazard Area Permit and Variance is required in accordance with Section 101-9 to construct an outdoor sauna seaward of the Coastal Erosion Hazard Area line. The subject property is 100,386 square feet in area and is located at 57 West End Road in Residence District R-160. The property adjoins the ocean beach and is located in FEMA Flood Zones VE (el. 17) and Zone AE (el. 10). 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 the proposal is aboveground, a little sauna facility, and anyone who has walked the property knows it will be tucked in there and no one is ever going to see it. Mr. Ackerman stated that he wrote

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to the Estate of Bigar to see if they had any questions but has not heard from them so he assumes there is no issue, and Mr. Morton, who is a client, is on the other side. Chairman McGuirk noted that it is well screened.

Upon motion of Philip O'Connell, duly seconded by Andrew Baris, the Board unanimously closed the Public Hearing.

ORIGINAL HEARING

Peter and Siri Burki – 139 Further Lane – SCTM #301-4-12-6.2

Chairman McGuirk called the hearing to order at 1:09 p.m., and the Public Notice, as duly published in the East Hampton Star, was read.

Application of Peter and Siri Burki, SCTM#301-4-12-6.2, for an Area Variance from Chapter 278, Zoning, to construct additions to an existing residence. A 19.7-foot variance is requested from Section 278-3.A.(4)(a) to construct a two-story addition 30.3 feet from a side yard lot line where the required side yard setback is 50 feet. The subject property is 80,044 square feet in area and is located at 139 Further Lane in Residence District R-160. 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 is an application to relocate a second-floor bedroom to the first floor maintaining the side yard setback that was in existence at the time the home was built 40 years ago; the positive is older homes reducing nonconformities, and, in this case, the applicant is substantially reducing nonconformities by building a conforming swimming pool and the like. Chairman McGuirk thanked Mr. Ackerman for working it out with the neighbor. Member O'Connell stated that the survey indicates a two-story addition, understanding that it is supposed to be relabeled as a one-story, and questioned whether a new survey has been submitted. A corrected survey has been submitted into the record.

Upon motion of James H. McMullan, duly seconded by Andrew Baris, the Board unanimously closed the Public Hearing.

Upon motion of Andrew Baris, duly seconded by Abigail FitzSimons, the meeting was unanimously adjourned at 1:11 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 LTV Studios, 75 Industrial Road, Wainscott, New York, on Friday, July 14, 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 "Public Board Meetings" tab.

Application of Hunting Hospitality LLC, SCTM#301-3-8-1 for Variances in accordance with Chapter 278, Zoning, to construct additions and legalize alterations to a preexisting nonconforming use, construct a swimming pool, construct porches and other accessory improvements. Variances from Sections 278-1.B.(1)(a) and 278-1.B.(2)(c) are required for the extension and enlargement and to make alterations to a nonconforming use where the extension or expansion of a nonconforming use is prohibited, including the construction of a swimming pool and patio, covered porch, ADA access ramp, a three-story addition, and to legalize interior alterations. A 24,179 square foot variance is requested from Section 278-3.A.(9) to permit 41,854 square feet of coverage where 17,675 square feet is the maximum permitted. Existing coverage is 41,112 square feet. A 4,844 square foot variance is requested from Section 278-3.A.(13) to construct 554 square feet of additions totaling 14,844 square feet of gross floor area where

the maximum permitted gross floor area is 10,000 square feet. Variances are requested from Sections 278-3.B.(2)(a) and (b) to construct an addition with a roof, classified as a flat roof, where it appears more than 15% of the roof surface qualifies as a flat roof. A variance is required from Sections 278-2.B.(1) and 278-3.B.(3) to expand the third story of a building where buildings are limited to a maximum of two stories. A 9.6-foot variance is required from Section 278-3.E.(11) to locate a shed 40.4 feet from a rear yard lot line where the required transitional setback is 50 feet. The property is 88,376 square feet in size and is located at 94 Main Street. The property is located in Residence Districts R-80 and R-40 and the Main Street Historic District and is a contributing property to the East Hampton Historic District. This project requires approval of the Design Review Board and is classified as an Unlisted Action in accordance with SEQR.

Application of 23 East Dune Lane LLC, SCTM#301-9-5-21.4, for an Area Variance from Chapter 278, Zoning, to construct a patio. A 14.6-foot variance is requested from Section 278-3.A.(5) (b) to construct a patio 5.4 feet from a side yard lot line where the required setback is 20 feet. The subject property contains 66,473 square feet of area and is located at 23 East Dune Lane with frontage on the beach and Atlantic Ocean in the Residential District R-160. This project is classified as a Type II Action in accordance with SEQR.

Application of East Dune Lane Corp., SCTM#301-9-5-21.3, for Area Variances from Chapter 278,

Zoning, and Chapter 124, Preservation of Dunes, to install two sculptures. Variances of 15.7 feet and 9.8 feet are requested from Section 278-3.A.3.(b) to install two sculptures 15.7 feet and 9.78 feet from a side yard lot line where the required setbacks are 20 feet. A 40.4-foot variance is requested from Sections 278-3.A.(7) and 124-1.A.(1) to install a sculpture 59.6 feet from the 15-foot contour where the required setback is 100 feet. The subject property contains 59,073 square feet of area and is located at 27 East Dune Lane with frontage on the beach and Atlantic Ocean in the Residential District R-160. This project is classified as a Type II Action in accordance with SEQR.

Application of West End Partners II, LLC, SCTM#301-15-5-6, for a Permit and Variance from Chapter 101, Coastal Erosion Hazard Areas to make alterations and renovations to an existing residence. A Coastal Erosion Hazard Area Permit and Variance is required in accordance with Section 101-9 to make alterations, renovations, and to construct additions to an existing residence located seaward of the Coastal Erosion Hazard Area line. The subject property is 63,915 square feet in area and is located at 51 West End Road in Residence District R-160. The property adjoins the ocean beach and is located in FEMA Flood Zones VE (el. 17) and Zone AE (el. 10). This project is classified as a Type II Action in accordance with SEQR.

Application of West End Partners, LLC, SCTM#301-15-5-8, for a Permit and Variance from Chapter 101, Coastal Erosion Hazard Areas

to construct an outdoor sauna. A Coastal Erosion Hazard Area Permit and Variance is required in accordance with Section 101-9 to construct an outdoor sauna seaward of the Coastal Erosion Hazard Area line. The subject property is 100,386 square feet in area and is located at 57 West End Road in Residence District R-160. The property adjoins the ocean beach and is located in FEMA Flood Zones VE (el. 17) and Zone AE (el. 10). This project is classified as a Type II Action in accordance with SEQR.

Application of Peter and Siri Burki, SCTM#301-4-12-6.2, for an Area Variance from Chapter 278, Zoning, to construct additions to an existing residence. A 19.7-foot variance is requested from Section 278-3.A.(4) (a) to construct a two-story addition 30.3 feet from a side yard lot line where the required side yard setback is 50 feet. The subject property is 80,044 square feet in area and is located at 139 Further Lane in Residence District R-160. 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 23, 2023

By Order of John L. McGuirk III, Chairman, Zoning Board of Appeals, Inc. Village of East Hampton 51-2/248

FILED
VILLAGE OF EAST HAMPTON, NY

DATE: 8/15/23

TIME: 12:41 pm

Patricia J. Bennett
17138