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Zoning Board of Appeals
September 8, 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
Abigail Lamb FitzSimons, Alternate Member
Lisa Perillo, Village Attorney
Billy Hajek, Village Planner
Thomas Preiato, Village Building Inspector
Andrew E. Goldstein, Attorney on behalf of The East Hampton Tennis
Club, Inc.
Jonathan Tarbet, Attorney on behalf of Lee and Vanessa Eastman
Pamela J. Bennett, Clerk

Chairman McGuirk called the meeting to order at 11:00 a.m. and thanked LTV Studios for hosting the Zoning Board meeting once again.

DETERMINATION

Keith L. and Anne Cynar – 58 McGuirk Street – SCTM #301-1-2-13

Upon motion of Joseph B. Rose, duly seconded by Abigail FitzSimons, the request to legalize the conversion of a carport into an attached garage exceeding gross floor area of an existing residence is approved with conditions.

John L. McGuirk III – Aye
Joseph B. Rose – Aye
Andrew Baris – Absent
Abigail FitzSimons – Aye

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DETERMINATION

Susan L. Shuman Family Trust – 11 Jericho Close Road – SCTM #301-7-5-12

Upon motion of James H. McMullan, duly seconded by Abigail FitzSimons, the request to legalize pool equipment is approved.

James H. McMullan – Aye
Joseph B. Rose – Aye
Andrew Baris – Absent
Abigail FitzSimons – Aye

DETERMINATION

John McAneny and Meredith McNaughton – 31 Sherrill Road –
SCTM #301-1-4-22

Upon motion of James H. McMullan, duly seconded by Abigail FitzSimons, the request to legalize a slate patio and construct a new patio that exceeds coverage is approved.

John L. McGuirk III – Aye
James H. McMullan – Aye
Joseph B. Rose – Aye
Andrew Baris – Absent
Abigail FitzSimons – Aye

DETERMINATION

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

Upon motion of James H. McMullan, duly seconded by Philip O'Connell, the request to construct additions and make alterations to the existing residence, construct a pergola, and to legalize retaining walls and a walkway is approved with conditions.

John L. McGuirk III – Aye
James H. McMullan – Aye
Philip O'Connell – Aye
Joseph B. Rose – Aye
Andrew Baris – Absent

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

The Board will act on the Jewish Center of the Hamptons' determination at their October 13, 2023, meeting.

ADJOURNMENTSHunting Hospitality LLC – 94 Main Street – SCTM #301-3-8-1Timothy J. Tynan – 34 Sherrill Road – SCTM #301-1-4-30Skylight East LLC – 94 Apaquogue Road – SCTM #301-12-5-10

The applications of Hunting Hospitality LLC, Timothy J. Tynan, and Skylight East LLC have been adjourned until the October 13, 2023, meeting.

ORIGINAL HEARINGThe East Hampton Tennis Club, Inc. – 178 Montauk Highway –
SCTM #301-7-2-4.1

Chairman McGuirk called the hearing to order at 11:03 a.m., and the Public Notice, as duly issued in the East Hampton Star, was read. Joseph B. Rose recused.

Application of The East Hampton Tennis Club, Inc., SCTM#301-7-2-4.1, for a Variance and Special Permit in accordance with Chapter 278, Zoning to construct four pickleball courts. A Special Permit is requested pursuant to Section 278-7.D.(1)(b) to construct four pickleball courts on the property that operates as a membership club. A 33.1-foot variance is required from Section 278-3.A.5(c) to construct four pickleball courts the nearest of which will be 6.9 feet from a rear yard lot line where the required rear yard setback is 40 feet. The property is 99,242 square feet in size, is located at 178 Montauk Highway in Residence District R-80, and contains a special permit use identified as The East Hampton Tennis Club, Inc. This project requires approval of the Design Review Board and is classified as an Unlisted Action in accordance with SEQR.

Andrew E. Goldstein Esq. appeared on behalf of the applicant; no additional material was submitted into the record; no one appeared in opposition. Mr. Goldstein stated that the Club consists of two separate parcels

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on 11 acres; the parcel in the Village is two acres in size, and the rear parcel, with all the tennis courts, is located in the Town. The Village has historically taken jurisdiction over the part of the property that is in the Village, and in 1976 granted a Building Permit for the platform tennis courts but the Club was not required to obtain a Special Permit at that time. Pickleball courts are proposed, to join the craze, and will be located on the portion of property located in the Village as far as feasibly away from Montauk Highway as possible, which property is primarily wooded. The clearing is going to be limited to the amount required to construct the courts so there will be a large, wooded area between the courts and the street. A sound study has been performed which indicated that the only sound impact will be to the next-door neighbors to the east, the Maidstone Club, who has written a letter supporting the application. A six-foot-high fence is proposed for the north and east sides, and the side facing the Maidstone Club property will be completely covered with sound attenuating material so that as regards to the Maidstone Club's property, it will come under the DEC's noise abatement criteria. There is no sound impact to any neighbor, there is no visual impact to any neighbor. With reference to the neighbors across the street, the sound study indicates that they will not be impacted by sound, with Montauk Highway in between. The neighborhood will not be able to see the court, the court is at ground level, but they may see part of the fence. Mr. Goldstein stated that his memorandum is detailed as to the way in which the applicant meets the criteria for Special Permits as well as for the Area Variance. With regard to the Area Variance, the courts were originally located in a conforming location, but Village Planner Hajek asked that the courts be placed farther away from Montauk Highway which has been done.

Chairman McGuirk reiterated that the Maidstone Club, the neighbor located to the east, has submitted a letter in support.

Mr. Goldstein stated that he understands that the relief, if granted, will have a sunset clause, and as an institution, there is going to be some corporate governance issues and possibly financing issues and requested an extension of the sunset limitation. Member O'Connell stated that it is normally one year and suggested 24 months. Mr. Goldstein stated that that should be sufficient. Building Inspector Preiato stated that he has no objection. Member O'Connell suggested that the Board adopt the Environmental Assessment Form Parts II and III. Chairman McGuirk stated that the Board can adopt the Parts II and III

when adopting the determination. Village Planner Hajek agreed that the Board can wait to act on the EAF Parts II and III, granting a Negative Declaration prior to acting on the decision on the application.

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

ORIGINAL HEARING

Lee and Vanessa Eastman – 247 Cove Hollow Road – SCTM #301-7-2-4.1

Chairman McGuirk called the hearing to order at 11:10 a.m., and the Public Notice, as duly issued in the East Hampton Star, was read.

Application of Lee and Vanessa Eastman, SCTM#301-12-2-18.1, for a Variance from Chapter 278, Zoning, to permit a detached garage in the front yard area. A variance is requested from Section 278-3.A.(5)(f) to relocate a garage, presently under construction, to the front yard area of a lot where detached garages are prohibited within the front yard area. The subject property is 101,690 square feet in area and is located at 247 Cove Hollow Road in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR.

Jonathan Tarbet Esq. appeared on behalf of the applicant; no additional material was submitted into the record; no one appeared in opposition. Mr. Tarbet stated that if the Board visited the property, they would have seen that the garage has been built. The property is essentially three times long as it is wide, an unusually shaped property, and what is being requested is to be able to locate the garage 140 feet from the front property line, it will be heavily vegetated, the doors of the garage do not face the road, and the proposal is to make the property spatially more aesthetic.

Member Rose agreed that it is a constrained piece of property; the distance from the street makes this a unique situation, there is not general tolerance for a garage in the front yard. This is not a policy decision; the Board is required to make a particular finding relating to a particular site.

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Mr. Tarbet stated that he failed to mention that he did submit a vegetation plan. Village Planner Hajek stated that the Board did not receive a vegetation plan; the vegetation plan should depict the proposed plant material. Mr. Tarbet requested that Village Planner Hajek approve the proposed vegetation plan rather than wait another month. Member O'Connell suggested that the hearing be left open only for the submission of the vegetation plan.

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

Upon motion of James H. McMullan, duly seconded by Joseph B. Rose, the Board unanimously adjourned the meeting at 11:13 a.m.

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Incorporated Village of East Hampton will hold a public meeting at the LTV Studios, 75 Industrial Road, Wainscott, New York, on Friday, September 8, 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 The East Hampton Tennis Club, Inc., SCTM#301-7-2-4.1, for a Variance and Special Permit in accordance with Chapter 278, Zoning to construct four pickleball courts. A Special Permit is requested pursuant to Section 278-7.D.(1)(b) to construct four pickleball courts on the property that operates as a membership club. A 33.1-foot variance is required from Section 278-3.A.5(c) to construct four pickleball courts the nearest of which will be 6.9 feet from a rear yard lot line where the required rear yard setback is 40 feet. The property is 99,242 square feet in size, is located at 178 Montauk Highway in Residence

District R-80, and contains a special permit use identified as The East Hampton Tennis Club, Inc. This project requires approval of the Design Review Board and is classified as an Unlisted Action in accordance with SEQR.

Application of Lee and Vanessa Eastman, SCTM#301-12-2-18.1, for a Variance from Chapter 278, Zoning, to permit a detached garage in the front yard area. A variance is requested from Section 278-3.A.(5)(f) to relocate a garage, presently under construction, to the front yard area of a lot where detached garages are prohibited within the front yard area. The subject property is 101,690 square feet in area and is located at 247 Cove Hollow Road in Residence District R-80. 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: August 18, 2023 By Order of John L. McGuirk III, Chairman, Zoning Board of Appeals, Inc. Village of East Hampton 7-2/93

FILED
VILLAGE OF EAST HAMPTON, NY
DATE: 10/16/23
TIME: 11:15 AM

Pamela J Bennett