

Zoning Board of Appeals
August 12, 2022
11:00 a.m.
via Video-Conferencing and
Published by Local TV Inc.

Those present were:

John L. McGuirk III, Chairman
James H. McMullan, Member
Joseph B. Rose, Member
Philip O'Connell, Member
Andrew Baris, Alternate Member
Lisa Perillo, Village Attorney
Vincent Messina, Village Attorney
Thomas Preiato, Building Inspector
Billy Hajek, Village Planner
Jonathan Tarbet, Attorney on behalf of 72 Lily Pond LLC
Frank Greenwald, Architect on behalf of 72 Lily Pond LLC
Richard Wechsler, Applicant
Michael Shatken, Architect on behalf of Richard Wechsler
Jake Ogden, Builder on behalf of Richard Wechsler
Courtney Fornal, Applicant
Madeline VenJohn, Attorney on behalf of David Henry and Courteney Fornal
Alexander Compagno, Architect on behalf of David Henry and Courteney Fornal
Thomas Fantini, Property Manager on behalf of Red Trust
Jody Gambino, LTV Moderator
Pamela J. Bennett, Village Clerk

Mr. McGuirk: Good morning and welcome to the Village of East Hampton's Zoning Board of Appeals' meeting for Friday, August 12th.

MINUTES

Mr. McGuirk: The first thing on the agenda are the minutes from July 8, 2022.
May I have a motion?

16918

Mr. Rose: So moved.

Mr. McGuirk: Second?

Mr. McMullan: Second.

Mr. McGuirk: All in favor?

Mr. Rose: Aye.

Mr. McMullan: Aye.

DETERMINATION

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

Mr. McGuirk: So we have four determinations today and the files are available at Village Hall for viewing. In the application of Stone Free Trust, 33 Hither Lane, Suffolk County Tax Map #301-4-8-16, to permit the continued existence of accessory improvements, that will be made nonconforming by a subdivision, is approved. May I have a motion?

Mr. McMullan: So moved.

Mr. McGuirk: Second?

Mr. Rose: Second.

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

Ms. Bennett: Mr. McGuirk?

Mr. McGuirk: Yes.

Ms. Bennett: Mr. McMullan?

Mr. McMullan: Yes.

Ms. Bennett: Mr. Rose?

Mr. Rose: Yes.

DETERMINATION

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

Mr. McGuirk: The second determination of the day, in the application of Brian Charles Johnston and Joanne Johnston, 19 The Circle, Suffolk County Tax Map #301-3-5-23.1, to construct additions to an existing residence and a swimming pool is approved. May I have a motion?

Mr. McMullan: I make a motion.

Mr. Rose: Second.

Mr. McGuirk: Pam, please.

Ms. Bennett: Mr. McGuirk?

Mr. McGuirk: Yes.

Ms. Bennett: Mr. McMullan?

Mr. McMullan: Yes.

Ms. Bennett: Mr. Rose?

Mr. Rose: Yes.

DETERMINATION

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

16920

Mr. McGuirk: In the application of Victor W. and Fran Jacobs Wigotsky, 102 Dayton Lane, Suffolk County Tax Map #301-2-5-3.2, to legalize a shed and storage bin is approved. May I have a motion?

Mr. McMullan: So moved.

Mr. Rose: Second.

Mr. McGuirk: Pam, please.

Ms. Bennett: Mr. McGuirk?

Mr. McGuirk: Yes.

Ms. Bennett: Mr. McMullan?

Mr. McMullan: Yes.

Ms. Bennett: Mr. Rose?

Mr. Rose: Yes.

DETERMINATION

Robert G. and Kristen S. DeLaMater – 24 Ocean Avenue – SCTM #301-8-13-5.1

Mr. McGuirk: And the last determination of the day, in the application of Robert G. and Kristen S. DeLaMater, 24 Ocean Avenue, Suffolk County Tax Map #301-8-13-15.1, to establish an Accessory Dwelling Unit is approved. May I have a motion?

Mr. McMullan: I make a motion.

Mr. Rose: Second.

Mr. McGuirk: Thank you. Pam?

Ms. Bennett: Mr. McGuirk?

Mr. McGuirk: Yes.

Ms. Bennett: Mr. McMullan?

Mr. McMullan: Yes.

Ms. Bennett: Mr. Rose?

Mr. Rose: Yes.

CONTINUED HEARING

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

Mr. McGuirk: So on continued hearing; we have 16 Nichols Lane which has to be re-noticed so we will put that on the September agenda.

Mr. Rose: Can you just make sure, Mr. Chairman, that anybody on the phone who was waiting for that is aware of the status, just explain.

Mr. McGuirk: Okay. Anybody on the phone?

Mr. Gambino: You do have one caller on the phone. Caller ending with 5290, you are on the air.

Ms. Grant:

Mr. McGuirk: Good morning. Which application are you calling in on?

Ms. Grant: We are only listening to the Nichols and we are aware that is continued.

Mr. McGuirk: Thank you for calling; we will not be hearing anything on that today so thank you. So let us move onto the hearings for the day, Pam?

ORIGINAL HEARING

72 Lily Pond LLC – 72 Lily Pond Lane – SCTM #301-13-8-9

16922

Application of 72 Lily Pond LLC, SCTM#301-13-8-9, for Area Variances from Chapter 278, Zoning, to relocate and enlarge a preexisting accessory building and convert it to an Accessory Dwelling Unit. Two (2) variances of 13.9 feet each are required from Section 278-2.B.(7)(e) and 278-3.A.(4)(a) to construct a 35 square foot addition to a preexisting nonconforming accessory building and convert the building to an Accessory Dwelling Unit to be located 20.1 feet from the rear yard lot line where the required rear yard setbacks are 34 feet. A 534 square foot variance is requested from Sections 278-2.B.(7)(e) and 278-3.D.(7) to permit an Accessory Dwelling Unit to contain 2,294 square feet of gross floor area where 1,760 square feet is the maximum sized Accessory Dwelling Unit permitted on this property, and any other relief necessary. The subject property is 78,042 square feet in area, is located at 72 Lily Pond Lane and is located in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: Thank you, Pam. Is the applicant present?

Mr. Tarbet: Jon Tarbet for the applicant, also on the line is Frank Greenwald, the architect. Good morning everybody. I was worried I would not be able to connect because I am in California but it sounds great so thank you for the zoom. I represented the McCrearys when they bought this property and what is going on, the short of it, Billy did a great job summarizing it in his memo, but there is, probably preexisting to zoning, a carriage house literally on the property line, maybe six feet from the property line, but then there is also pool equipment on that side of the property line which is essentially right on the property line, and over the years, that preexisting carriage house has been before this Board a number of times and received a number of variances and its legal status now is it can have a bedroom in it but no kitchen. So the McCrearys came to me or maybe I went to them and said hey there is a new law in the Village which allows for accessory dwelling units, it may be an opportunity to, since they have more than 1.5 acres, there may be an opportunity to take advantage of the law, we could probably add an ADU somewhere else on the property but this structure lends itself to being converted to an ADU. The problem with it is that ADUs have to meet setbacks and it exists right on the property line. The other issue would be as a preexisting structure, it exceeds the total allowable square floor area for an ADU use. The two issues essentially are that it does not meet setbacks and it is slightly larger than what would be allowed under the current GFA calculations for an

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ADU. So with that in mind, we looked at it and I realize that Rob Zecher who is a client and a friend is the next-door neighbor so the structure is literally, and I did his closing as well, I remember from his closing that the structure towers over the property line. It is a relatively large carriage house, it is a story and one-half. So we spoke to Rob about it and asked him what his, what he would be looking to accomplish or how we can get his support in converting this to an ADU, and he was very open to the idea, one of the major benefits to his property, it is really his property is not like this, we do not share property lines with a number of properties, we share property lines with Rob's property. So by picking this up and moving it over, we can do a few things. We can go from six feet from his property line to 20 feet and we can get the pool equipment from essentially on his property line, remember the pool equipment is up against our carriage house so it is on the property and all the noise bounces off our carriage house and goes right to his property, so we can move the pool equipment to a conforming location and we can triple the distance from the property line. And then we also talked about the fact that if you have been to the property you can see that there were some evergreens planted there to try to give some privacy between the two properties but nothing can grow because of the height of the structure and the proximity to the property line, everything gets really leggy and tall, it is just not what you would expect in this area of East Hampton as far as landscaping. It is almost impossible to grow anything there. So they hired Michael Derrig from Landscape Details and we have agreed on a mutual landscaping plan if the Board were to approve the application which would leave both property owners, the two adjacent property owners, leave them both happy and in a better position. So, again, we would just be, so the carriage house itself, we would not be changing the outward appearance other than some cosmetic changes, it is pretty much a matter of picking it up and moving it over and putting it on a new foundation. There would be a cellar for storage added but essentially it is just picking the carriage house up and moving it over. The outside would not change much other than cosmetics. It is not like we are adding to it. There is a weird dent or indent in the corner that we would be rounding off which does add I think 100 square feet. Essentially it is just a matter of picking it up and moving it over and put it on a foundation. If the Board has any questions.

Mr. McGuirk: Thank you. Do we have any callers on the line?

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

16924

Ms. Bennett: Mr. Chairman, just a little housekeeping. Is Andy Baris going to sit on all these applications today?

Mr. McGuirk: Yes, if we need him, yes.

Ms. Bennett: Okay, thank you.

Mr. McGuirk: Thank you. Board Members, any comments?

Mr. Rose: I have just pursuant to Billy Hajek's report there was the covenant and restriction section of the memo, is that something that is amendable to the applicant?

Mr. Tarbet: Yes, so that is another advantage of the application. Right now the structure kind of exists in a world where it is not defined in the Code, it is not an ADU, it is an accessory structure but you can live in it, so I think one of the benefits, I think Billy and I had spoken about it at one point was that when you can get something to conform exactly to something in the Code, it just becomes in some ways more recognizable, it is hard to define what it is now but if we can move it over and make a legal ADU, then all those, for example, those covenants would all be required, the ones that are normally required for an ADU. I think Billy had also suggested that we covenant that, because there is some double height space inside still and he had said that he would prefer not to see, that would be fine with us, we would covenant that the, I think he was calling it a habitable space inside the ADU but maybe that is the best term but essentially we would create no additional space inside it and we would be fine with that as an additional covenant.

Mr. Rose: Mr. Chairman, I would point out that I am intimately familiar with this property, having been married there, I have no connection to the property now or anything or to the applicants, I know that this is an extremely and appropriate improvement for the neighbors for the property itself, I think it makes a lot of sense.

Mr. McGuirk: Thank you, Mr. Rose. Anybody else?

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Mr. McMullan: I agree with Joe.

Mr. McGuirk: Thank you. Anybody else? Motion to close the hearing?

Mr. O'Connell: Yes, I had a couple of questions. So the arborvitae appear to be on the neighbor's property? Is that correct?

Mr. Tarbet: The existing arborvitae?

Mr. O'Connell: No, the ones that are proposed, looking at the planting plan.

Mr. Tarbet: Yes, so, we are proposing to, again, they developed the planting plan together and Rob preferred to be planted on his property line.

Mr. O'Connell: Okay. So because the applicant will not have control over that, perhaps it can just be a letter to the file that that is what is going on from the neighbor?

Mr. Tarbet: Right, yes, no problem. He did submit an email to the file as well, Rob did, in support of the application, but I do not think it mentioned the landscaping so we can have him do that again.

Mr. O'Connell: And then, there is no increase in height, correct?

Mr. Tarbet: No. Frank is on the phone, Frank Greenwald, that is true, right?

Mr. Greenwald: That is correct, there is no change to the height.

Mr. McGuirk: Okay, thanks Frank.

Mr. O'Connell: Those were my concerns.

Mr. McGuirk: Phil, that is it?

Mr. O'Connell: Yes, that is all I had.

Mr. McGuirk: Anybody else? So a motion to close the hearing?

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be within the area that we are in fact less than the area of the two foot by four foot dimension because we are only seeking a four inch expression of the chimney on the exterior of the house. The only aspect of it so it is actually intruding less into the side yard than what would be the case if we were fully compliant and the only aspect that varies from the Code is the width of the fireplace which is seven feet. This is on the side of the house, it is in an area facing first the residence driveway and second a tall hedge shielding it from the neighbor's property. I am happy to expand on this presentation. I could talk for longer but I think I have covered the basics and I would be happy to entertain any questions or be guided by the Board as to what they would me to state further within this presentation. You should have in front of you exterior elevations indicating the chimney's design as well as the view of the front of the house. So with that I will conclude.

Mr. McGuirk: Thank you, Michael. Any callers on the line?

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

Mr. McMullan: I think my comment is it is such a minimal projection from the side of the house, it is more of a detail, so I do not have a problem with it. It is not imposing to the neighbor or affecting anyone else from the street as well so I do not have a problem.

Mr. McGuirk: Thank you.

Mr. Baris: I agree.

Mr. McGuirk: Philip?

Mr. Baris: I agree with Jimmy.

Mr. McGuirk: Andy, you are good with it?

Mr. Baris: Yes, I am very comfortable with this application.

Mr. McGuirk: And Mr. Rose?

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Mr. Rose: No problem.

Mr. McGuirk: Can I have a motion to close the hearing?

Mr. O'Connell: Motion.

Mr. McGuirk: Second please.

Mr. Rose: Second.

Mr. McGuirk: All in favor?

Mr. McMullan: Aye.

Mr. Rose: Aye.

Mr. McGuirk: Okay, Pam please.

ORIGINAL HEARING

Sheila and Taylor Smith – 36 Maidstone Avenue – SCTM #301-2-6-13

Ms. Bennett: Application of Sheila and Taylor Smith, SCTM#301-2-6-13, for an Area Variance from Chapter 278, Zoning, to legalize the construction of a chimney. A one-foot variance is requested from Section 278-3.A.(4) to maintain a chimney located 9 feet from the side yard lot line when the required side yard setback is 10 feet. A 3-foot variance is required from Section 278-3.A.(3) to maintain a chimney located 22 feet from the front yard lot line when the required front yard setback is 25 feet, and any other relief necessary. The subject property is 5,000 square feet in area and is located at 36 Maidstone Avenue in Residence District R-40. This project is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: Thank you, Pam. Is the applicant present?

Ms. Bennett: I just emailed Sheila that she can call in too.

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

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

Mr. McGuirk: Okay we did, I will just make a comment here, we did get a letter of support from the neighbors across the street for this applicant. I do not have any issues with it. Do any of the Board Members have any issues with this?

Mr. McMullan: I went by there and I kind of looked at the neighbor's property, they have a chimney, this house does have a small chimney on the right side but this new one is on the left which, again, does not seem to be imposing, there is enough plant material between the two houses so I did not really see an impact on the neighbor or the public so I do not have a problem with it.

Mr. McGuirk: Thank you, Jimmy.

Mr. O'Connell: I agree with Jimmy I went by and looked at it, same thing, it is not imposing from the street.

Mr. McGuirk: All right, a motion to close the hearing?

Mr. O'Connell: Motion.

Mr. McGuirk: Second?

Mr. Rose: Second.

Mr. McGuirk: All in favor?

Mr. Baris: Aye.

Mr. McMullan: Aye.

Mr. McGuirk: Okay, Pam, please.

ORIGINAL HEARING

David Henry and Courteney Fornal – 17 Stratton Square – SCTM #301-1-5-15.1

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Ms. Bennett: Application of David Henry and Courteney Fornal, SCTM#301-1-5-15.1, for Area Variances from Chapter 278, Zoning, to construct additions to an existing residence and a swimming pool. A 346.2 square foot variance is requested from Section 278-3.A.(13) to construct additions to the existing residence totaling 2,540.2 square feet where the maximum permitted gross floor area is 2,194 square feet. A 4.9 foot variance is requested from Section 278-3.A.(3)(a) to construct a porch 25.1 feet from the front yard lot line where the required front yard setback is 30 feet. A 5 foot variance is requested from Section 278-3.A.(5)(c) to construct a swimming pool 15 feet from a rear yard lot line where the required rear yard setback is 20 feet, and any other relief necessary. The subject property is 11,940 square feet in area and is located at 17 Stratton Square in Residence District R-40. This project is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: Thank you, Pam. Is the applicant present?

Ms. VenJohn: Hi, good morning, Madeline VenJohn, Tarbet and Lester, representing the applicant, and also the project architect Alex Compagno and the home owner Courteney Fornal are on the line as well. So essentially what we have here, there are two different aspects to the project and the first one is the pool. The property is limited in that it has two front yards so we have put the pool in the best possible location. It is 14 by 28 ½ with one foot coping so it is relatively small, and we are seeking to put it 15 feet from the side yard lot line and immediately on the other side of that lot line is the neighbor's pool which is larger and closer to the same property line only about 12 feet. You can see from the aerial as well that all the neighboring properties have pools in their rear yard in that vicinity so we would not really be impacting anyone and we are further from the property line than the neighbor's pool is so it seemed like the best location to put that. And the second aspect is the house renovation and expansion. The family loves the neighborhood and the desire to stay there, they just need a little more space for their family and from a design standpoint the best option was to add a second story. In adding the second story and keeping the house, keeping the appearance relatively symmetrical and adding the features that would work for the homeowners, we are requesting a small gross floor area variance to accomplish that. The resulting house will still be in the character of the neighborhood. Most of you know it is an unusual neighborhood, it is partially in the Town, partially in the Village, and the Town allows higher gross

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floor areas than the Village so there is a variety of different house sizes in the neighborhood. It is also unusual this property across the street is a commercial property that fronts over on another street but there is a commercial building essentially right on the property line across the street so it is a very varied neighborhood but we believe what we are proposing here will be well within the character. We are keeping the majority of the footprint. As Billy noted in his memo, there are some changes to about half of the first floor so the foundation is going to be bumped in in one location and bumped out in another but the location of the house is to remain essentially the same. The reason for that is that the proportion of the first story that is to remain in place, the homeowners have made improvements to that and there is definitely value in keeping that and in keeping the portion of the foundation rather than attempting to rebuild the entire house. And also as part of the construction, we are proposing to add a front porch so that front entry of the house is more functional. Right now there is only a small stoop and the proposed front porch is only for entry to provide a covered entry, it is only on the first floor just to make it a little easier to get in and out of the house. It does require a front yard variance but it is relatively minor and we did receive a letter of support from one of the neighbors across the street and the other neighbor directly across the street as I mentioned is a commercial property with a building essentially along the property line so the front yard variance is relatively minor and also will not have any impact on any of the neighbors. Aside from that, I think I can just answer any questions anyone has but that is sort of a summation of what we are proposing here.

Mr. McGuirk: Thank you. Do we have any callers on the line?

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

Mr. McGuirk: Okay. Any Board Members like to comment on this?

Mr. McMullan: I can say something. Regarding the pool, I agree with Counsel that having the neighbor's pool actually closer to the property line than this one will be, is not really an issue as well as that portion of the property right now would be totally enclosed by hedge so it is not going to be seen by the public or anybody from the opposite side of the street. I do not have a problem with the pool, I do not have a problem with the front porch either, it is very minimal and it

is nice to have a designation of where you enter the house. Other than that I do not have a problem with anything else.

Mr. O'Connell: So I would like to make some comments. So the elevations that were included in the plans when you walk around the neighborhood, it does seem kind of massive in the mass compared to the other homes in the neighborhood especially close by and noting Billy's memo, it is more in line with the new construction than it is a renovation. It should really be able to meet the GFA, talking about a 15 percent variance I believe. The other question I had and I guess this is for Billy, because the patio is part of the pool does that have to meet the double setbacks also, does it have to be 20 instead of ten?

Mr. Hajek: Good morning Members of the Board, Billy Hajek for the Village. No, pool patios do not require to meet a double setback. The swimming pool, the pool equipment and pool houses are required to meet the double setback but not the patio, the patio is okay, it is conforming.

Mr. McGuirk: And Philip, can I just ask you, do you have any problems with the pool or the front entrance?

Mr. O'Connell: No, I do not have an issue with either one of those items.

Mr. McGuirk: I agree with Philip I think that the 15.7 percent is a big ask so I think it is substantial.

Mr. O'Connell: I think if you are doing this amount of renovation, you should be able to comply with the GFA that is permitted because it is basically like a new build, sorry John, I did not mean to interrupt.

Mr. McGuirk: That is all right. Joe, anybody else like to comment on this, Andy?

Mr. Baris: Yes, there is a lot being asked on this application so I kind of would like to see the GFA come down a little bit because that is a little bit high. Those are just my comments.

Mr. McGuirk: Thank you. Phil?

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Mr. Messina: Mr. Chairman, can I just...

Mr. Rose: I am sympathetic to the comments that have been made by the other Board Members but I have nothing to add myself.

Mr. Messina: I am sorry, Mr. Rose, I did not mean to cut you off, I apologize. So maybe the applicant's attorney would like to get us some information on the nature and character of the area with respect to GFA variances and what is being granted in that immediate area within the radius, and I think that might be helpful to the Board as well.

Mr. McGuirk: Okay, thank you, Vinnie.

Ms. VenJohn: Well yes I can look into that. I would just like to add for the record that the house at 11 Stratton which is on one side is 2,700 square feet, it is a two-story house so that is larger than what we are proposing and the house directly behind us is in the Town, not the Village, but it is also 2,700 square feet.

Mr. Messina: I am sorry, did they receive variances for that size because on a bigger parcel obviously there is no GFA issue, right? So it is not just square footage that matters, it is square footage in relation to the size of the lot. So that is why I am saying if you could get us that information, I think that is really helpful to both, to everybody, frankly.

Ms. VenJohn: Well number 11 is preexisting, there was no variance and the one behind is in the Town so the allowable GFA is higher but in terms of appearance from the street they would be relatively the same, that was my point.

Mr. Messina: Understood, thank you.

Ms. VenJohn: I do not believe either of the adjacent properties have received variances.

Mr. McGuirk: Why do we not keep...

Mr. O'Connell: If you look at the one directly behind, realizing it is in the Town, compared to the sketches of what was provided of the front elevation, it does not

seem as great of a mass as imposing on the street as the one that is directly behind so that is why I am saying I think it is out of character with the neighborhood.

Ms. VenJohn: Okay, we can take a look at that.

Mr. McGuirk: So let us keep the hearing open until next month. Thank you.

Ms. VenJohn: Thank you.

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

ORIGINAL HEARING
Red Trust – 99 Main Street – SCTM #301-2-7-36.2

Ms. Bennett: Application of Red Trust, SCTM#301-2-7-36.2, for an Area Variance from Chapter 278, Zoning, to construct an accessory structure/pickleball court. A variance is requested from Section 278-1.A. to permit the construction of an accessory structure/pickleball court on a parcel of land that does not contain a single-family residence, and any other relief necessary. The subject property is 94,229 square feet in area and is located at 99 Main Street in Residence Districts R-40 and R-80. This project is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: Thank you, Pam. Tom, are you here for the applicant?

Mr. Fantini: Yes, hi, good morning, John, good morning everyone.

Mr. McGuirk: Pam has to swear you in.

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

Mr. Fantini: Tom Fantini, 111 Montauk Highway, Amagansett.

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

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Mr. Fantini: Yes, I do.

Ms. Bennett: Thank you.

Mr. McGuirk: Go ahead, Tom.

Mr. Fantini: Good morning, everyone. The owner is requesting permission to build a pickleball court on 99 Main Street. He lives next door on the adjacent property at 97 Main Street, and if you were to look at the property at 99, he has basically turned that whole area into a park that really just has one storage shed and it has walkways and paths for his grandchildren. The proposed location is in the northeast corner adjacent to Herrick playground and long term parking, we thought that would be a minimal noise impact to any of the surrounding properties, and the court will meet all setbacks for a playing surface. We obviously had Saskas out there and did his setback stakeout and there is really nothing else that we are requesting.

Mr. McGuirk: Thanks Tom. Is there anybody on the line for this?

Mr. Gambino: No, there are no new callers on the line.

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

Mr. McMullan: I do not have a problem with this.

Mr. McGuirk: It is up against Herrick Park and the Village parking lot, I mean it is really put in an area where it should not have any effect on anyone.

Mr. Rose: Phil has a comment.

Mr. O'Connell: I have a couple of comments. So I do think that we should require the applicant to sink it as we have done with tennis courts just to reduce the noise. You do have somebody's backyard backing up to that. And the other question was, I know typically tennis courts go north/south and this one is, so that you do not have the sun in your eyes, this one is kind of running east/west. The

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applicant has already taken that into account in plotting the court? That is a question for Tom.

Mr. Fantini: Yes, they have taken that into account. What they also want to do is kind of tuck it into a corner to the extent that he could without it coming into I guess the main part of view of the property, so, yes.

Mr. O'Connell: Okay.

Mr. Fantini: As far as sinking the court, I can certainly find out. We are going to probably have a local company do it, probably Hampton Tennis Court, I can ask them about that.

Mr. O'Connell: Billy, what is it typically three feet that they sink the tennis courts?

Mr. McMullan: Typically, yes.

Mr. Hajek: Typically three to four feet but I have never seen a pickleball court sunken.

Mr. Messina: I was just going to ask have you ever seen one? Forgive me because I have never played.

Mr. Baris: I have never seen one.

Mr. Messina: Is that an enclosed court, a pickleball court, or is that open?

Mr. Hajek: It is a smaller version of a tennis court basically.

Mr. Messina: I apologize for my ignorance.

Mr. O'Connell: Can I just note on the research that I did that apparently the pickleball courts are louder than the tennis courts so while it does back up to Herrick Park and basically the parking lot, the long term parking, you do have one neighbor that backs it.

Mr. Messina: Even if it was not louder, the fact is that that is what you typically require on those courts if it was the same. It makes perfect sense that you would impose that kind of condition.

Mr. McGuirk: Tom, can you come back to us? Is that something...

Mr. Fantini: Yes, can I ask a favor. They are proposing not to put a fence, a soundproofing fence around or anything like that but if they were to do that would that be acceptable in lieu of sinking it or is sinking it pretty much a requirement or a preference?

Mr. O'Connell: I think sinking it would be a preference.

Mr. Baris: I do not know about sinking it. This is also something that is not played, it is typically played in the evening and it is also typically played in the winter, I do not really know if sinking is necessary, for me, anyway.

Mr. McGuirk: I think if they...

Mr. Fantini: From a, very truthfully, from a constructability perspective, that creates a lot of issues with drainage because basically you have a sinkhole.

Mr. Baris: Sorry, the only thing about the raised pickleball court is that I thought that they typically have some type of heating device underneath as well.

Mr. McGuirk: I think you are thinking of paddle, Andy.

Mr. Baris: Oh, maybe I am thinking.

Mr. McGuirk: Pickleball you can be played on a tennis court.

Mr. Baris: You are right, sorry, my bad.

Mr. McGuirk: Okay. Jimmy, any comments, any preference?

Mr. McMullan: No, I mean seeing that most of this property backs up to either the Union Free School District, the commercial parking lot back there for the

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Village, the pathway through to Herrick Park, his own property, and maybe one neighbor there, I do not see that. If it were to be sunk, I do not think we need any type of sound barrier or anything but you might have to check and see how much room you need outside that court for people running off to the side and to the edge of the court, stuff like that but I do not have a problem having it sunken either.

Mr. McGuirk: Mr. Rose?

Mr. Rose: I am sympathetic to the idea of burying it, obviously the location and the ability to put this thing in makes a lot of sense. I do share Vinnie's observation of ignorance regarding the dynamics of the sport, but if it is played actively in the evening, then it is something that even raises more of those issues and I think also since I gather this is an increasingly popular sport and takes less space and we are likely to see perhaps more applications along these lines, not exactly like this in terms of an adjoining property, but we should make sure we get it right in terms of what standards we holding people to when they are put in.

Mr. McGuirk: Okay, Tom, can you come back to us and see if they will agree to sink, it that would be great.

Mr. Fantini: All right.

Mr. McGuirk: We will keep this hearing open until next month also.

Mr. O'Connell: And they do sink tennis courts all the time so I do not think there should be a drainage issue, I think they should be able to figure that out.

Mr. McGuirk: Thank you, Philip. Is there any other business of the day?

Alfred Ross – 33 Cove Hollow Farm Road – SCTM #301-12-10-4

Mr. McMullan: I just have one thing, just quick. We received an update from Billy Hajek about 33 Cove Hollow Farm Road and he complimented them on executing their plan as proposed with no issues and it actually came out pretty nice so I would like to thank Billy for checking up on them and the applicant for doing the right thing and following the guidelines that Billy laid out.

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Mr. McGuirk: Thank you, Billy and thank you Jimmy for the comments. A motion to close the hearing, not the hearing, close the meeting.

Mr. McMullan: So moved.

Mr. McGuirk: Second please.

Mr. O'Connell: Second.

Mr. McGuirk: All in favor?

Mr. Baris: Aye.

Mr. O'Connell: Aye.

Mr. Rose: Aye.

Mr. McGuirk: Have a nice day everyone. Thank you.

The meeting was adjourned at 11:41 a.m.

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NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Incorporated Village of East Hampton will hold a public meeting at the Emergency Services Building, One Cedar Street, East Hampton, New York, on Friday, August 12, 2022 at 11:00 a.m., or via video-conferencing if necessary, on the following applications and to conduct such other business as may come before the Board. If the hearings are to be conducted via video-conferencing, please contact pbennett@easthamptonvillage.org to find out how to participate. The applications can be viewed on the Village's website easthamptonvillage.org by clicking on the "Alerts" tab.

Application of 72 Lily Pond LLC, SCTM#301-13-8-9, for Area Variances from Chapter 278, Zoning, to relocate and enlarge a preexisting accessory building and convert it to an Accessory Dwelling Unit. Two (2) variances of 13.9 feet each are required from Section 278-2.B.(7)(e) and 278-3.A.(4)(a) to construct a 35 square foot addition to a preexisting nonconforming accessory building and convert the building to an Accessory Dwelling Unit to be located 20.1 feet from the rear yard lot line where the required rear yard setbacks are 34 feet. A 534 square foot variance is requested from Sections 278-2.B.(7)(e) and 278-3.D.(7) to permit an Accessory Dwelling Unit to contain 2,294 square feet of gross floor area where 1,760 square feet is the maximum sized Accessory Dwelling Unit permitted on this property, and any other relief necessary. The subject

property is 78,042 square feet in area, is located at 72 Lily Pond Lane and is located in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR.

Application of Richard Wechsler, SCTM#301-8-2-5.1, for an Area Variance from Chapter 278, Zoning, to construct a chimney. A 0.4 foot variance is required from Section 278-3.A.(4)(a) to construct a chimney 21.6 feet from a side yard lot line where the required side yard setback is 22 feet, and any other relief necessary. The subject property is 17,700 square feet in area and is located at 105 Buell Lane in Residence District R-40. This project is classified as a Type II Action in accordance with SEQR.

Application of Sheila and Taylor Smith, SCTM#301-2-6-13, for an Area Variance from Chapter 278, Zoning, to legalize the construction of a chimney. A one-foot variance is requested from Section 278-3.A.(4) to maintain a chimney located 9 feet from the side yard lot line when the required side yard setback is 10 feet. A 3-foot variance is required from Section 278-3.A.(3) to maintain a chimney located 22 feet from the front yard lot line when the required front yard setback is 25 feet, and any other relief necessary. The subject property is 5,000 square feet in area and is located at 36 Maidstone Avenue in Residence District R-40. This project is classified as a Type II Action in accordance with SEQR.

Application of David Henry and Courteney Fornal, SCTM#301-1-5-15.1, for Area Variances from Chapter 278, Zoning, to construct additions

to an existing residence and a swimming pool. A 346.2 square foot variance is requested from Section 278-3.A.(13) to construct additions to the existing residence totaling 2,540.2 square feet where the maximum permitted gross floor area is 2,194 square feet. A 4.9 foot variance is requested from Section 278-3.A.(3)(a) to construct a porch 25.1 feet from the front yard lot line where the required front yard setback is 30 feet. A 5 foot variance is requested from Section 278-3.A.(5)(c) to construct a swimming pool 15 feet from a rear yard lot line where the required rear yard setback is 20 feet, and any other relief necessary. The subject property is 11,940 square feet in area and is located at 17 Stratton Square in Residence District R-40. This project is classified as a Type II Action in accordance with SEQR.

Application of Red Trust, SCTM#301-2-7-36.2, for an Area Variance from Chapter 278, Zoning, to construct an accessory structure/pickleball court. A variance is requested from Section 278-1.A. to permit the construction of an accessory structure/pickleball court on a parcel of land that does not contain a single-family residence, and any other relief necessary. The subject property is 94,229 square feet in area and is located at 99 Main Street in Residence Districts R-40 and 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: July 22, 2022

By Order of John L. McGuirk III, Chairman, Zoning Board of Appeals, Inc. Village of East Hampton 3-2/198

FILED
VILLAGE OF EAST HAMPTON, NY

DATE: 9/9/22

TIME: 2:05 pm

Pamela J Bennett
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