

Zoning Board of Appeals
October 14, 2022
11:00 a.m.
Emergency Services Building
One Cedar Street, East Hampton

Those present were:

John L. McGuirk III, Chairman
James H. McMullan, Member
Philip O'Connell, Member
Joseph B. Rose, Member
Andrew Baris, Member
Vincent J. Messina Jr., Village Attorney
Billy Hajek, Village Planner
Thomas Preiato, Village Building Inspector
Richard A. Hammer, Attorney on behalf of Lisa and Gary Seff and
Gals Beach House LLC
Gary Seff, Applicant
Tara Burke, Planner on behalf of Lisa and Gary Seff
Leonard I. Ackerman, Attorney on behalf of Maxamus LLC, Traumhaus 1,
LLC, and Traumhaus 2, LLC
Jonathan Tarbet, Attorney on behalf of Edward and Margot J. Levy
Martha Reichert, Attorney on behalf of Huntting Hospitality LLC
Matthew Jedicka, L.K. McLean Associates on behalf of Huntting Hospitality LLC
Lisa Dortch, Neighbor of Huntting Hospitality LLC
Frank Morgan, Neighbor of Huntting Hospitality LLC
Jeffrey Santonastasi, Agent on behalf of David Seeherman of 12 Davids Lane
Trevor Darrell, Attorney on behalf of Steven and Deborah Shapiro and
Eric and Lori Blatstein
Steven Shapiro, Applicant
Christopher DiSunno, Architect on behalf of Eric and Lori Blatstein
Jeffrey Bragman, Attorney on behalf of Katharine Rayner
Sara Davison, Friends of Georgica Pond
Justin Willard, Hollander Design on behalf of Traumhaus 1, LLC and
Traumhaus 2, LLC
Matthew Lownes, LTV Moderator

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Pamela J. Bennett, Village Clerk

Chairman McGuirk called the meeting to order at 11:00 a.m.

MINUTES

Upon motion of James H. McMullan, duly seconded by Joseph B. Rose, and carried unanimously, the minutes of **September 9, 2022** were approved.

DETERMINATION

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

Upon motion of Joseph B. Rose, duly seconded by Philip O’Connell, the request to construct an accessory structure/pickleball court was approved; a poll of the Board was as follows:

Chairman McGuirk - Aye
Member McMullan - Aye
Member O’Connell- Aye
Member Rose - Aye
Member Baris - Aye

REFERRAL

Andrew and Alyssa Klein – 177 Main Street – SCTM #301-8-2-23

Upon motion of Joseph B. Rose, duly seconded by Philip O’Connell, this application will be forwarded to the Historic Preservation Committee for review. A poll of the Board was as follows:

Chairman McGuirk – Aye
Member O’Connell – Aye
Member Rose – Aye

WITHDRAWN

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

Chairman McGuirk stated for the record that the application of David Henry and Courteney Fornal has been withdrawn.

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

Chairman McGuirk stated that the applicant has requested a postponement until the December 9, 2022 meeting.

REQUEST TO RE-OPEN HEARING
Lisa and Gary Seff – 43 Mill Hill Lane – SCTM #301-8-7-18

Chairman McGuirk stated that the Board is in receipt of a request to re-open the public hearing of Lisa and Gary Seff, 43 Mill Hill Lane.

Upon motion of Andrew Baris, duly seconded by James H. McMullan, the Board unanimously resolved to re-open the Public Hearing.

Richard A. Hammer Esq. appeared on behalf of the applicant and noted that Gary Seff and Tara Burke are also present; no additional material was submitted into the record; no one appeared in opposition.

Mr. Hammer stated that this has been a longstanding application about what he thought was a straightforward aesthetic change to the façade. The applicant previously received a gross floor area variance based upon their desire to redevelop what was a somewhat dated residence on Mill Hill Lane; the Zoning Board granted a 126 square foot gross floor area variance. During the course of the construction, the applicant, who is a builder, discovered the original proposed faceted front elevation was nearly impossible to construct and to match it to the existing roofline. They came up with a field fix of a circular roofline structure to alleviate the framing issue; the circular roofline structure added 29 square feet of gross floor area. An application was submitted for an additional 29 square feet and it was entirely clear that the Board would not entertain the calculated expansion of the residence beyond the original gross floor area variance granted. In response to the Board's concern, the rear façade of the residence was reduced by approximately 30 square feet rendering the gross floor area of the structure compliant with an approval of the Board. The applicant's building permit was also renewed as of March 2022.

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The discussion since the Board declined to reopen the hearing the last time was essentially about the massing. The appearance of the turret structure is certainly different than the original approval; the structure has been fully shingled and renderings have also been submitted. Pictures were shown of the surrounding residences on Mill Hill Lane with an eye toward demonstrating that this somewhat nontraditional roofline in the front is entirely prevalent on Mill Hill Lane and perhaps Village-wide. Mr. Hammer stated that massing is not really regulated by the Village Code as coverage and gross floor area are; the Village does not have pyramid laws and other restrictions that seem to go toward the massing aspect. The addition of the turret complies with all setbacks and coverage. Mr. Hammer respectfully requested that the Board reconsider the change based upon the information submitted about some of the other appearances on Mill Hill Lane that have more non-traditional rooflines that create a more front mass area. Mr. and Mrs. Seff ask the Board to look favorably upon their application so they can finish building their house.

Chairman McGuirk asked the Board if there were any questions. Since there were no questions, Joseph B. Rose made a motion to close the hearing, duly seconded by James H. McMullan, and carried unanimously.

CONTINUED HEARING
Maxamus LLC – 54 Georgica Close Road – SCTM #301-7-3-7

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

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 Village Planner Billy Hajek has signed off on the submittals and requested that the hearing be closed as the applicant is unable to obtain DEC approval or Health Department approval until there is a determination from the Zoning Board.

Mr. Hajek stated that there was a minor inconsistency with the grading and drainage plans, the engineering plans, and the survey but the revised material is consistent and match one another. Member O'Connell asked if it is

the plan that is dated 9/20/22. Mr. Hajek said yes, it was the Drew Bennett plan that was resubmitted.

Upon a motion of Joseph B. Rose, duly seconded by James H. McMullan, the Board unanimously closed the Public Hearing. The determination will be issued at the Board's December 9, 2022 meeting.

CONTINUED HEARING
Edward and Margot J. Levy – 321 Georgica Road –
SCTM #301-7-5-1.13

Chairman McGuirk called the continued hearing to order at 11:51 a.m.

Jonathan Tarbet Esq. appeared on behalf of the applicant; no additional material was submitted into the record; no one appeared in opposition.

Mr. Tarbet refreshed the Board's memory stating that the applicant is requesting a gross floor area variance and that the applicant also happens to own the vacant lot in front of this property. The proposal was to reduce the vacant lot's ability to build the same amount of GFA that the Levys are requesting for their house (in this application). The Board had requested that the applicant submit a covenant which has since been submitted but there was a question by the Board about whether this variance could be used by future owners of the lot. If the house was torn down, could someone still benefit from the variance granted. Village Attorney Lisa Perillo wanted to look into that as well.

Chairman McGuirk stated that the Board is not yet in receipt of a final covenant. The hearing will be continued at the Board's December 9, 2022 meeting.

ORIGINAL HEARING
Gals Beach House LLC – 24 Two Mile Hollow Road – SCTM #301-10-1-30.1

Chairman McGuirk called the hearing to order at 11:13 a.m. and the Public Notice, as duly published in the East Hampton Star, was read.

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Application of Gals Beach House LLC, SCTM#301-10-1-30.1, for Area Variances from Chapter 278, Zoning, to legalize A/C condenser units. Four (4) variances of 11.6 feet each are requested from Section 278-3.A.(5)(b) to legalize four (4) A/C condenser units each located 8.4 feet from a side yard lot line where the required setbacks are 20 feet, and any other relief necessary. The subject property is 88,666 square feet in area and is located at 24 Two Mile Hollow Road in Residence District R-160. This project is classified as a Type II Action in accordance with SEQR.

Richard A. Hammer Esq. appeared on behalf of the applicant; no one appeared in opposition. Mr. Hammer stated that the applicant seeks a variance to allow the installation of four a/c units which are shown on the survey and located to the south of the house; there are existing a/c units located up against the house. Based upon the location of the driveway and the orientation of the garage, the area of the existing units could not be extended. The reason they selected this area for the new units is because it is consistent with how the other a/c units were plumbed in and perhaps more importantly, it is actually in a better location with respect to the adjacent residence to the south. The a/c units are proposed to be enclosed with fencing that has an LV1 sound enclosure so there is not going to be any noise generated out of this sound enclosure. Also, the applicant would be willing to screen the a/c units from the adjacent driveway.

Member O'Connell asked if the existing four a/c units will be removed or relocated or will the four a/c units be additional. Mr. Hammer stated that they are additional units. Member Rose asked Mr. Hammer to describe in greater detail why the a/c units do not fit in the area next to the house and why it is being moved to the property line. Mr. Hammer stated that the required setback would be 20 feet which would locate the a/c units in the existing driveway into the property. Where the four existing a/c units are located, that is the entrance to the garage so the a/c units cannot simply be extended along the house because that would preclude access into the garage. Also, the main entry façade of the house is in that location so if they are moved to the front, which would be a conforming location, the units are going to be highly visible. The proposed location will not have a detrimental impact to the southerly neighbor as their driveway comes in along that property line; Mr. Hammer submitted a survey of the neighbor's parcel. Member McMullan asked Mr.

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Hammer if he thought the neighbor's house was approximately 150 feet from the proposed location of the a/c units. Mr. Hammer said yes. Member Rose asked about the need for the additional units. Mr. Hammer stated that it is the tonnage that is required to cool the house.

Chairman McGuirk asked if anyone in the audience wished to be heard. No one wished to speak. Village Planner Hajek stated that he did not recall receiving a copy of the fencing detail and asked the Board to ensure that there is a copy in the file of the proposed material of the fence and its location. Member O'Connell stated that he has a copy of the fence material but not its location. Member Rose stated that the applicant has reasons for why they want to install the a/c units in the setback area and assume that there would be many people who would like to, especially if they add to their a/c loads, put their a/c units in the setback areas. Village Attorney Messina stated that if the Board were inclined to grant, it is important in the decision to outline the distinction. Member Rose stated that the Board should have criteria and that he would like to go by and take a look. Village Attorney Messina stated that Member Rose should visit the property before a decision is issued. Mr. Hammer stated that if this were negatively impacting a neighbor or creating noise, the applicant has mitigated the impacts as best they can.

Chairman McGuirk stated that the hearing will be kept open until the December 9, 2022 meeting.

ORIGINAL HEARING

Hunting Hospitality LLC – 94 Main Street – SCTM #301-3-8-1

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

Application of Hunting Hospitality LLC, SCTM#301-3-8-1 for Variances in accordance with Chapter 278, Zoning, to construct additions, a swimming pool, porches and other accessory improvements onto a property containing a preexisting nonconforming use. Variances from Sections 278-1.B.(1)(a) and 278-1.B.(2)(c) are required for the extension and enlargement of a nonconforming use where the extension or expansion of a nonconforming use is prohibited. A 25,015 square foot variance is requested from Section 278-

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3.A.(9) to permit 42,690 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 of 10 feet, 10 feet, 8.2 feet, 9.9 feet, 1 foot and 5 feet are required from Section 278-3.E.(1) to construct a swimming pool 40 feet, pool patio 40 feet, three cabanas located 41.8 feet, 40.1 feet and 49 feet, and a walkway 45 feet from the rear yard lot line where the required transitional yard setbacks are 50 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 which 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, and any other relief necessary. 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 of 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.

Martha Reichert Esq. appeared on behalf of the applicant and submitted an aerial of "Swimming Pools and Character of the Surrounding Neighborhood". Ms. Reichert stated that some of the improvements are to bring the property into ADA compliance with a new ramp and walkway that will allow people to enter the building. Currently there is no ADA access for the hotel or the restaurant guests, and as a case of public accommodation, it is the owner's intent to make this property equitable and to give a dignified entrance for people who need to use the ramp or the elevator to gain access to a room or the restaurant facility.

Village Attorney Messina asked if it is also required by Federal Law when you make a substantial improvement to do those improvements. Ms. Reichert said yes. Village Attorney Messina stated that it is not totally gratuitous. Ms. Reichert agreed but noted that it is relevant to say that that is one of the reasons why the applicant is here; the property is a preexisting nonconforming use and because it is in the Main Street Historic District, it has to go before this

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Board for variances. Because it is required, it is also something that has been taken into account that the property is in the Historic District and it is the focal point of the Village, the Jitney stop is in front of it, it is one of the first things people see when they come into East Hampton. The applicant adhered to the Main Street Historic District guidelines which encourage that any additions or improvements, addition of accessory structures be located to the rear of the building, made to the rear of the façade so that the property, even historic ones, can be adapted to changing lifestyles and trends and that is what has been done. All the improvements are focused toward the rear but they also comply with the ADA requirement that they be placed as close to the building as possible. Two new parking spaces are proposed which are adjacent to the new walkway that will ramp up through this proposed covered porch and bring people right to where the elevator is located. The three-story addition is the minimum necessary to accomplish the goal which is to house the elevator shaft and create an elevator lobby, and to have an area in front of the elevator with sufficient area for luggage and people. Village Attorney Messina asked if there is something from an architect or an engineer. Ms. Reichert stated that she can get the Board something certified from the architect. At Village Planner Hajek's review and request, an ADA analysis plan was submitted that looked at all the slopes for the ramps and the patios to show that they are in compliance with ADA. Those are the main additions to the building.

Ms. Reichert stated that there is a covered patio that is part of that ADA compliant walkway and on the renderings, it is shown with some lounge style furniture. The idea is that it will be an area, an outdoor space, where people can enjoy the backyard, the swimming pool, enjoy a cup of coffee, read a newspaper, read a book, get into the shade; it is not for outdoor dining, there is no introduction of any sort of outdoor dining, the restaurant use will not be intensified nor the Inn use, there are no additional rooms, and it will not change the parking burden on this property because there is no intensification of the principal uses of the Inn or the restaurant.

In developing the project, a number of brick terraces, in a nonconforming location, have been reduced while sort of reintroducing it in a different area to accommodate the patio, the raised patio, and the pool patio. The pool patio itself is designed to be ADA compliant by using permeable pavers so while the applicant acknowledges that even permeable pavers go toward a lot's coverage, they are permeable which from an environmental standpoint means

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that the applicant is not reducing the permeability of surface water absorption. There is a Section of the Village Code that does exempt certain ADA or any improvement that is designed for accessibility from certain setbacks and coverage requirements.

Ms. Reichert stated that with reference to the pool itself, there have been a number of letters submitted into the record, some from neighbors, some from residents of other parts of the Village echoing their concerns about the pool; again, the Hunting Inn is a place of public accommodation and it is beloved by many so the neighborhood interest is understandable. One of the things in designing this application, it was designed with their privacy in mind but also acknowledging that this is an Inn which is in the hospitality business. If something is bothersome in terms of noise to the neighbors, it would also be bothersome to the hotel guests who are sleeping there overnight. As far as commercial uses go, this is as akin to a residence as you can get because people are staying there overnight. There is no interest to turn this tranquil, quaint Inn, which only has 19 guestrooms, the vast majority of them are two-person maximum occupancy, into a large style Marriott. This is a small pool, the pool itself is 16 by 32 which, if you look at the handout, is on the small size for all of the neighborhood. With respect to the Main Street Historic District, there is the Baker House, which is a preexisting nonconforming Inn, which is in the same zoning district, and it has a pool that was built in 2005. It predates the transitional yard setback regulation going into the Village Code which is why it does not meet the 50-foot setback that is being applied here to this property. What we have achieved is a 40-foot setback for the swimming pool which is in compliance with the side and rear yard setbacks so if this were a conforming residential use, the swimming pool would not have a transitional yard setback. This is a commercial use but it is one of the few times where the commercial use in the zoning district overlaps with the conforming residential use of the district because a swimming pool is a customary accessory use for the Inn.

Village Attorney Messina stated that there is a lot more potential use coming from 20 rooms rather than a single-family house. Ms. Reichert agreed stating that restaurant guests are not going to be using the pool. Ms. Reichert stated that there would be two people to a room so that is 38, which is what you want because that is how you stay in business, so you have 38 people potentially using that pool. Ms. Reichert stated that not everybody is a pool person. Mr. Messina stated that he said potentially. Ms. Reichert stated that

the applicant could covenant limiting the use to the hotel guests; outside members of the public who are not staying at the hotel would not be eligible to use the pool. If you look at the character of the community, with the exception of maybe four or five, you could make those same arguments that every single residence uses their pool to maximum capacity. Village Attorney Messina stated that you cannot because not every single residence has 38 potential users; this is much more large scale; it cannot be equated rationally with the single-family home use.

Ms. Reichert stated that she will address some of the other items that could help address the neighbors' concerns. The applicant is in the hospitality business so if the structure is noxious to neighbors, it will be noxious to our guests. Again, the hotel rooms are small, the customers tend to be on the older side, it does not really cater to small families. The Inn has a tranquil feeling to it that the current owners are not looking to change or disturb in any way, shape or form. The hours of operation for this pool are contemplated to be 10 in the morning to 8 pm, or to coincide with sunset, but not later than 8 pm. Again, the Inn serves breakfast and they do not want their breakfast guests to be served during pool activity.

There are three cabanas proposed, they are open air which means closed on three sides but they are open to the pool. Their aggregate footprint is 240 square feet which is less than the maximum 250 for pool houses under the Village Code but unlike a pool house, they are not contemplating a powder room, there is no septic effluent, only a place for people to be by the pool in the shade.

Member O'Connell stated that in reviewing the plan, while the ramp is being installed, there is no intention of making the bathrooms ADA compliant as there are tiny bathrooms in the Palm. Ms. Reichert stated that that is an interior renovation, so it would not necessarily be part of the purview of the Zoning Board; she has not spoken with her client about interior ADA compliant renovations but can find out. Mr. O'Connell stated that he just found it interesting. Member Rose asked for confirmation that there is no plumbing in the cabanas. Ms. Reichert said that this is correct; it is for shade and a couple of loungers.

Chairman McGuirk asked about the construction material of the cabanas. Ms. Reichert stated that they are wood. Village Attorney Messina asked if they are three-sided. Ms. Reichert said yes. Member Rose stated that they are

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three sides with roofs. Ms. Reichert said yes and that there were plans and elevations submitted in August. Member Rose asked if there would be any lighting or other characteristics in the pool area. Ms. Reichert stated that there will be minimal lighting because it will not be used at night so it is really whatever is required pursuant to safety. There is a lighting plan and Matthew Jedicka from McLean Associates can speak to the portions of the plans but the architect, Daniel Terebelo, could not be here so if the Board has anything that is more related to the architecture, she will get the questions to him and get answers. No sound is proposed out there, no bright lights beyond what is necessary for safety purposes, again, it is not intended to be a space that is going to be utilized once it gets dark.

Ms. Reichert stated that before she goes into the variance standards, which she knows the Board is familiar with, she wants to go into the context of the neighborhood. Ms. Reichert stated that she herself has a strong passion for historic preservation being the Vice President of the Montauk Historical Society and when taking on a client like this, she is very mindful of the historic characteristics of the neighborhood. When looking at structures in a Historic District which were built prior to the enactment of zoning, nonconformance is part and parcel with the historic district. Many of the residences, whether they are commercial or residential, are too close to the street or too close to their property lines and that is just the function of their historic nature. The nonconforming use has been going on on the property, from one extent to another, since the 1700's so it is very much part of the fabric of the Village of East Hampton. Turning to the character of the community, the Inn is a commercial use but it is one of a temporary residential nature, there are multiple preexisting nonconforming Inns along the Main Street Historic District; the Baker House has a swimming pool and the Design Review Board has approved nine other properties in the Main Street Historic District for a swimming pool so this does not exist in a vacuum.

Member O'Connell asked if it exists on commercial properties. Ms. Reichert said no, eight residential and one commercial, the Baker House. Village Attorney Messina questioned whether the Baker House required a variance. Ms. Reichert stated that the Baker House, if it were to do it today, would require a variance; the transitional side yard regulations were implemented in 2007 and the Baker House was approved in 2005. Village Attorney Messina stated that it did not require a variance. Member O'Connell

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asked if it went before the Design Review Board. Ms. Reichert stated that it did because it is in the Historic District and no variances were required at that time and it is now a preexisting nonconforming swimming pool. Village Attorney Messina asked the distance between the Baker House from the applicant's parcel. Ms. Reichert said approximately one-half a mile. Village Attorney Messina stated that it is well in excess of 500 feet. Ms. Reichert stated that it is in the same zoning district, same zoning categorization. Village Attorney Messina stated that it is outside a 500-foot radius but it is in the same zoning district. Ms. Reichert stated that according to her presentation, swimming pools are part and parcel and she recognizes that the majority of the properties in her presentation are residential but that goes to the idea that the residential use and the Inn use have a certain element of compatibility when it comes to commonplace accessory structures and amenities. Again, going toward the character of the community and the potential detriment to any properties, the closest affected property is about 163 feet, its principal residence is 163 feet from the proposed pool. After that, 22 Davids Lane, their principal residence is 228 feet from the pool, its pool house is 191 feet from the pool; 15 Hunting Lane, which is adjacent to the applicant's property, their principal residence is 340 feet; 14 Hunting Lane across the street is 352 feet from the area where the pool is proposed so the immediate impacts to the majority of neighbors are sufficiently far away that they can be mitigated. Also, as part of the transitional yard regulations, a 20-foot vegetative buffer is required in the area of the pool and what is proposed is a 40-foot vegetative buffer, twice what is required, that would be a mixture of evergreen and deciduous trees. Ms. Reichert stated that she has just as much interest in protecting the Inn's guests' privacy as they do the neighbors'. Village Attorney Messina asked Ms. Reichert if she has done an analysis of how far away the improvement is from the adjoining property lines rather than the adjoining residences. Ms. Reichert stated that for the immediately adjoining property lines, the applicant has achieved a 40-foot setback. Village Attorney Messina asked what is required under the Code. Ms. Reichert stated that the applicant is receiving a variance of approximately 10 feet from the transitional yard which is designed where you have a commercial use adjoining a residential district, it is designed to provide that adequate buffer between what is thought of as one incompatible use next to the compatible use or the conforming use. Because of the preexisting nature of the property, there are several improvements that are being removed so one nonconformity is being alleviated and shifted toward an

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amenity that the applicant would really like to have for the property, but also, again, it is being mitigated by having a doublewide vegetative buffer. Ms. Reichert stated that the applicant is very open to suggestions. The prior application that was submitted by a prior firm had the pool much closer and also would have needed side yard setback relief not just transitional yard relief. The application was redesigned to bring the pool as reasonably close to the structure without making it untenable while reducing the number of cabanas to bring it into the aggregate square footage of a pool house. Ms. Reichert stated that coverage in certain areas has been removed, they have a robust planting plan, and hopes that that is enough to mitigate the neighbors' concerns.

Member O'Connell questioned the need for cabanas as the area has been described as being shady. Ms. Reichert stated that it is something that has been proposed, it is something that the owner likes the design and the look of as a way of just providing, again, that sort of respite from the sun, and that is why they have been proposed.

Member Rose stated that with reference to a process question, obviously the Board will want to refer this to the Historic Preservation Committee since it is in the district. Village Attorney Messina added only if the Board wishes. Member Rose stated that in terms of the environmental review because this is a substantial, not just a distance variance, it is an expansion of a nonconforming use in an extremely prominent, sensitive area and that he is not making a judgment one way or the other, good or bad, but it is a significant action in regard to a nonconforming use in a prominent location so the question is, has there been a full environmental assessment done. Ms. Reichert asked Member Rose if he is referring to the swimming pool or the ADA. Member Rose replied, to the application as a whole. Ms. Reichert stated that the ADA proposals, including the addition to the structure for the elevator, are to bring the property into compliance with Federal Law and they will not generate any effluence as it is to house an elevator shaft. Member Rose stated that it is a simple process question. Ms. Reichert stated that because it is an unlisted action under Mr. Hajek's memo, the findings that this Board will make should they assume lead agency status, the applicant has to fill out and submit an EAF Part I. Chairman McGuirk stated that the Board will wait for Village Planner Hajek to advise. Member Rose asked if there will be any sound or music. Ms. Reichert said no. Chairman McGuirk stated that anyone can bring a portable speaker. Member Rose asked if there will be any electric. Village

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Attorney Messina stated that Member Rose is talking about electric installation. Ms. Reichert stated that no sound installations are proposed. Ms. Reichert, going back to the idea of expanding the nonconforming use, the nonconforming use is the Inn and the restaurant, no tables will be added, there will be intensification of the restaurant use and the Inn use will not be intensified, no more guests can stay there after this than they can stay there now. Member O'Connell stated that there will be an intensification of use of the property by adding the pool. Ms. Reichert said potentially, it will be limited to the same number of uses that are currently permitted to be on the property; people can be in that outdoor area now; it is not a restricted area of the property. Currently there are brick terraces that are being removed that currently have lounge chairs in a seating area, and if anything, the applicant is bringing the portions of the property that people can use farther away from the neighbors than currently. Member Rose asked if there will be food or drink service available. Ms. Reichert stated that the Village Code forbids the introduction of any sort of outdoor dining so if a hotel guest gets a cup of coffee and they want to sit on that covered porch with a book, they can do so, but there will be no table service because that would go against Village Code. Member O'Connell stated that there would be nothing that prevents people from going to the bar and bringing drinks out there. Ms. Reichert stated that those outdoor areas are going to be limited to passive once it is evening time. Service of beverages in terms of alcoholic beverages would have to be in accordance with the establishment's liquor license which sometimes permits outside consumption but it is not currently proposed, it is not the idea that it will become an area for congregation or for socializing; it is meant for a peaceful respite of outdoor space for people.

Ms. Reichert stated that going back to the variance standards, these are the minimum variances to design this project without making it too close to the building to be workable; for the ADA compliance, they are the minimum necessary but pursuant to Mr. Messina's questioning, she will submit a certification from the architect that is the minimum necessary to reasonably accommodate those things; environmentally the applicant will fill out the EAF Form but the project will not generate any effluence, it is not increasing room capacity, it is not increasing guest capacity for the restaurant, it is not changing parking other than the fact that handicap spaces are being added close to the ADA improvements pursuant to the ADA requirements; and then in terms of a self-created hardship, this Board knows it is not a dispositive factor under the

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law. Again, the applicant knew they were buying a 300 plus year old building and is making efforts to modernize it to comply with the law; wants to bring an amenity that is commonplace to offer to his guests so it is the minimum amount necessary. It will not adversely impact the environment pending the Board's determination. To the extent that it is self-created, it is a property that wherever we were to propose these improvements it would require Board approval. Village Attorney Messina stated that there is a compliant place on the property to place the pool. Ms. Reichert stated that it would be in the middle of the parking lot. Village Attorney Messina stated that if things are being reconfigured anyway, it would be a much bigger reconfiguration granted, but there is a place that exists. Ms. Reichert stated that it would change parking calculations. Village Attorney Messina suggested that the applicant might be swapping one problem for another because you might not be able to get the spaces. Ms. Reichert stated that they would be swapping one nonconformity for another; the lot coverage variances that are needed are the result of the fact that the parking lot counts toward lot coverage. If you look at coverage in terms of structures, the applicant has approximately 7,000 square feet maximum permitted on the property. The parking lot and the driveway, which accounts for 30,000 plus square feet, are counted toward lot coverage that is why we need these lot coverage variances. Member Rose, following up on the question, there are, depending upon the configuration of the pool, the patios, the cabanas, there are alternative designs that could accommodate a pool in a conforming location that does not disrupt the parking lot. Member Rose added that he is not advocating or trying to design, but to go to the question that was raised, there are presumably alternative scenarios that could fit a pool in an area that is conforming as it is just a 10-foot interjection into the side yard in the application. Village Attorney Messina stated that Ms. Reichert's point though is if you do that, then you would come up even shorter on parking. Member Rose stated that if you look at the plans as submitted, where the patio and the pool are, one could come up with a design that conformed to the setback regulations without intruding in the parking area. Ms. Reichert stated that she can go back to their architect to see if it could be pushed back any further back; it has been pushed back considerably from the original design that was submitted and subsequently withdrawn because she thought the application could be made better. Ms. Reichert added that she will see if the application can be refined but the design has been shifted away to the maximum amount to make a comfortable space for everyone without

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having the pool right up against the building. Village Attorney Messina added that there are separation standards. Ms. Reichert agreed.

Chairman McGuirk thanked Ms. Reichert and asked to hear from Village Planner Billy Hajek and then hear from the public.

Village Planner Hajek stated that his report to the Board is dated October 13, 2022 and will touch on a couple of items that are pertinent to point out. It is obvious this is a preexisting nonconforming use in a residential zoning district; alterations to a nonconforming use require a variance so regardless of whether the swimming pool can meet a required setback or the transitional yard setback, a variance would be required for making alterations. The way the Code works, if the Board were to establish a nonconforming use, it is a use variance, however, the extension or alteration of a nonconforming use can be achieved with an area variance, the Board should be focused on the area variance standards when analyzing and looking at the project. The addition covers three floors; the first floor is 305 square feet, the second floor addition is 132 square feet, and the third floor is 117 square feet so the addition is sort of truncated as you get to the top and it is wider at the bottom. Village Planner Hajek stated that the floor plans do show some interior alterations in connection with the additions; walls and some rooms are being moved around. In addition to the elevator on the first floor, they are adding basically an entry foyer space which squares off the back of the building and it squares off the area where they are constructing the covered patio, the roofed patio area. The existing building contains 14,476 square feet and the allowable gross floor area on the property 9,838 square feet. It is a 554 square foot addition. Mr. Hajek stated that Member O'Connell pointed out that some of the bathrooms might not be ADA compliant on the first floor and suggested that the applicant look at the ADA compliance of the second and third floors, whether the hallways and the rooms are actually ADA compliant as well. This might be a matter of convenience versus actually providing true ADA accessibility. In terms of the accessory improvements, the covered patio is 952 square feet in size; Mr. Hajek stated that he previously requested that the applicant provide a written description of how that patio would be used and given the Board's questions in terms of uses of drink and food service, reiterated that it should be in writing outlining exactly how it is going to be used and the hours of operation. Mr. Hajek also suggested that the Board have that information for the swimming pool as well; hours of operation, how it is going to be used, and who it is going

to be limited to. The swimming pool requires a transitional yard setback; the transitional yard setback was added to the Code as an extra level of protection for residential properties that adjoin commercial uses and specifically outdoor commercial uses. Mr. Hajek cautioned against comparing a residential setback requirement with that of a commercial setback requirement. A 40-foot foot screening area adjacent to the pool is proposed and Village Planner Hajek questioned if it is practical to have vegetation going up to the edge of the pool which means you will not have access around one side of the pool. The Code does permit a six-foot fence in conjunction with the vegetative buffer to provide extra protection to neighbors. Mr. Hajek stated that 12 bollard-style lights are proposed which are 42 inches in height and appear to comply with the Village Code in terms of dark sky compliance and lighting requirements, however, additional lighting will be required for the covered patio and the doorways that are being added so the lighting plan should be all inclusive of all additions that are proposed, not just the bollards. Mr. Hajek stated that pursuant to SEQR, this is an Unlisted Action which is the mechanism for determining whether the Board thinks the project will have an adverse impact or an impact on the environment or the character of the neighborhood. Mr. Hajek suggested that the Board declare lead agency; the applicant would have to submit an EAF Part I and through that process, the Board determines whether there is enough information to adequately decide that the project will not have an adverse impact on the environment. The Board can use that procedure to request alternative designs, additional information, and the like.

Member Rose asked if the Board would declare lead agency status and then request an EAF Part I for the purpose of reviewing. Village Planner Hajek stated that that is correct. Chairman McGuirk asked if the Board would do that at the next meeting. Village Attorney Messina stated that Ms. Reichert might want to make adjustments; the Board should know what is before the Board before taking action.

Chairman McGuirk stated that the Board is in receipt of numerous letters which are contained in the file and on the Village website and asked if anyone would like to speak on the subject.

Lisa Pugliese 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 stated that she has submitted letters in opposition to the application. She has been a resident of Davids Lane for 30 years and would like to share her

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thoughts on the Landry's variance application to add a swimming pool, cabanas, surrounding patios, etc. to their Main Street location. Apart from the Huntting Inn's primary location at the entrance to our beautiful Village, the site is an important contribution to the Historic District as a preexisting nonconforming property, the application requires the Board's most stringent evaluation with greater consideration given to surrounding residential properties and the historic nature of the site. Ms. Dortch stated that her first visit to East Hampton, her arrival at the Jitney stop in front of the Huntting Inn, was so majestic yet understated and she immediately understood why East Hampton was named the most beautiful Village in America. Many administrations of East Hampton have worked diligently to allow the Village to prosper while maintaining its majesty and thanked the Board; this has occurred largely because each administration has kept its eye on the prize and focused on maintaining the Village's history, beauty, both natural and created, and serenity. Ms. Dortch stated that she scrolled through the Landry's website to understand who they are and saw all their hotels, restaurants, and casinos; lots of bells and whistles, many, many pools and cabanas, even a shark tank and their success is apparent. The Huntting Inn is also on the applicant's website and the caption reads The Huntting Inn is one of the most beautiful and historic landmarks in the oceanfront Village of East Hampton, New York. The Inn is nestled in the heart of East Hampton's Main Street which, according to National Geographic, is one of the most beautiful Main Streets in America. The serenity and comfort of the Huntting Inn makes it the perfect country retreat at any time of year. Ms. Dortch stated that it is clear that the Landry Group has little appreciation for what it has taken to preserve and maintain this serene Village over its long-life time because if they did, they would not be asking for the variance; they knew exactly what they were purchasing and they pitched it as such on their website. The Village should not allow changes to one of the most historic sites to fit into their portfolio. The Landry Group does not need another location with a pool and cabanas; those elements might be what they typically offer, they are not necessary components for their already successful establishment. Ms. Dortch stated that the Village Comprehensive Plan, its creators and enforcers, the Zoning Board, the Design Review Board, and the Mayor amongst them, understand what has brought people here for decades and what is necessary to maintain the Village's unique and historic quality; the Comprehensive Plan prioritizes green space, historic sites, and requires that the residential quality of the Village be prioritized by protecting it from the sights,

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sounds, and smells of surrounding commercial properties. Ms. Dortch stated that she understands why the applicant is asking for the variance but approving it is antithetical to the Village Comprehensive Plan in every way, shape, and form and respectfully requested that the Board deny their application and thanked the Board for their time.

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 is the abutting owner directly affected by the application with respect to the swimming pool and cabanas. Mr. Morgan stated that he does not object to ADA compliance in any way. This application is very similar to what was presented several years ago, absent a few cabanas and the hot tub. The Zoning Code is for the good of the community and that variances, which are exceptions, should be granted in an exceptional matter not as a run of the mill or convenience matter at all. The Landry Group acquiring this property three or four years ago were fully aware of the Zoning requirements, aware that this was a nonconforming business use in a residential zone, and was aware that it was part of the Main Street Historic District. The Landry Group had no expectation that they would receive variances to put in a swimming pool and recreational center on their property. Further, there is no necessity for this. The Inn has operated for hundreds of years, it serves meals which he and others have enjoyed, it has a bar arrangement, it has 19 rooms, it has operated during the recent Film Festival and it was full, and operated during the summer months and was full as well and has operated very nicely without a swimming pool and outdoor area. They would like an amenity because they think it will improve the Inn either by raising prices for the rooms or somehow having an economic benefit. Increasing the profitability of a commercial establishment is not a sufficient enough reason to grant a zoning ordinance.

Finally, noise is an issue and it has been addressed in part here but for example, in the summer of 2020, the Palm Restaurant did have outdoor dining and it was on the same side of the property where they are proposing the swimming pool to exist. From about six o'clock in the evening until 10:30 in the evening, there was noise coming from diners, not people splashing in a pool or enjoying a cocktail they might bring out from the Inn, but just people having a simple dinner. Mr. Morgan stated that he did not complain at any time because he thought it was appropriate, given the pandemic, that the Inn could

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and continue to have meal service and that was the way to do it safely. However, thinking about a pool and having perhaps children splashing around in the morning and in the afternoon, people assembling for a cocktail before dinner, and then, notwithstanding the proposed hours, the fact that some exuberant young people might avoid the rules and that no one might enforce them, have a bit of a midnight swim along the property line. For all the reasons stated, Mr. Morgan respectfully requested that the Board deny the variances that are being sought. Village Attorney Messina asked to be clear, just the variances with respect to the pool and cabanas. Mr. Morgan stated that that is correct.

Jeffrey Santonastasi, 12 Cedar Court, East Hampton, duly sworn in by the Village Clerk, swore to tell the truth, the whole truth, and nothing but the truth. Mr. Santonastasi stated that he is present on behalf of the owner of a vacant lot that is at 12 Davids Lane which is owned by David Seeherman. Mr. Santonastasi read a letter from Mr. Seeherman into the record. As the owner of the vacant lot at 12 Davids Lane which abuts the Hunting Inn, the future potential enjoyment of his property would be directly and negatively impacted by the approval of the application and urges a no vote. A residential pool is used in a much different manner than a pool with crowd capacity, patio, and cabanas for multiple revolving short-term guests. Let alone the fact that the Inn already operates in a nonconforming commercial use in a residential zone, this seems to be an expansion of invasive nature to the neighbors rather than a hardship to the Inn. I trust your vision and steadfastness to the character of the Village and to see that this does not fit with what is appropriate or neighborly. Respectfully, David Seeherman. Mr. Santonastasi stated that he is in favor of ADA compliance, but with regard to the pool, it is the safety aspect as well as the noise but the property of 12 Davids Lane, directly behind it, presumes there are appropriate safety measures to protect the pool from intrusion from other outside people who might possibly gain access. It also brings in the safety question of fencing, pool alarms, and lighting. Mr. Santonastasi stated that every other pool that he has gone to at an apartment complex or that is open to many, many people, the lights must be on at night for safety reasons. Village Attorney Messina stated that the applicant would have to comply with Code with respect to fencing and lighting.

Since there were no more comments, Chairman McGuirk adjourned the hearing until the Board's December 9, 2022 meeting.

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ORIGINAL HEARING
Steven and Deborah Shapiro – 16 Terbell Lane –
SCTM #301-13-10-9

Chairman McGuirk called the hearing to order at 12:20 p.m., and the Public Notice, as duly published in the East Hampton Star, was read.

Application of Steven and Deborah Shapiro, SCTM#301-13-10-9, for an Area Variance from Chapter 278, Zoning, to construct additions to a preexisting nonconforming residence. A 1,532 square foot gross floor area variance is requested from Section 278-3.A.(13) to construct 477 square feet of additions and to permit a residence to contain 6,646 square feet of gross floor area where the maximum permitted gross floor area is 5,114 square feet. The existing residence contains 6,169 square feet of gross floor area, and any other relief necessary. The subject property is 41,141 square feet in area and is located at 16 Terbell Lane in Residence District R-160. This project is classified as a Type II Action in accordance with SEQR.

Trevor Darrell Esq. appeared on behalf of the applicant; no additional material was submitted into the record; no one appeared in opposition. Mr. Darrell stated that the Shapiros purchased the property in November 2021 which is used as a weekend and summer home. Mr. Shapiro is disabled and uses crutches and has a prosthetic leg; Mr. Darrell submitted a letter from Mr. Shapiro's doctor which indicates that Mr. Shapiro should not use his prosthetic leg all the time. The proposal is to install an elevator that would go from the basement to the first floor and to the second floor which would allow easier access. Mr. Darrell stated that elevators are not given any special treatment as far as relief from the Code for ADA compliance. Village Attorney Messina suggested that the applicant is asking for a reasonable accommodation. Mr. Darrell stated that the applicant's house predated the change in the Code when it comes to its existing gross floor area; there will be 477 square feet of new area and located where an existing screened in porch currently exists. The property is a flag lot and not visible from anybody up and down the street and additionally it is not visible from any of the neighbors as it is extremely hedged in. At the rear side of the property, the nearest neighbor has their tennis court that sits on the rear property line so there will be no negative impact to any of the neighbors. The area to be enclosed is currently within the footprint of the house. Mr. Darrell stated that Village Planner Hajek suggested mitigation

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which has been discussed with the applicant and he has no opposition to filing a covenant that would run with the land that there would be no further expansion or increased GFA to the principal structure. Mr. Darrell stated that they could covenant against any garage or accessory structures, excluding a pool house because the property is under the existing coverage.

Member McMullan asked Village Attorney Messina if a covenant exists on the property and a future owner decides to take the house down, what happens with the covenant. Village Attorney Messina stated that the covenant still remains; the applicant can always ask for relief from the covenant; it may make sense if there is a total demolition; the covenant runs with the land and it remains no matter what. Member McMullan stated that he does not want to shoehorn the applicant into something that down the road would make the property undesirable. Village Attorney Messina stated that if the applicant came in with a new plan and asked for relief from the covenant, the Board would exercise a little more control obviously than normal as the applicant would have the ability to seek relief. Member Rose questioned whether those areas are included as gross floor area. Building Inspector Preiato stated that the floor area for an open-air porch is not charged; once it is walled in and becomes heated space, then it is gross floor area. Member Rose stated that when he toured the property, there was reference to a Code change. Mr. Darrell stated that the Code change was the counting of stairwells and double height ceilings which did not used to be counted against GFA, that is the Code change. Member Rose asked Mr. Darrell to review the math of this application. Mr. Darrell stated that at the time of the Code change, the house became 1,055 square feet over GFA just by doing nothing. Village Attorney Messina added that before the Code change, it was compliant. Member Rose stated that the amount of additional floor area being requested is pursuant to this newly enclosed area. Mr. Darrell said yes, by 477 square feet; so, while the variance seems much larger, it is incorporating 1,055 square feet that happened just by the change in the Code. The area the applicant is proposing to incorporate is also existing, it is just open air so by enclosing it, it then counts as GFA which is 477 square feet.

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

ORIGINAL HEARING

Eric and Lori Blatstein – 211 Lily Pond Lane – SCTM #301-15-4-12

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Chairman McGuirk called the hearing to order at 12:32 p.m., and the Public Notice, as duly published in the East Hampton Star, was read.

Application of Eric and Lori Blatstein, SCTM #301-15-4-12, for Area Variances from Chapter 278, Zoning, to construct a detached garage. A variance is required from Section 278-3.A.(5)(f) to construct a detached garage within the front yard area of the lot. A 47.1 foot variance is required from Section 278-3.A.(5)(a) to construct a detached garage 7.9 feet from a front yard lot line where the required front yard setback is 55 feet. A 468 square foot variance is required from Section 278-3.A.(9) to permit 10,994 square feet of coverage where the preexisting coverage is 10,629 square feet and zoning limits coverage on this property to 10,526 square feet, and any other relief necessary. The subject property is 52,630 square feet in size and is situated at 211 Lily Pond Lane and fronts on the Atlantic Ocean. The property is located in Residence District R-160 and is in FEMA Flood Zones VE and AE. This project is classified as a Type II Action in accordance with SEQR.

Trevor Darrell Esq. appeared on behalf of the applicant; no one appeared in opposition. Mr. Darrell stated that the request is to allow a one and one-half car detached garage to be constructed in the front yard of 211 Lily Pond Lane. The house is situate on the oceanfront, the structure is proposed to be built landward of the Coastal Erosion Hazard line as well as the natural features. The house does not have a basement; it has two crawl spaces on either end and it sits preexistingly nonconforming to the GFA calculations on the lot so any proposed additional structure or a storage area that will be attached to the main house would trigger a substantial amount of variance requests. Approximately two and one-half years ago, there was an application for a detached garage in a similar location but was a much more substantial proposed project; that application was withdrawn. This application is a much more modest request; no basement, on a slab, single A frame garage. The proposed location is nearer the Georgica Beach parking lot being as far away from any neighbors except for the Village paved parking area. The reason why the garage is proposed in that area is because that is where the existing disturbed portion of the property is. There is an existing shed that is to be removed and the garage will take up that area plus a little more; where the driveway ends is where the proposed garage would be installed so we are trying not to disturb additional lands on the property. The property is sloped as

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well so fill would have to be brought in and would be more disturbing to the site if the garage were placed elsewhere. The water line, the electric line, and the gas line all come through the front of the property so the applicant does not have a whole lot of room to move to the east with the proposed structure.

Mr. Darrell submitted a couple of renderings to give the Board some idea of what the existing shed looks like number one, number two is the rendering of what the new garage roof will look like which is 17 feet at the peak of the ridge for the proposed garage, the third picture is a standalone tree which was just a thought process of not blocking the whole property line, and the fourth is an existing hedge that runs along the property line but the applicant has it maintained and cut down yearly because he likes the flow of the property in having it open. If the Board wanted to see some type of screening, he could allow it to grow higher and keep it at a higher height.

Chairman McGuirk asked about the height of the fence and if it is a Village fence. Village Planner Hajek stated that he does not believe it is a Village fence. Chairman McGuirk stated that it appears to be over six feet.

Member O'Connell asked if the existing stone driveway, depicted on the survey, will be used to access the garage. Mr. Darrell said yes. Member O'Connell asked if there will be any additional curb cuts. Mr. Darrell said that there will be no additional curb cuts. Member O'Connell, referring to the photo showing the potential opening in the fence, asked if the applicant is thinking about using that as their access point for this garage. Mr. Darrell said no, not that he has been made aware; it is sort of a fire exit, secondary. Member O'Connell stated that the architect's plans and site plan have the garage in two different spots; one has it angled to 24 feet, Chris DiSunno's plans, and the site plan has it 7.9 feet from the property line. Mr. Darrell stated that the site plan is correct and an amended plan has been submitted. Member O'Connell asked if the 17 feet is within the permitted height. Mr. Darrell said yes. Member O'Connell asked if the garage will have heat and/or air conditioning, expressing concern that it will morph into something other than its intended use. Mr. Darrell stated that there are no proposed air conditioning units attached that he has been made aware, interior or exterior; the building will have electric but it is not proposed to be heated or cooled. Member O'Connell asked if the applicant would covenant that. Mr. Darrell said yes and that he has seen their storage space which is very little.

Member Rose asked for the required setback. Mr. Darrell stated that he thought it was 55 feet. Member O'Connell asked if it was a true side yard what would it be. Mr. Darrell said 20 feet.

Chairman McGuirk stated that he would like to see a landscape plan to break up the roofline. Mr. Darrell said the existing hedges are there but they are cut down to fence height every year so the applicant could let them grow. Member O'Connell stated that he likes it open. Member Rose stated that it does create a presence in a place that is highly visible and has a concern about the height. Village Attorney Messina noted that the height is compliant. Member Rose stated that it is not compliant in the location. Village Attorney Messina stated that that is why the Chairman is looking for something to mitigate the visual impact. Chairman McGuirk asked Mr. Darrell to come back to the Board with a landscape plan.

Chairman McGuirk adjourned the hearing until the December 9, 2022 meeting.

ORIGINAL HEARING

Traumhaus 1, LLC – 75 West End Road – SCTM #301-15-5-11.1 and Traumhaus 2, LLC – 69 West End Road – SCTM #301-15-5-10

Chairman McGuirk called the hearings to order at 12:45 p.m. and the Public Notices, as duly published in the East Hampton Star, were read.

Application of Traumhaus 1, LLC, SCTM#301-15-5-11.1, for Variances from Chapter 278, Zoning and Chapter 163, Freshwater Wetlands, to clear land and install a gravel driveway and to modify a previously issued permit granted by the Zoning Board of Appeals. A request is made to modify a previously issued determination granting a Coastal Erosion Hazard Area permit and variances, Wetlands permit, and Area variances by altering the previously approved limits of clearing, grading and ground disturbance and areas to be revegetated. A wetlands permit in accordance with Section 163-5 and an approximate 25 foot variance from Sections 278-7.C.(2) and 278-3.A.(8) are requested to install a driveway approximately 125 feet from wetlands where the required setback is 150 feet, and any other relief necessary. The subject property is 275,661 square feet in area, is located at 75 West End Road within Residence District R-160 and adjoins the Ocean Beach and within FEMA Flood

Zones VE (el. 19) VE (el. 17) and AE (el.10). The project is classified as a Type II in accordance with SEQR.

Application of Traumhaus 2, LLC, SCTM#301-15-5-10 for Variances from Chapter 278, Zoning, Chapter 101, Coastal Erosion Hazard Areas, and a Freshwater Wetlands Permit in accordance with Chapter 163, Freshwater Wetlands. A wetlands permit and a variance of approximately 82.4 feet is requested from Sections 163-5, 278-3.A.(8) and 278-7.C.(2) to clear land approximately 42.6 feet from wetlands and revegetate where clearing within 125 feet of a wetland is prohibited. A wetlands permit and variance of approximately 55.7 feet is requested from Sections 163-5 and 278-3.A.(8) to construct a parking area approximately 94.3 feet from wetlands where 150-foot setbacks are required. A Coastal Erosion Hazard Area permit and variance is required from Section 101-12.A.(1) to temporarily clear, excavate and grade land and revegetate where excavating or grading land in primary dunes is prohibited, and any other relief necessary. The subject property is identified as 69 West End Road, is approximately 82,184 square feet in area and is in Residence District R-160. The property is located within FEMA Flood Zones VE el. 19, 17 and 10 and adjoins the Ocean Beach. 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 information was submitted into the record. Mr. Ackerman thanked Village Planner Hajek for synthesizing their 20-page narrative and application and accepted Mr. Hajek's recommendations set forth in his report. This is a clean-up in terms of reaching the end of a very extensive historical restoration of the property, the Juan Trippe property, at the end of West End Road. Mr. Ackerman stated that his clients, after living in the home for a year, felt that a single driveway would be more appropriate for serving this compound, and, accordingly, the plan has been redrafted and modified to reflect the single driveway for access to both 75 and 69. The proposed revegetation plan reflects a substantial gain of almost 1,000 feet of native revegetation. The plans show what is to be revegetated, what is to be removed to accommodate the driveway, and the slight expansion of the buildable area where the tennis court and swimming pool are going. There is a net gain in excess of 900 square feet of revegetation; the applicant is revegetating an area of the lawn that is within Coastal Erosion.

Mr. Ackerman stated that it might be best if the Board let Jeffrey Bragman give whatever his objections are and then he can respond. The landscape architect is available to answer any questions about the plan and the program.

Jeffrey L. Bragman Esq. appeared on behalf of Katharine Rayner, who is the adjacent neighbor to the west, and thanked Mr. Ackerman for his warm introduction. Mr. Bragman stated that West End Road is a signature area and these are signature properties in the Village of East Hampton, and as is so often the case, what makes them signature is the fact that they have tremendous natural resources and natural features. Mr. Bragman stated that he has had very little time to look over the 118-page submission; it is couched as a small adjustment to the project but it has a lot of lengthy documentation to absorb. The way the application is described, this is just a small adjustment of a few 100 square feet and they are going to revegetate a lawn so it is robbing Peter to pay Paul with no net loss or gain and just looking at lines on paper, that may sound persuasive and it may turn out to be persuasive, but the proof in the pudding is a more localized view or granular view which means a closer view of the actual areas where they are proposing to cut in. Mr. Bragman stated that he did read through the Woods Hole Group memos on each of the areas where they highlighted that changes would occur, noting that the Board must be familiar that the Woods Hole Group is not the Woods Hole Institute of fame and great renown, it is a private consulting firm. The Woods Hole Group analysis is somewhat cursory and conclusory. Each of the areas, from the photos in the presentation, some or all of the new areas for the driveway connection and other adjustments that they are making appear to be going over, pretty largely undisturbed dunes. Mr. Bragman asked on behalf of his client that they be given a little bit more time to review the application and come back to the Board. Mr. Bragman stated that Sara Davison, Friends of Georgica Pond, is in attendance to speak about the sensitivity of the area and the need for care and caution and the changes.

Sara Davison, duly sworn in by the Village Clerk, swore to tell the truth, the whole truth, and nothing but the truth. Sara Davison, Friends of Georgica Pond Foundation, stated that she is appearing to represent Georgica Pond and the environment surrounding. Ms. Davison stated that this is a sensitive, narrow spit of land and has unique natural resources starting at the ocean with a dune, a very intact shrubland and wetlands, and then leading down to

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Georgica Pond where she has been working for so long to improve the water quality. Ms. Davison urged the Board to be deliberate and slow in the analysis of the application.

Mr. Ackerman stated that they are on a very short leash with the application at the end of Coastal Erosion. Mrs. Rayner has received notice of several prior applications. Mr. Ackerman stated that he can ask his landscape architect to give a detail of what is proposed and that the Board has Mr. Hajek's report. He has spent months preparing applications and the next hearing is going to be in December.

Member O'Connell stated that with reference to the driveway, referencing the easement, will something be filed that permanently abandons the access from the current vacant lot. Mr. Ackerman said yes it will be a condition when the Certificate of Occupancy is issued. Member O'Connell asked if one 20-foot access will be eliminated. Mr. Ackerman said yes. Member O'Connell questioned how far did the driveway on the vacant lot come in before it hit the proposed parking. Mr. Ackerman asked Mr. Willard to address that question.

Justin Willard, duly sworn by the Village Clerk, swore to tell the truth, the whole truth, and nothing but the truth. Mr. Willard stated that the existing driveway on 69 West End is, plus or minus, 60 feet and the whole area will be revegetated with natural shrubs, grasses, and trees. In terms of water quality in Georgica, it will highly benefit from a reduced hardscape and the addition of a lot of natural shrubs and resources. Member O'Connell asked for the width. Mr. Willard stated that it is currently 10 or 12 feet.

Member Rose stated that he appreciates the desire to move forward expeditiously but there is a lot going on in this little slip of road. Member Rose stated that the property owner to the west of the applicant's property is the Village of East Hampton, and raised in previous discussions that the rocks appearing on Village property, that they were going to be moved. Mr. Ackerman stated that the rocks have been moved and made sure it was done right after Member Rose asked for it.

Mr. Ackerman questioned the timeframe for submissions. Village Attorney Messina offered for the Board's consideration to give Mr. Bragman two weeks and to give Mr. Ackerman two weeks to respond so it might be on

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for a decision at the next meeting. Mr. Ackerman stated that that would be fine.

Chairman McGuirk stated that the hearing will be kept open until December 9, 2022 for written comments.

Upon motion of Joseph B. Rose, duly seconded by Andrew Baris, the Board unanimously adjourned the meeting at 1:08 p.m.

17004

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, October 14, 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. The applications can be viewed on the Village's website easthamptonvillage.org by clicking on the "Alerts" tab.

Application of Gals Beach House LLC, SCTM#301-10-1-30.1, for Area Variances from Chapter 278, Zoning, to legalize A/C condenser units. Four (4) variances of 11.6 feet each are requested from Section 278-3.A.(5)(b) to legalize four (4) A/C condenser units each located 8.4 feet from a side yard lot line where the required setbacks are 20 feet, and any other relief necessary. The subject property is 88,666 square feet in area and is located at 24 Two Mile Hollow Road in Residence District R-160. This project is classified as a Type II Action in accordance with SEQR.

Application of Hunting Hospitality LLC, SCTM#301-3-8-1 for Variances in accordance with Chapter 278, Zoning, to construct additions, a swimming pool, porches and other accessory improvements onto a property containing a preexisting nonconforming use. Variances from Sections 278-1.B.(1)(a) and 278-1.B.(2)(c) are required for the extension and enlargement of a nonconforming use where the extension or expansion of a nonconforming use is prohibited. A 25,015 square foot variance is requested from Section 278-3.A.(9) to permit 42,690 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 of 10 feet, 10 feet, 8.2 feet, 9.9 feet, 1 foot and 5 feet are required from Section 278-3.E.(1) to construct a swimming pool 40 feet, pool patio 40 feet, three cabanas located 41.8 feet, 40.1 feet and 49 feet, and a walkway 45 feet from the rear yard lot line where the required transitional yard setbacks are 50 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 which 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, and any other relief necessary. 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 of 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 Steven and Deborah Shapiro, SCTM#301-13-10-9, for an Area Variance from Chapter 278, Zoning, to construct additions to a preexisting nonconforming residence. A 1,532 square foot gross floor area variance is requested

from Section 278-3.A.(13) to construct 477 square feet of additions and to permit a residence to contain 6,646 square feet of gross floor area where the maximum permitted gross floor area is 5,114 square feet. The existing residence contains 6,169 square feet of gross floor area, and any other relief necessary. The subject property is 41,141 square feet in area and is located at 16 Terbell Lane in Residence District R-160. This project is classified as a Type II Action in accordance with SEQR. Application of Eric and Lori Blatstein, SCTM #301-15-4-12, for Area Variances from Chapter 278, Zoning, to construct a detached garage. A variance is required from Section 278-3.A.(5)(f) to construct a detached garage within the front yard area of the lot. A 47.1 foot variance is required from Section 278-3.A.(5)(a) to construct a detached garage 7.9 feet from a front yard lot line where the required front yard setback is 55 feet. A 468 square foot variance is required from Section 278-3.A.(9) to permit 10,994 square feet of coverage where the preexisting coverage is 10,629 square feet and zoning limits coverage on this property to 10,526 square feet, and any other relief necessary. The subject property is 52,630 square feet in size and is situated at 211 Lily Pond Lane and fronts on the Atlantic Ocean. The property is located in Residence District R-160 and is in FEMA Flood Zones VE and AE. This project is classified as a Type II Action in accordance with SEQR. Application of Traumhaus 1, LLC, SCTM#301-15-5-11.1, for Variances from Chapter 278, Zoning and Chapter 163, Freshwater Wetlands, to clear land and install a gravel driveway and to modify a previously issued permit granted by the Zoning Board of Appeals. A request is made to modify

a previously issued determination granting a Coastal Erosion Hazard Area permit and variances, Wetlands permit, and Area variances by altering the previously approved limits of clearing, grading and ground disturbance and areas to be revegetated. A wetlands permit in accordance with Section 163-5 and an approximate 25 foot variance from Sections 278-7.C.(2) and 278-3.A.(8) are requested to install a driveway approximately 125 feet from wetlands where the required setback is 150 feet, and any other relief necessary. The subject property is 275,661 square feet in area, is located at 75 West End Road within Residence District R-160 and adjoins the Ocean Beach and within FEMA Flood Zones VE (el. 19) VE (el. 17) and AE (el. 10). The project is classified as a Type II in accordance with SEQR. Application of Traumhaus 2, LLC, SCTM#301-15-5-10 for Variances from Chapter 278, Zoning, Chapter 101, Coastal Erosion Hazard Areas, and a Freshwater Wetlands Permit in accordance with Chapter 163, Freshwater Wetlands. A wetlands permit and a variance of approximately 82.4 feet is requested from Sections 163-5, 278-3.A.(8) and 278-7.C.(2) to clear land approximately 42.6 feet from wetlands and revegetate where clearing within 125 feet of a wetland is prohibited. A wetlands permit and variance of approximately 55.7 feet is requested from Sections 163-5 and 278-3.A.(8) to construct a parking area approximately 94.3 feet from wetlands where 150-foot setbacks are required. A Coastal Erosion Hazard Area permit and variance is required from Section 101-12.A.(1) to temporarily clear, excavate and grade land and revegetate where excavating or grading land in primary dunes is prohibited, and any other relief necessary. The subject property is

identified as 69 West End Road, is approximately 82,184 square feet in area and is in Residence District R-160. The property is located within FEMA Flood Zones VE el. 19, 17 and 10 and adjoins the Ocean Beach. 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: September 23, 2022
By Order of John L. McGuirk III, Chairman
Zoning Board of Appeals, Inc. Village of East Hampton
12-2/315

FILED
VILLAGE OF EAST HAMPTON, NY
DATE: 12/9/22
TIME: 2:00 pm
Pamela J. Bennett

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