

Zoning Board of Appeals
February 11, 2022
11:00 a.m.
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Those present were:

John L. McGuirk III, Chairman
James H. McMullan, Vice Chairman
Philip O'Connell, Member
Joseph B. Rose, Member
Carrie Doyle, Member
Andrew Baris, Alternate Member
Shahab Karmely, Alternate Member
Vincent Messina, Village Attorney
Thomas Preiato, Building Inspector
Billy Hajek, Village Planner
Leonard Ackerman, Attorney on behalf of Behind the Pond, LLC
Frank Greenwald, Architect on behalf of Behind the Pond, LLC
Jonathan Tarbet, Attorney on behalf of Michael Kretchmar and Chuck Thomas
Laurie Wiltshire, Agent on behalf of Orion Properties, LLC
David Harvey, Architect on behalf of House on the Pond, Inc.
Bruce Horwith, Agent on behalf of Kooh, LLC
Joan Morgan McGivern, Attorney on behalf of Kooh, LLC
Jody Gambino, LTV Moderator
Pamela J. Bennett, Village Clerk

Mr. McGuirk: Good morning, welcome to the Village of East Hampton Zoning Board of Appeals' meeting for Friday, February 11th.

MINUTES

Mr. McGuirk: We have on the agenda, first thing will be the minutes from **January 14, 2022**, do I have any corrections or additions? May I have a motion?

Mr. McMullan: I will make a motion.

Mr. McGuirk: Second please.

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Mr. O'Connell: Second.

Mr. McGuirk: Thank you. All in favor?

Mr. Rose: Aye.

Mr. O'Connell: Aye.

Ms. Doyle: Aye.

APPLICATIONS WITHDRAWN

23 East Dune Lane LLC – 23 East Dune Lane – SCTM #301-9-5-21.4
East Dune Lane Corp. – 27 East Dune Lane – SCTM #301-9-5-21.3

Mr. McGuirk: We have two applications that have been withdrawn, 23 East Dune Lane LLC, 23 East Dune Lane, East Dune Lane Corp., 27 East Dune Lane, we don't need to make a motion or anything on that, right?

Ms. Bennett: No.

Mr. McGuirk: Okay, great, thank you.

DETERMINATION

Damon and Lisa Liss – 78 Mill Hill Lane – SCTM #301-8-4-42

Mr. McGuirk: We have two determinations today; I will read those and then we will vote after. In the application of Damon and Lisa Liss, 78 Mill Hill Lane, Suffolk County Tax Map number 8-4-42, to install swimming pool equipment within a garage building is approved. May I have a motion.

Mr. McMullan: I make a motion.

Mr. McGuirk: Second?

Mr. Rose: Second.

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

Ms. Bennett: Sure. Mr. McGuirk?

Mr. McGuirk: Yes.

Ms. Bennett: Mr. McMullan?

Mr. McMullan: Yes.

Ms. Bennett: Mr. O'Connell?

Mr. O'Connell: Yes.

Ms. Bennett: Mr. Rose?

Mr. Rose: Yes.

Ms. Bennett: Ms. Doyle?

Ms. Doyle: Yes.

DETERMINATION

31 Cooper Lane LLC – 31 Cooper Lane – SCTM #301-1-2-40.1

Mr. McGuirk: Okay in the second determination today, in the application of 31 Cooper Lane LLC, 31 Cooper Lane, Suffolk County Tax Map number 1-2-40.1, to construct an accessory building is approved. May I have a motion?

Ms. Doyle: I will make the motion.

Mr. McGuirk: Okay, can I have a second? Can I second it, Pam?

Ms. Bennett: Sure.

Mr. McGuirk: I will second it. Okay, Pam, can you poll the Board.

Ms. Bennett: Mr. McGuirk?

Mr. McGuirk: Yes.

Ms. Bennett: Mr. O'Connell?

Mr. O'Connell: No.

Ms. Bennett: Mr. Rose?

Mr. Rose: Yes.

Ms. Bennett: Ms. Doyle?

Ms. Doyle: Yes.

REQUEST TO RE-OPEN HEARING
Behind the Pond, LLC – 50 Highway Behind the Pond –
SCTM #301-9-4-16.1

Mr. McGuirk: Okay, we have a request to re-open a hearing, Behind the Pond, LLC, 50 Highway Behind the Pond, I see Mr. Greenwald.

Mr. O'Connell: I make a motion to re-open.

Mr. Rose: Second.

Mr. McGuirk: Okay, do I need all in favor? Aye.

Mr. McMullan: Aye.

Mr. McGuirk: Is Mr. Ackerman presenting or is it, Frank, are you presenting?

Mr. Ackerman: Frank, would you just offer up what we came up with.

Mr. Greenwald: Let me share my screen.

Ms. Bennett: Let me swear you in, Frank. Please raise your right hand and state your name and address for the record.

Mr. Greenwald: Frank Greenwald, 295 Main Street, Sag Harbor, New York.

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

Mr. Greenwald: I do.

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Ms. Bennett: Thank you.

Mr. Greenwald: Let me put my screen up here. Okay so we, the last meeting we were in front of you we talked about renovation of this existing residence, accessory residence on this property on 50 Highway Behind the Pond. The only sort of objection that came up was, or at least that I heard, was the height of the building, and I guess first I just want to apologize for taking so long to get this but our client has been out of touch and it sort of took a while to get them to give us their approval. So anyway, the only objection that I heard or that we heard was about the height of this building so what we have proposed is to drop the height of the building down to the highest point of 19 foot 11 which is just a hair below what the maximum garage height is allowable in the Village of East Hampton, and that is sort of what we have done. Just to reiterate, it is the same number of bedrooms, we are adding some bathrooms and we are adding a roof structure, proposing to add a roof structure to make it look more in keeping with whatever else happens in the Village as opposed to this which is sort of not a pleasant looking structure. And that is really all. So, the only changes we are proposing is to drop the height of the roof in this one gable section down to 19 foot 11 from I think it is was 22 foot something.

Mr. McMullan: Twenty-two, seven, yes.

Mr. McGuirk: Any objections from the Board?

Mr. Rose: I would just like to comment that I think it is an improvement, both in terms of the substance of this particular application in terms of the precedent and thank the applicant for the modification.

Mr. McGuirk: Okay, great.

Mr. McMullan: I would like to echo that as well.

Mr. O'Connell: As would I, thank you.

Mr. McGuirk: Okay, can we have a motion to close the hearing?

Mr. Rose: So moved.

Mr. McGuirk: Second please?

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Mr. O'Connell: Second.

Mr. McGuirk: Okay, thank you, Frank, thank you Mr. Ackerman.

Mr. Ackerman: Thank you.

Mr. Greenwald: Thank you very much gentleman.

CONTINUED HEARING
Michael Kretchmar and Chuck Thomas – 35 McGuirk Street –
SCTM #301-1-1-29

Mr. McGuirk: So we have the continued hearing for Michael Kretchmar and Chuck Thomas, 35 McGuirk Street. Pam, can you just indicate who is sitting on this application.

Ms. Bennett: Sure. We have Mr. McGuirk, Mr. O'Connell, Mr. Rose, Ms. Doyle, Mr. Baris.

Mr. McGuirk: Okay. We understand that Mr. Tarbet is out of town but he is going to try to be on this call with us.

Ms. Bennett: Yes, he is there.

Mr. Tarbet: Are you able to hear me?

Ms. Bennett: Yes.

Mr. McGuirk: We are.

Mr. Tarbet: Great, okay, so I apologize, I am on my phone, I am out of town. So this application was on in November and there are a number of variances. The Board seemed to have no issue with any of the variances other than what was a, there seemed to be some concern with was the artist studio. The applicant would like to convert to a pool house and in doing so, they had offered to move it further from the property line and make it smaller. They also offered to remove the insulation. I do think the Board still has concerns with it so we are coming back to the Board with two additional offers. One is to record a covenant that would allow the Building Inspector to come inspect it to make sure no one is using it for anything other than a pool house, and the second one

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was, since the structure is allowed to be 14 feet high but we are offering to voluntarily keep it at 12 feet high which is actually, this artist studio was originally approved in 1995 at 12 feet high, essentially what we are asking to do is to convert the artist studio to a pool house but in doing so we are actually just making it smaller and moving it further from the property line and then adding those additional conditions to hopefully...[inaudible]...your approval.

Mr. McGuirk: Any Board Members have any issues with this at this point that want to talk? Anybody on the phone? Any call-ins?

Mr. Gambino: There is currently nobody on the line.

Mr. McGuirk: So can we have a motion to close the hearing?

Mr. Rose: So moved.

Mr. McGuirk: Can I have a second?

Mr. O'Connell: Second.

Mr. McGuirk: All right, thank you. Thank you, Jon.

Mr. Tarbet: Great, thank you.

CONTINUED HEARING

Michael and Christine Aaron re 17 Toilsome Lane – SCTM #301-2-3-2

Mr. McGuirk: We have the continued hearing now of Michael and Christine Aaron at re of 17 Toilsome Lane. We were leaving the hearing open for written comment which we have received, we have received a lot of information in the last two days. At this point, Vinnie, we are going to have to read this information, can we close the hearing and then still discuss it, the material that we received, only the material that we received at the next meeting if we need to?

Mr. Messina: You can close the hearing and then you can discuss whatever you wish at the next meeting prior to or in the process of making a decision.

Mr. Rose: Mr. Chairman, before we move to close the hearing, I have a question for Counsel.

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Mr. McGuirk: Yes.

Mr. Rose: This is, just to make sure I understand the procedural aspects here, this is technically an appeal of the determination by the Building Inspector regarding the appropriateness of a zoning interpretation, is that correct?

Mr. Messina: An interpretation, it is not a determination.

Mr. Rose: Not a determination, interpretation.

Mr. Messina: First we have to figure out, the Board has to figure out whether or not there was an actual interpretation here.

Mr. Rose: So as far as I can tell, and sadly I have decades of experience in use analysis from the City of New York, the only thing that I saw that constituted something that could be asserted to be an interpretation was the reference in the minutes of the Design Review Board.

Mr. Messina: Yes, that is what the applicant is claiming is the interpretation.

Mr. Rose: So as far as I can tell, I just want to make sure this is on the record before we close the hearing, it seems to me that this is not, there has not yet been either the issuing of a Building Permit pursuant, a formal action taken pursuant to that interpretation or an explicit formal determination by the Building Inspector so this may be premature to my perspective in terms of considering, so without prejudice to the substance being sought here...

Mr. Messina: There are procedural issues that must be addressed before we get to the substance.

Mr. Rose: So if we close, I just don't want to find us moving forward with prejudice one way or the other when there is a procedural issue.

Mr. Messina: Right but that is part of what is before you so the Board may in fact decide that the procedural issues are such that it would preclude going any further and if that is the case, the Board would issue a decision that says that.

Mr. Rose: Sorry to interrupt, I just want to be clear, if we make that determination at this point, that does not preclude a re-submission down the road if there is an issue.

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Mr. Messina: That is correct. You are absolutely right, Mr. Rose.

Mr. Rose: Thank you.

Mr. McGuirk: And we do have additional material we have to read, we just received it in the last or so. Can I have a motion...

Mr. O'Connell: I make a motion to close the hearing.

Mr. McGuirk: Thank you.

Mr. Rose: Second it.

Mr. McGuirk: Thank you. All in favor?

Mr. McMullan: Aye.

Ms. Doyle: Aye.

Mr. O'Connell: Aye.

Mr. McGuirk: Thank you all for your comments.

ORIGINAL HEARING

Orion Properties, LLC – 40 Further Lane – SCTM #301-9-6-10.3

Mr. McGuirk: So we are going to move on to the hearing part today and we are going to let Pam rest her voice and Billy is going to read the notices I believe, thank you.

Mr. Hajek: Application of Orion Properties, LLC, SCTM#301-9-6-10.3, for Area Variances from Chapter 278, Zoning, to legalize A/C condenser units and a BBQ. Variances of 16.3 feet and 12.5 feet are requested from Section 278-3.A.(5)(b) to legalize four (4) A/C condenser units and a BBQ grill located 3.7 feet and 7.5 feet, respectively, from a side yard lot line where the required setbacks are 20 feet, and any other relief necessary. The subject property is 100,585 square feet in area and is located at 40 Further Lane in Residence District R-160. This project is classified as a Type II Action in accordance with SEQR.

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Mr. McGuirk: Thank you, Billy. Is the applicant...

Ms. Wiltshire: Laurie Wiltshire is here for the applicant.

Ms. Bennett: Laurie, let me swear you in.

Ms. Wiltshire: Sure.

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

Ms. Wiltshire: Laurie Wiltshire, 231 Pantigo Road, East Hampton, New York 11937.

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

Ms. Wiltshire: I do.

Ms. Bennett: Thank you.

Ms. Wiltshire: The application is for two side yard variances to legalize the placement of four a/c condenser units and a masonry barbeque. These variances are largely required due to the location of the preexisting nonconforming residence on this oddly shaped lot. This property benefited from similar variances granted last year for dormers and other renovation work to the existing residence. It was during the course of that construction that the a/c units and grilling station were installed. Granting these variances will not cause any change in the character of the neighborhood or produce a detriment to nearby properties. This is a flag lot which is well landscaped with shrubs and mature trees. The neighboring properties cannot see the items we are seeking to legalize. While the variances are substantial, this is due strictly to the location of the house and should not preclude granting the variances. The a/c units and barbeque will have little or no impact on nearby properties. In fact, the property to the east, 46 Further Lane, is owned by the same owner and in a different LLC and there is an accessory structure on that adjacent parcel that blocks the a/c units and barbeque from being seen from Further Lane. There will be no adverse impacts to the environment or physical conditions, none of the surrounding parcels will be affected, it is well screened, environmentally benign, similar to what was granted for Shaw on Dayton Lane, 70 Dayton Lane, there

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were two a/c units alongside of the house that did not meet side yard or front yard setbacks but were in fact well screened. The hardship is self-created but given the location of the existing residence and other improvements on the lot, there was really no alternative location for the items without the requested setback relief.

Mr. McGuirk: Okay, thank you Laurie. Yes, an oddly shaped lot definitely so do any of the Board Members have any comment on this?

Mr. Rose: I have a couple of comments.

Mr. McGuirk: Go ahead.

Mr. Rose: So one is, it is oddly shaped, if it weren't for the bizarre shape of the lot, I would have a very different attitude until one goes and takes a look at it, it is a different kind of application. Why is the lot shaped that way? Since it is owned by the same entity, different entities, same owner, can you explain why it is shaped like that? Does it not make sense to try to correct that at some point?

Ms. Wiltshire: Well, the structures on the adjacent lot kind of preclude that, they don't meet setbacks either but this one-story frame garage, which is literally right next to the a/c units and the barbeque, and then the house on the other lot is, it is an oddly shaped lot, it is a flag lot so I don't see how you can really re-shape it.

Mr. Rose: It is a strange condition and I am not sure why it was created, the second thing goes to the point, so when these units were installed, I have no problem with the location given the unique conditions here, but I do have a concern about people putting things in and then coming after the fact just to get permission for them. This is a condition that you were, the applicant, or whoever was building this was aware in advance of the installation of the equipment and going forward...

Ms. Wiltshire: I am not sure all people know that a/c units and barbeques have to meet setbacks.

Mr. Rose: So, we need to the applicant and to the Board and to the Village going forward, we need people to understand, don't put things in and then come and ask permission afterwards, seek permission in advance.

Mr. O'Connell: They know they need variances; they were before us already, I think it was within probably the past 18 months for the variance for the roof, nobody would think that they need those but they were advised. There is an alternate spot for the a/c units on the other side of the house where they would meet setbacks. It seems like they just did it in the face of knowing the requirements and the setback request is substantial on a percentage basis and it is self-created so I find it a bit of a challenge but those are my comments.

Mr. McGuirk: Thank you, Phil.

Ms. Wiltshire: I think that because of the location of the dining terrace, I think the barbeque was put over there for convenience of serving food.

Mr. McGuirk: Okay. Jimmy, do you have any comments?

Mr. McMullan: I know that there are, per our conversation, John, these a/c units, I don't think they are actually depicted on the survey, they are more up against the house, they are screened, I don't think they really affect anyone. Do we know how long they have been there?

Ms. Wiltshire: They were put in when the construction was being done for the dormers, the project that was previously approved on this property.

Mr. McMullan: Is that years or...

Ms. Wiltshire: And also, I should point out that the a/c units, where they used to be, didn't meet setbacks either, they were just relocated to the side of the house. That decision, sure, I have it here, let me find a date, the hearing was held in April of 2021...

Mr. McGuirk: Yes, it was recently.

Ms. Wiltshire: The decision was May of 2021, so it was after that.

Mr. McMullan: Seeing that they are screened and I don't think there has been any complaints about these before, I don't have a problem with them.

Mr. McGuirk: Okay, thank you. Carrie, any comments?

Ms. Doyle: I don't have a problem, they are next to a long driveway, shared driveway that doesn't seem to be used very often so I think it is okay.

Mr. McGuirk: Okay, thank you.

Mr. Rose: I just want to, Mr. Chairman, I just want to underscore what I said before. Again, there is a unique condition here in terms of the configuration of the lot but for precedential purposes, just the fact that something exists is not going to be grounds for approval going forward when people move forward without appropriate permission. Thank you.

Mr. McGuirk: Yes, thank you. Do we have a motion to close the hearing?

Mr. O'Connell: I will make a motion.

Mr. Rose: Second.

Mr. McGuirk: Okay, thank you.

ORIGINAL HEARING

House on the Pond, Inc. – 10 Lockwood Lane – SCTM #301-13-10-15

Mr. McGuirk: So we are onto, Billy, we are onto the next hearing, please, House on the Pond, LLC, 10 Lockwood Lane.

Mr. Hajek: Application of House on the Pond, Inc., SCTM#301-13-10-15, for Variances from Chapter 278, Zoning and a Wetlands Permit in accordance with Chapter 163, Freshwater Wetlands, to raze the existing improvements within wetland setbacks, install fill and grade the property, install a vegetated buffer adjacent to wetlands, and to construct a new single-family residence and accessory structures. A 16-foot variance is required from Section 278-3.A.(3)(a) to construct a residence 34 feet from the front yard lot line where the required setback is 50 feet. A 333.5 square foot variance is required from Section 278-3.A.(13)(a) to construct a residence containing 5,715.5 square feet of gross floor area where the maximum permitted gross floor area is 5,382 square feet. A 4.4-foot variance is requested from Section 278-3.B.(2)(a) to construct a residence with a height of 38.4 feet where the maximum height for a residence is 34 feet. A 5-foot variance is required from Section 278-3.A.(5)(c) to construct swimming pool equipment approximately 35 feet from the side yard lot line where the required setback is 40 feet, and any other relief necessary. The subject

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property is 43,816 square feet in area and is located at 10 Lockwood Lane in Residence District R-160. The property fronts on Hook Pond and is located in FEMA Flood Zone AE. (el. 11). This project is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: Okay, thank you, Billy. Pam, who is going to sit on this application?

Ms. Bennett: Is anybody recusing?

Mr. McGuirk: No.

Mr. McMullan: No.

Mr. Harvey: Dave Harvey, D & D Architects presenting for the owners.

Ms. Bennett: Let me swear you in, please. Raise your right hand and state your name and address for the record.

Mr. Harvey: David Harvey, 21 Cove Road, Sag Harbor, New York.

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

Mr. Harvey: I do.

Ms. Bennett: Thank you.

Mr. Harvey: We are presenting a house for Rena and Paul Stallings who own this property and the adjacent property on Lockwood Lane. So, what they are intending to do is build their new home while selling their existing home on the front lot. So this lot has wetlands, freshwater wetlands restriction which is pushing the house closer to Lockwood Lane which is requiring the front yard setback. The height requirement on this lot is a little restrictive because we have to conform to FEMA so if we have to lift the house for FEMA, that is why we need the four-foot variance on height. The height variance is really just to a peak in the center of the building. The perimeter of the building is all within the 34-foot height restriction. As for the pool equipment, it is actually inside the attached garage so technically it is too close to the property line but it is within the building, within the main structure. The size of the house, since there is no

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room on the property for a garage, we have attached the garage which then makes it GFA. So essentially, we could have had this much building on the property, we could have had a detached garage, but since we have attached it and with the FEMA restrictions used over the garage for HVAC space, I think the house is as condensed as it can be, it is a large family, they have six children all of which use this house so basically that is the reason for the variances, and if you guys have any questions, I can expand.

Mr. McGuirk: Thanks Dave. Any Board Members have any questions at this point?

Mr. McMullan: I have a quick question regarding the height. I know we are raising this four feet but if it is 38 foot, 5, doesn't that put that 5 more inches over the height limit?

Mr. Harvey: So we submitted a couple of drawings, I don't know if Dawn can pull one up, so the Building Department asked us to establish the average grade, so average grade through the middle of the site is like elevation 7, even though the predominant part of this house sits on an existing higher grade so if we measure from the setback, if we say okay let us draw a line, the highest peak which is on a tower ends up being that 38.5 so it is literally the peak of a very small percentage of the house on a tower. The main ridge of the house is at the, is below the 38 feet so it is kind of a, depending upon where you are measuring from the site, we thought we had it all well within the, we are actually at like 33, 11 for a great majority of the house.

Mr. McMullan: Okay.

Mr. O'Connell: I have a couple of comments. You said that they are building, they live at 4 Lockwood and they are building...

Mr. Harvey: 9 Lockwood.

Mr. O'Connell: Oh 9 Lockwood, okay, understood. So, the Board has long held that anything that when you are building brand new from scratch and you are clearing the lot that you need to comply with the zoning requirements. I understand, even though pulling the house away from the Pond is a good thing, I do have, I think some of the variances are substantial, there are alternatives especially with the height, the increased GFA, I don't have an issue with the front yard setback, nor do I have an issue locating the pool equipment in a

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garage as long as it is either on a pad or it is kind of soundproofed as we have spoken about in the past, and there are no windows facing the neighbor. Those are my comments.

Mr. McGuirk: Thanks Phil. I have the same concerns that Philip has also. So Billy Hajek has written a memo on this, do we want to hear from Billy first or do we want to hear from other Board Members?

Mr. Rose: Can I just, before Billy, I thought the memo was instructive but just a couple, I agree with what the Chair and Phil have said in terms of some of the items before us. The other thing is, I know Billy, I assume Billy is going to speak to this as well but the sensitivity of our ponds in the Village is a substantial issue and the restrictions that come in terms of the setback areas and the conditions regarding fertilization and plantings and the like is a very real issue, we are losing our ponds in terms of their natural capacity. In addition to the substantive issues in terms of the, that Billy is going to speak to in his memo, just where we can, can you also speak Billy to how we enforce and monitor the compliance with the conditions that are being made. Also, I know we got some submission that the Trustees haven't had a chance to look at these matters so I would just make sure that we hold the hearing open to allow for their input as well.

Mr. McGuirk: Thank you Mr. Rose. Any other comments from the Board Members or we go to Billy?

Mr. McMullan: I would like to make a comment maybe after Billy gives his presentation.

Mr. McGuirk: All right, thanks Jimmy. Go ahead Billy.

Mr. Hajek: Good morning, Board Members. I provided the Board with a memorandum dated February 3rd; I am not going to regurgitate everything that I laid out in there. My general comments on the project are though that it is an environmentally sensitive area, it is rather low-lying in nature, a good proportion of the property is within the wetland jurisdiction from Hook Pond and the property is fairly visible to the general public, even though it is on a private road, it is adjacent to property that was purchased with the intent of preserving open space so the house was demolished and the property is going to be restored, and that restoration includes removal of the evergreen hedge that exists along Ocean Avenue right now, and it is visible from public areas, mainly the

Main Beach Parking Lot. Generally speaking though, from an environmental perspective, they have a nonconforming house and a nonconforming septic system; relocating those structures to more conforming locations, to conform with the wetland setbacks is a positive, that is a very good aspect of the project. They are putting in a new innovative alternative septic system, and I would add that they are including a shallow pressurized drain field which is the best treatment that we can achieve from an on-site sanitary system. So those are all benefits, I think it is up to the Board to weigh the options that they have in terms of granting relief from the height requirements, that is a decision for the Board to make but from an environmental perspective, I would support the project. They are proposing a, right now the property is I would say largely cleared, it is entirely lawn and the project proposes a 10-foot buffer, that is good, the Village Code is 125 feet so if it could be improved upon obviously that would be something that achieves a better result for the project. And in terms of monitoring, to answer Mr. Rose's question, the Village does that simply by issuing a C. of O. when the property is issued a C. of O. the survey will show what the limits of clearing are and what areas have been revegetated, and it is basically eyes and boots on the ground to establish that they maintain that, and I guess in the sky, we have aeriels, and when we notice things that are changing on the property, that is an opportunity for the Village to, discerning whether or not the conditions of the permit are being upheld. The Board could also impose a covenant to put future owners on notice that the buffer area is not to be disturbed or has to be maintained, I mean that is an option and that would, it doesn't assure that the area will not be disturbed, but it puts future owners on notice so that they can be aware of that so that is an option as well for the Board.

Mr. McGuirk: Thank you, Billy. So, I think you've heard the comments from the Board, we are concerned about the height, we are concerned about the size, we are going to have the Town Trustees might weigh in on this a little bit, we want to wait for them to give us some information on it so we will keep the hearing open until the next one. When is the next meeting, Pam?

Ms. Bennett: March 11th.

Mr. Rose: Mr. Chairman, one follow up question for Billy, it has to do with the use of fertilizers in the setback, in the 125-foot buffer, you spoke to that in your memo. So there is the revegetation buffer area along the Pond itself, then there are the lawn treatment protocols in the 125-foot area. Without regard to this particular application, the broader topic, I am sorry, I don't mean to imply that this applicant would or would not abide, what do we do in terms of ongoing

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monitoring whether it is on Georgica Pond or Hook Pond to see to it that there is compliance with the conditions that are laid out. Is there anything that is done?

Mr. Hajek: Well, the Village requires the issuance of a Certificate of Occupancy upon any transfer of property and so that yields an inspection by the Building Department and the survey that is referenced on the C. of O. has to show whether there is clearing so if a property has an area that is required to be maintained as a buffer, that is one mechanism that the Village has to try to capture potential violations. The second is eyes on the ground, residents noticing things, we get calls quite frequently of people who think that something is happening or see something happening and we investigate, and thirdly, we regularly review aerial photographs.

Mr. Rose: Let me be clear what I am asking, I am not asking about the buffer which I understand that but there are also protocols in terms of fertilizer used within a certain area of the Pond.

Mr. Hajek: Yes, well if you have preexisting lawn, you have a preexisting nonconforming condition, you can maintain it. Unless the Village imposes a restriction based on a determination by the Board, that is the only avenue that you have to control whether fertilizer usages is...

Mr. Rose: In my reading, and I am sorry to belabor, I don't want to bore anybody with this, for this application, for another one that I think we are hearing next and for other ones that we have heard in the past, there have been these provisions regarding the use of fertilizer, prohibitions on the use of fertilizer within the 125 foot area and I am just wondering, other than the C. of O. monitoring that you are talking about, has there been, is there any on-going monitoring effort on the part of the Village to assure that that is being complied with, in those situations where those restrictions are in place.

Ms. Hajek: Other than covenants, no. We would have to impose a covenant on the property. Other than that, we would have to inspect every landscaper that visits the site and look in their truck and decide whether it is lime or fertilizer that they are putting on the ground which would be pretty hard to do.

Mr. Rose: So I look forward to hearing from the Trustees on these matters in terms of their submission. Thank you.

Mr. McGuirk: Thank you, Mr. Rose, thank you Dawn and Dave, so we will keep this open until March 11th.

Mr. Harvey: Thank you.

ORIGINAL HEARING
Kooh, LLC – 17 Terbell Lane – SCTM #301-13-10-3

Mr. McGuirk: So the last application, Mr. McMullan will Chair it, Pam, I am going to recuse myself and thank you all, Pam, Billy, can you please read the notice, I have to be quiet.

Mr. Hajek: Application of Kooh, LLC, SCTM#301-13-10-3, for Area Variances from Chapter 278, Zoning, and a Freshwater Wetlands Permit in accordance with Chapter 163 of the Village Code to legalize accessory improvements, clearing of native vegetation, installation of plantings, and the removal of Phragmites. Variances of 5.9 feet and 13 feet are required from Sections 278-3.A.(5)(b) and 278-3.A.(8) to legalize a generator 14.1 feet from the side yard lot line and 137 feet from wetlands where the required side yard setback is 20 feet and the required wetland setback is 150 feet. A 22-foot variance is required from Section 278-3.A.(8) to legalize the installation of three (3) A/C condenser units located 128 feet from wetlands where the required setback is 150 feet. A variance is required from Section 278-3.A.(8) and a wetlands permit in accordance with Section 163-3 to legalize the clearing of native vegetation and the establishment of lawn within 125 feet of wetlands and to revegetate portions of this area with native plantings where clearing and landscaping within 125 feet of wetlands is prohibited. A wetlands permit is required in accordance with the provisions of Section 163-6 to remove Phragmites from wetlands and adjacent areas by cutting with hand held equipment, and any other relief necessary. The subject property is 67,763 square feet, is in the R-160 zoning district and is located at 17 Terbell Lane. The property is adjacent to Hook Pond and this project requires approval of the New York State Department of Environmental Conservation and the East Hampton Town Trustees. The project is classified as an Unlisted Action in accordance with SEQR.

Mr. McMullan: Thank you, Billy.

Ms. Bennett: Mr. Vice Chair, which alternate is going to sit on this application? Andy or Shahab?

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Mr. Karmely: It is Shahab Karmely and you reached out to me yesterday.

Ms. Bennett: You are going to sit on this?

Mr. Karmely: Yes.

Ms. Bennett: Okay, thank you.

Mr. McMullan: Thank you, Shahab. The applicant, Bruce Horwith, are you on?

Mr. Horwith: I am.

Mr. McMullan: Would you like to walk us through this and give the Board kind of an overview of the project.

Ms. Bennett: Let me swear you in, Bruce. Please raise your right hand and state your name and address for the record?

Mr. Horwith: My name is Bruce Horwith, I live at 16 Salt Marsh Path, East Hampton, New York.

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

Mr. Horwith: I do.

Ms. Bennett: Thank you.

Mr. Horwith: I am going to try to share a screen here. Can everybody hear me okay?

Ms. Bennett: Yes.

Mr. Horwith: So I have just a couple aerials to show the property on the top right, it shows the location of the property, 17 Terbell Lane...[inaudible]...rest of Hook Pond and then there is an aerial of the property in the lower left and what I will be doing is talking about the project, the application deals with some legalization of existing structure, but then also deals with revegetation and Phragmites control that Billy mentioned, and I will be talking about the latter about the vegetation portion of it, and within the section that I am going to be

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talking about, I've divided it up into wetlands restoration and re-vegetation. The wetlands restoration referring to the Phragmites control, and the re-vegetation referring to the re-vegetation of the area that is now an existing lot. So, in terms of the Phragmites control, the objective is to restore a little under 10,000 square feet of wetland by reducing the amount of Phragmites and increasing the abundance of native vegetation. And I have some information about what Phragmites does in terms of degrading system and I won't go over that unless there is any questions about that at the end. The Phragmites in this location is mostly low to moderately dense and there is quite a bit of native vegetation there, particular sensitive fern which you will see in the pictures I will show in a minute. In terms of methodology for controlling Phragmites, we are talking about the certainly the least invasive way of doing it which is just to cut them repeatedly over a five year period, using handheld weed trimmers, and then I have other, some information, there is better practices in terms, better than other practices in terms of being most effective in terms of cutting, and I think I've gone over that with the Board in the past but just to summarize it, basically requires multiple cuttings and requires that over several years. The only other thing I wanted to add at this point is that at the end of the last treatment year, when using the condition that DEC has required in some of the past Phragmites control permits that I have with them which is that there would be a minimum of 95 percent of the treatment area would be covered with native species either naturally regrown which I would expect in this case or seeded and planted. If we do need to bring in additional species, candidate native species would include sensitive fern, tussock sedge, soft rush, and rose mallow. There could I guess could potentially be some others too but these would be the most likely ones to find in this area. I have a couple of photos. This is an area facing north, from the end of the lawn showing the entrance to the dock or to the walkway, there is really no dock at this point, and then it shows the Phragmites in the wetland.

Mr. McMullan: Can you scroll down so we can see those. We are still on the first photograph you showed us.

Mr. Horwith: I am sorry, say that again.

Mr. McMullan: We are still on the first photograph you showed us. Can you scroll down.

Ms. McGivern: Start your slide show.

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Mr. Horwith: I did actually do that but I don't think it advanced properly. Do you see it now?

Ms. McGivern: No. Click on slide four.

Mr. Horwith: I am now showing slide four but you are not, you are saying.

Mr. Karmely: Why don't you try closing the slide out and then relaunch, there you go. You have it now.

Mr. Horwith: You guys see it now?

Mr. Karmely: Yes.

Mr. Horwith: Okay, good. So I am not actually in slide presentation but that is all right as long as you can see it. There is the picture showing it from the entrance to the Phragmites area. This is a shot showing down the pathway, in addition to seeing the Phragmites, you can see the green plants along the side are mostly sensitive fern, you can see some other things in there as well, there is grass along the background, there are some irises, and so the plan, as I said before, before I go onto the next slide, the plan in terms of this area is simply to cut the Phragmites repeatedly and allow the native vegetation that is underneath it to be released with competition and hopefully replace Phragmites. And the picture at the end I think I also may have one that shows the area that is being cut, it is not the whole wetland, it is the area to the left and right of that dock. In terms of the revegetation of the lawn, let me just jump ahead for a second and show you a picture that will be used ...[inaudible]...and then I will go back a slide in terms of describing what we trying to do. In this slide, the pink area is the area that had formerly been vegetated, it was considered wetland vegetation, it is within wetland jurisdiction, a lot of it probably wasn't wetland vegetation per se but that said, it was definitely not lawn and it was within the wetland area. And we are proposing to not replace all that was there in terms of the exact shape that it was there previously but instead to extend it off to like I said it would be to the east and basically, we are increasing the amount of restored vegetation and lawn that would be removed, we are doing a slightly different configuration, and we have gone over that with Billy before and I think he is saying that he has supported. In terms of what we are doing in terms of spelling it out, what we are talking about is removing 4,511 square feet of existing lawn and we are removing that and replacing it in native species. In terms of what had formally existed there in terms of native vegetation was 4,367, as best we

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can calculate that. In terms of the planting and will include approximately 5,000 plugs of native grasses and there will also be 140 native shrubs and forbs. We have that spread out, I don't know if it would be literally, we want to try to keep a natural look, I don't know if it would be completely spread out in terms of the 12-inch centers and what was it for the shrubs, I guess even there it is 12-inch centers, I don't know if it would be that heterogeneously spread out but the idea would be to cover the whole area and not stack all the shrubs in one area versus another. That is all I had in terms of this section. I don't know maybe before we move on, I think Joan McGivern would be here to address the other part of the application but before we move onto that maybe I should try to answer any questions there may be.

Mr. Karmely: I think it is very, I am not always opposed to cenospecies and genus but in this case, spending a lot of time around those parts I think it is a great idea, I think it should be taken up at some point as a general call to restore native species, I think your presentation is very detailed and I think you in balance are creating a more long-term sustainable...[inaudible]...and more visually appealing landscape once you are complete with this. I go through this in different places, I think your presentation is very detailed especially given the subject matter here, and I personally want to compliment you on that.

Mr. Horwith: Thank you.

Mr. McMullan: I would agree with Shahab, thank you Shahab.

Mr. O'Connell: I have a question. Bruce, why are you moving the revegetation, I guess it is a little bit more to the southwest it looked like as opposed to revegetating what was taken over as lawn?

Mr. Horwith: Right. The reason we are doing that is because, I guess it is a combination, it is mostly I would say an aesthetic issue. It also has to do with the fact that if it was to stick with the original landscape that had been there, it would, it comes up quite a bit closer to the house and into the lawn area. We thought that it made more sense plus aesthetically and also in terms of benefits to the Pond to have a buffer that is more extensive along the Pond shore as compared to actually coming up upland toward the house but there really wasn't any specific rhyme or reason to that particular design, we just wanted to spread it out along the shore more. I guess one other thing that I would mention is that the issue of monitoring on the use of fertilizer, and I should add irrigation which is really important, was brought up by one of the Board Members and as Billy

pointed out, it is extremely difficult to actually monitor that what the landscapers are doing. One of the advantages of having a landscape, a buffer of native vegetation is that it doesn't require fertilization and so it makes it that much more likely, especially compared to a lawn, it makes it that much more likely that there won't be any fertilizer brought into the area, close to the water, and then any irrigation that is used there will be temporary, and once the plants are established which will probably be after a year or two, then the irrigation can be removed.

Mr. Karmely: Tell me after that because I think a lot of these applications are touching on a broader subject of chemical usage of lawns which I oppose and it is not up to individual homeowners to resolve that, you can have 90 percent compliance and 10 percent non-compliance and doesn't solve the problem, but the reality of is that the beauty of native species is that they don't require maintenance, they are not hothouse orchids, and the fact is, over time, they cross pollinate, this takes changes from go from a change of 122 to a ratio to 182 different mixes, that is the beauty of these natural landscapes, and I think what you have done with expanding that, moving that further lawn is great, I love the scheme. So as a model for a lot of your neighbors to engage in the same kind of remediation even if they are not in front of the ZBA they need to do it for some other reason.

Mr. McMullan: I agree, thank you. Joan, would you allow Pam to swear you in?

Ms. Bennett: She's an attorney, right? You're an attorney.

Ms. McGivern: I am an attorney.

Ms. Bennett: So she doesn't need to be.

Ms. McGivern: Well, some might say otherwise. I am here to answer the Board's questions with respect to legalizing the generator, the a/c condenser units, and the vegetable gardens. We believe the amount of mitigation that we are proffering should at least exonerate us for our sins of not legalizing these structures and putting them in without a building permit. There should be no affect to the neighborhood, there is no other method really on the property to have these things exist, and there should be no adverse effect to the environment and with that if Billy Hajek would like to speak, I am happy to answer any questions the Board may have at the end.

Mr. McMullan: That would be great. Billy?

Mr. Hajek: Hi Board Members. Again, I prepared a report to the Board dated February 8th, I won't regurgitate everything that is outlined in the report. I would just like to reiterate that Phragmites removal is a positive as long as it is done correctly. We monitor the progress of these projects through outside visits and the reliance on the applicant to provide annual reports explaining what they have done and how they have done it. Generally speaking, these Phragmites removal projects are being done in areas where it is a monoculture of Phragmites meaning that they can go in and cut and mow and not, there is very little ability to harm other native plantings, and even in situations like that, we have had some non-compliant issues where they take it a little too far and start re-grading the property and whatnot so oversight is critical and in this case I have outlined a number of recommended conditions of the approval, and I think if the applicant is willing to accept those conditions and abide by them, I think the project could be successful. My overarching recommendation here is that this project was identified, the Phragmites were cut without approval and the Village became aware of it and that is what triggered this application and that is how we figured out that what was a native buffer had been taken over by lawn. And so we are recovering that lawn, I think that technically it is a violation, and I think that needs to be corrected before they pursue Phragmites cuttings so that is one of my primary recommendations here and following then are the number of conditions that I had outlined in the report to make sure that there is somebody on site who knows the difference between Phragmites and sensitive fern. You would be surprised at how many landscapers don't so I think those types of little details are critical to the success of the project, and I would hope that those conditions are imposed as a condition of the approval. The one other item, I know the Town Trustees had asked to opine on this, it is a project that is going to require Town Trustee approval and I think it would be prudent to give them the opportunity to comment to the Board as well.

Mr. McMullan: Absolutely, thank you. And as Billy said, they did reach out to the Board and ask for an extension to kind of review this stuff as well as look at the property a little further, so I would like to keep this application open until the next hearing but before we get to that point, are there any comments from the Board Members?

Mr. O'Connell: I have a comment. I have grave concerns because of the environmental sensitivity of this area, and the applicant's desire to do it

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correctly. Just based on what has happened prior where they have expanded the lawn into the wetlands and they have cut the Phragmites with any sort, without the benefit of permit. I have serious concerns about this project.

Mr. McMullan: I know looking at, I know the Board Members have looked at this, the recommended conditions that Billy has presented to us get pretty extensive, and I think that is good for not only everyone to know that this is what the Board is looking for but it also protects our waterways and the wildlife and everything so I think that is important. I think we will get more information from the Trustees once they have a moment to review this stuff.

Mr. Karmely: Might I add also that in the interest of the Board which I believe has a duty to protect the environment, protect a way of life out here, are the reasons I moved out here, both as an interest to help people get sort of things done, and I like imposing conditions especially given the chance that there was a past error here, let us call it, but also if the list of oppositions become such that it is in effect it is a no without saying you know or if it is a list of asks that are, in a real world, don't have the time or capacity or resources to monitor and it becomes...[inaudible]...just fundamentally I am opposed to that also. There has to be a balance between living in a land of unicorns where everybody abides by everything they should and the reality of the world and I would ask that whatever impositions that are being made, that we take with some pragmatism and reality in place. These are changing landscapes, this is not installing, it is not taking a monument in downtown New York City say you use this stone and this size and you are done. No matter what we do, these are living landscapes. I go from my own gardens on the projects around the country, they change. If we are going to approve this, from what I have heard so far, I would say that I like what this gentleman is engaging and doing, okay, so they made a mistake before and they are now rectifying it and addressing it. I would not support the position of a long list of conditions, and I haven't seen those yet so I am just speaking in a vacuum, then in effect would make it implausible to try to implement or to monitor, and I think it is a giant waste of everybody's time when we start going down that path. If you just want to say no to it, say no.

Mr. Horwith: May I comment before close from this?

Mr. McMullan: Yes.

Mr. Horwith: I just want to respond in general, I have already seen the conditions that Billy had developed and we have discussed them and I think they

are very reasonable and actually I can see them being useful in projects like this throughout the Village and throughout the Town. In terms of the specific thing having to do with one of the requirements, and, again, I don't want to make too big an issue out of this, Billy, if you really don't feel, if you have flexibility on this, it seems to me that having that 48 hour notice for every single one of the cuttings when you are talking about trying to deal with landscapers, and I am very careful about who I use for landscaping jobs so I have to, I don't have a large group of people to work with, I work within their schedules, I would think that having a 48 hour notice in the beginning of the season for the first cut and at the end of the season would be adequate and then whether or not we can get a third and fourth cut in in every season, we don't always know, I would like to see that condition removed if there is flexibility there, if not we will live with that, and the only other comment that I would make is that regardless of, I mean I think it is obviously great that you are including the Trustees before you make your decision but regardless of whether or not that inclusion is taking place, we need to go to the Trustees for permits as well as the State so that is always an integral part of what we are talking about.

Mr. McMullan: Yes, and this is good that we have this overlap between our Board as well as the Trustees and I think this is a great starting point that you have already started talking with Billy and come up with a plan and I commend you on that. Is there anyone on the line that would like to comment on this?

Mr. Gambino: There are no callers.

Mr. McMullan: Thank you.

Mr. Rose: Mr. Chair, I just want to speak to some of the issues that have been raised. First of all, I want to affirm what Phil said, I share the concerns, a couple of issues having gone and looked at the property, I think it is terrific to be restoring, I have no problem cutting the Phragmites, I think it is crucially important that it be done in an appropriate and carefully monitored way, especially given the history of this property. I don't think that exoneration is the word that I would use regarding the generator and the like, it is really a question of mitigation at this point of something that is not appropriately located and I guess the question is, how is that going to be proposed to be mitigated because that is a big piece of equipment right abutting a property that is a sensitive, natural property so I understand moving it at this point might be problematic but whatever we do figuring out how to mitigate that is something that is going to be important. And going to the memo that Billy prepared, I notice that in 1997 I

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believe it is, there was a connection with previous permissions granted to this property, there were a whole series of conditions that were imposed including prohibition on the use of fertilizers within 125 feet of the Pond which I am not a horticulturist but...

Mr. McMullan: I think they have gone to the wayside.

Mr. Rose: I think that has fallen off so I think we need to have a serious discussion, and discussion with the Trustees, this is not a casual thing, the Pond's environment is seriously deteriorating as a function, a. of septic systems, and b. of the use of fertilizers on lawns adjacent to the Pond and our conditions, when I say ours, but this Board's and other Board's conditions being imposed, need to be abided by and I think that singling out this application, we need to take this stuff seriously and make sure, in conjunction with the Trustees and in conjunction with the Village officials, that when we put a condition attached to an application for something that we think is appropriate, we need to make sure that those conditions are abided by and casually waiting for the property to be transferred with a C. of O. down the road isn't going to do it and we have these problems now.

Mr. McMullan: Yes, I agree.

Mr. Karmely: I agree with everything you said by the way because this is a huge problem here, it is a huge problem with golf courses which I find very environmentally damaging, and it is a huge problem in Miami on the river, I am very involved with the Miami River Commission and the water quality there. I agree with everything that you say, it is just that in order to achieve that, it is not a one thing about this application, this is a broader discussion, which is very timely and the way for it to come to pass is not on this application and you are right on your points there is to come up with a plan in which it applies to everybody whether they are in front of us or not, it is not like their car got towed and that they paid their traffic tickets. This is a much broader discussion we should engage in, in a separate venue, and figure out a way to pass legislation that supports this and find means of enforcement because you could have five houses who are applying fertilizer and 20 that don't and those five houses will continue polluting and those 20 will have done very little to reduce that amount because there are trigger points that far exceeded those trigger points. There will come that discussion but not on these applications.

Mr. Rose: I think they are connected. Clearly there are issues that go beyond the scope of this Board and other entities overseeing. We only deal with the

things that we see before us and especially where there is a long history of the issue of compliance and how we make our assessments based on representations that are made to us. We can discuss this; I think we need to discuss this further and we should certainly incorporate the Trustees into this discussion.

Mr. Karmely: By the way, I do agree, I wasn't negating your point but I do agree on this application given the history, we should insist on some sort of monitoring and enforcement of these conditions, I wasn't negating your point.

Mr. Rose: Understood, I think we are on similar pages.

Mr. McMullan: Thank you.

Mr. O'Connell: One question that I do have.

Mr. McMullan: Go ahead, Phil.

Mr. O'Connell: Bruce, are you on site when this is happening? When the Phragmites are being cut and the restoration occurs?

Mr. Horwith: I am sorry, were you asking me?

Mr. O'Connell: Yes, are you on site when all of this occurs or do you kind of start them off, leave, and then come back?

Mr. Horwith: Given on this project if you approve it, I will be on site because that is one of the conditions. In general, in terms of past experience, I would always be on site if it is somebody who I don't know, if it is a company that I have worked with and I know them well, then I would probably just be there, not probably, I am there in the beginning to talk it through and after that I am not normally on site.

Mr. O'Connell: Okay, thank you.

Mr. McMullan: I do have one question for Joan. Regarding the generator, is there any plan for some sound attenuation or some screening or anything like that in this application?

Ms. McGivern: To be honest, not that I am aware of but I am sure they would consider screening it or sound attenuation if that is something the Board was interested in.

Mr. McMullan: That is something that I think the Board has been moving toward more and more and becoming more of a standard just because the Village, the proximity for neighbors and everything it just seems to be a...

Ms. McGivern: I would have to explore it with them, but I am certainly happy to explore it with them.

Mr. McMullan: Okay.

Mr. Karmely: Can we go to the, I am sorry, can we go to the overhead photo again, I had question in regard to the proximity and location again, the original slide that we started with that showed the location.

Mr. McMullan: That would be Bruce's.

Mr. Karmely: Bruce, can you please pull up that overhead.

Mr. Horwith: I am trying to get that now. This one?

Mr. Karmely: The first one you started with.

Mr. Horwith: Do you see it now? I am sorry, I didn't have screen sharing, hold on. Can you see that now?

Mr. Karmely: Yes, I can see it and I am just going to expand this.

Mr. Horwith: So the area where we are talking about is over here in terms of the existing structure.

Mr. McMullan: The generator is to the side of the shed, away from the Pond.

Mr. Karmely: And what is the type of generator? Is this gas or fuel? Is it diesel?

Mr. McMullan: I believe it is a diesel one.

Ms. McGivern: Yes.

Mr. McMullan: It is only 14 feet from the property line.

Mr. Karmely: And why was this put in originally nonconforming because since it is diesel you could have, it is just not that you had to be closer to LP lines or anything like that, why was the decision made to put it in this location which is nonconforming?

Mr. Horwith: I can't speak to that. I don't know if Joan has any additional information, otherwise, we have to bring this back to the applicant.

Ms. McGivern: I don't have the history of it.

Mr. Karmely: Joan, how old is this generator?

Ms. McGivern: Several years old, I am happy to get back to the Board on that.

Mr. McMullan: Yes, if you could do that for the next meeting kind of just give us the history if the client is willing to use some sound attenuation as well as screening to help mitigate any noise from that to the neighborhood. Does anyone else have anything else to add today?

Mr. Karmely: I think screening or sound attenuation is very achievable, it is not a high bar and would be a very generous, fair tradeoff here; I don't see any reason why any of those would be an issue for the applicant to engage in, it is simple and the technology is there. I would definitely request that.

Mr. McMullan: So I would make a recommendation that we leave the hearing open for additional information and to be able to hear from the Town Trustees. Is that okay with everyone?

Mr. O'Connell: Sounds good.

Mr. McMullan: We don't need a motion, correct, Pam?

Ms. Bennett: That is correct.

Mr. McMullan: In that case then if Mr. McGuirk is still around, I would ask that...

Ms. Bennett: I don't see him on there.

Mr. McMullan: Okay.

Mr. Rose: We lost our Chair, we are rudderless?

Mr. McMullan: That is it.

Mr. Rose: Bring us home to port, Jim.

Mr. O'Connell: I make a motion to close.

Mr. McMullan: Excellent, thank you Phil. Can I have a second?

Mr. Rose: Second.

Mr. McMullan: All in favor?

Mr. Karmely: Aye.

Ms. Doyle: Aye.

Mr. Rose: Aye.

Mr. McMullan: Thank you everyone.

The meeting was adjourned at 12:13 p.m.

continued on next page

Board. If you would like to participate in the Zoom meeting, contact pbenett@easthamptonvillage.org. The applications can be viewed on the Village's website easthamptonvillage.org by clicking on the "Alerts" tab.

Application of Orion Properties, LLC, SCTM#301-9-6-10.3, for Area Variances from Chapter 278, Zoning, to legalize A/C condenser units and a BBQ. Variances of 16.3 feet and 12.5 feet are requested from Section 278-3.A.(5)(b) to legalize four (4) A/C condenser units and a BBQ grill located 3.7 feet and 7.5 feet, respectively, from a side yard lot line where the required setbacks are 20 feet, and any other relief necessary. The subject property is 100,585 square feet in area and is located at 40 Further Lane in Residence District R-160. This project is classified as a Type II Action in accordance with SEQR.

Application of House on the Pond, Inc., SCTM#301-13-10-15, for Variances from Chapter 278, Zoning and a Wetlands Permit in accordance with Chapter 163, Freshwater Wetlands, to raze the existing improvements within wetland setbacks, install fill and grade the property, install a vegetated buffer adjacent to wetlands, and to construct a new single-family residence and accessory structures. A 16-foot variance is required from Section 278-3.A.(3)(a) to construct a residence 34 feet from the front yard lot line where the required setback is 50 feet. A 333.5 square foot variance is required from

Section 278-3.A.(13)(a) to construct a residence containing 5,715.5 square feet of gross floor area where the maximum permitted gross floor area is 5,382 square feet. A 4.4-foot variance is requested from Section 278-3.B.(2) (a) to construct a residence with a height of 38.4 feet where the maximum height for a residence is 34 feet. A 5-foot variance is required from Section 278-3.A.(5)(c) to construct swimming pool equipment approximately 35 feet from the side yard lot line where the required setback is 40 feet, and any other relief necessary. The subject property is 43,816 square feet in area and is located at 10 Lockwood Lane in Residence District R-160. The property fronts on Hook Pond and is located in FEMA Flood Zone AE. (el. 11). This project is classified as a Type II Action in accordance with SEQR.

Application of Kooh, LLC, SCTM#301-13-10-3, for Area Variances from Chapter 278, Zoning, and a Freshwater Wetlands Permit in accordance with Chapter 163 of the Village Code to legalize accessory improvements, clearing of native vegetation, installation of plantings, and the removal of Phragmites. Variances of 5.9 feet and 13 feet are required from Sections 278-3.A.(5)(b) and 278-3.A.(8) to legalize a generator 14.1 feet from the side yard lot line and 137 feet from wetlands where the required side yard setback is 20 feet and the required wetland setback is 150 feet. A 22-foot variance is required from Section 278-3.A.(8)

to legalize the installation of three (3) A/C condenser units located 128 feet from wetlands where the required setback is 150 feet. A variance is required from Section 278-3.A.(8) and a wetlands permit in accordance with Section 163-3 to legalize the clearing of native vegetation and the establishment of lawn within 125 feet of wetlands and to revegetate portions of this area with native plantings where clearing and landscaping within 125 feet of wetlands is prohibited. A wetlands permit is required in accordance with the provisions of Section 163-6 to remove Phragmites from wetlands and adjacent areas by cutting with hand held equipment, and any other relief necessary. The subject property is 67,763 square feet, is in the R-160 zoning district and is located at 17 Terbell Lane. The property is adjacent to Hook Pond and this project requires approval of the New York State Department of Environmental Conservation and the East Hampton Town Trustees. The project is classified as an Unlisted 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: January 21, 2022
By Order of John L. McGuirk III, Chairman, Zoning Board of Appeals, Inc.
Village of East Hampton
29-2/192

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, February 11, 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

FILED
VILLAGE OF EAST HAMPTON, NY

DATE: 3/14/22

TIME: 11:15 AM

Samela Bennett
16760