

Zoning Board of Appeals
June 10, 2022
11:00 a.m.
via Video-Conferencing and
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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
Lisa Perillo, Village Attorney
Thomas Preiato, Building Inspector
Billy Hajek, Village Planner
Trevor Darrell, Attorney on behalf of Booke Georgica LLC
Jonathan Tarbet, Attorney on behalf of Acacia Greene LLC and
Jack and Frances W. Levy
Richard A. Hammer, Attorney on behalf of Lisa and Gary Seff
Lisa Seff, Applicant
Mitchell Sedgwick, Neighbor of Mr. and Mrs. Levy
Pat J. Trunzo III, Attorney on behalf of Heller Lane Residence LLC
Steven Trunzo, Trunzo Building Contractors, Inc. on behalf of Heller Lane
Residence LLC
Jody Gambino, LTV Moderator
Pamela J. Bennett, Village Clerk

Mr. McGuirk: Good morning and welcome to the Village of East Hampton's
Zoning Board of Appeals' meeting for Friday, June 10th.

MINUTES

Mr. McGuirk: First on the agenda we have the minutes from May 13, 2022, do I
have motion to accept the minutes?

Mr. Rose: So moved.

Mr. McGuirk: Do I have a second?

16863

Mr. McMullan: Second.

Mr. McGuirk: All in favor?

Mr. McMullan: Aye.

Mr. McGuirk: Okay, thank you. We have three determinations today and the files are available at Village Hall for reviewing.

CONTINUED HEARING
Booke Georgica LLC – 82 Apaquogue Road – SCTM #301-12-5-8

Mr. McGuirk: We have Booke Georgica LLC, the record was left open for written comment but this is the one, Joe, you want to make a comment on, right?

Mr. Rose: Sure. Do we have any more written comments from the public, I assume no, but...

Ms. Bennett: No.

Mr. Rose: First of all, thank you for agreeing to hold it open so I could go and do a site visit, I did, I understand the application, I think it makes sense. The one question I have just in reading the determination is my understanding, the attorney I see is present, just want to make sure there is no intention to do any additional accessory structure and that is the intent of the covenant, correct? Is that correct?

Mr. Darrell: That is correct.

Mr. Rose: Can I just propose that we amend the determination so that the existing, it is the existing pool 250-foot pool house that is permitted and to the extent if there were a desire to, for some reason, relocate, not that they would not be able to do that, but that should come back to the ZBA if that were in a conforming location that there is no objection to that, that would be my one proposal.

Mr. McGuirk: Any other comments?

Mr. McMullan: No.

Ms. Bennett: Mr. Chairman, there is one caller on the line, I do not know if they are here about this application though.

16864

Mr. Gambino: All right, I will put them through. Caller ending with...

Mr. McGuirk: Good morning.

Mr. Sedgwick: Mitch Sedgwick, 49 Georgica Road. Are we discussing now the Jack Levy proposal?

Mr. McGuirk: Not yet.

Ms. Bennett: No.

Mr. McGuirk: That is probably going to be in about 10 or 15 minutes.

Mr. Gambino: All right, they are back muted.

Mr. McGuirk: So we have Booke Georgica LLC, the record was left open for written comment, motion to close the hearing.

Mr. Rose: So moved.

Mr. McGuirk: Second?

Mr. McMullan: Second.

Mr. McGuirk: All in favor?

Mr. O'Connell: Aye.

Mr. McMullan: Aye.

Mr. McGuirk: Carrie, you have to unmute yourself.

Ms. Doyle: Aye.

DETERMINATION

Booke Georgica LLC – 82 Apaquogue Road – SCTM #301-12-5-8

16865

Mr. McGuirk: In the application of Booke Georgica LLC, 82 Apaquogue Road, Suffolk County Tax Map number 301-12-5-8, to legalize construction of a residence is approved. May I have a motion?

Mr. McMullan: I will make that motion.

Mr. McGuirk: Second please?

Mr. Rose: Second as amended with the covenant.

Mr. McGuirk: Pam, poll the Board.

Ms. Bennett: 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, can I add as amended with covenant also.

Ms. Bennett: Yes.

DETERMINATION

Moonburd, LLC – 253 Cove Hollow Road – SCTM #301-12-2-18.2

Mr. McGuirk: In the application of Moonburd, LLC, 253 Cove Hollow Road, Suffolk County Tax Map number 301-12-2-18.2, to construct an addition to an existing residence is approved. May I have a motion?

16866

Mr. McMullan: I make a motion.

Mr. Rose: Second.

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

Ms. Bennett: 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

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

Mr. McGuirk: Okay, our last determination. In the application of Traumhaus 1, LLC, 75 West End Road, Suffolk County Tax Map number 301-15-5-11.1, for a one-year extension of time of a Coastal Erosion Hazard Permit and a Variance is approved. May I have a motion?

Mr. Rose: Before a motion, can I just make a quick comment which is that I just drove by the site again to confirm there are, as mentioned before, there are, there is a public easement, a public property adjoining the site, the construction site, to the west, there is also some land on that the construction vehicles for this project are parked on that public land and there are also are some rocks that everyone is

16867

putting rocks there to prevent parking but vehicles are being parked on the public property and there are rocks placed on the public property as discussed that the Public Works Department should be removed promptly. That being said, I have no problem with the application.

Ms. Bennett: Was there a motion, I am sorry, I missed it.

Mr. McMullan: I will make a motion.

Mr. Rose: Second.

Ms. Bennett: I will poll the Board. 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.

REQUEST TO REOPEN HEARING
Acacia Greene LLC – 8 Marina Lane – SCTM #301-8-10-45

Mr. McGuirk: We have two requests to open hearing. Acacia Greene LLC, 8 Marina Lane, Jonathan?

Mr. Tarbet: Hi John, sorry, I was just signing in, I do not know how you say it.

Ms. Bennett: So do we need a motion from the Board to reopen, Lisa?

16868

Mr. O'Connell: I make a motion to reopen?

Mr. McGuirk: Can I have a second please.

Mr. Rose: Second.

Mr. Tarbet: If it is appropriate, I will just do a brief...

Mr. McGuirk: All in favor?

Mr. McMullan: Aye.

Mr. McGuirk: Aye.

Mr. Rose: Aye.

Ms. Doyle: Aye.

Mr. McGuirk: Go ahead, Jonathan.

Mr. Tarbet: No, it is okay, I know when to shut up.

Mr. McGuirk: Go ahead, it is your floor right now.

Mr. Tarbet: Oh, I am sorry, you were voting to, I am sorry you are voting to reopen the hearing, I thought you were voting to approve it. So the reason why we submitted to reopen was we originally asked for a relatively large variance, and as I explained at the hearing, the architect is still working with the owner of the property and upon further reflection, we were pushing it, as the Board remembers, we own both properties so they just decided that pushing it as close to our own property as we requested from the Board was probably not the best for us so we are actually moving it further from our shared common boundary line, and, therefore, requesting a smaller variance.

Mr. O'Connell: I had a question, the covenant to remove it upon sale and the covenant to not ask for any other variances when designing the house, that is still part of this ask, is that correct?

Mr. Tarbet: So I submitted a letter on that. We are definitely not going to offer something and then pull it away, however, and we certainly are definitely not

16869

asking for any other variances so that is an easy one, I am wondering if that could be a condition just because recording documents, maybe it could be a condition and that would be up to you guys and the Village Attorney but maybe that could be a condition of approval that no further variance could be granted but whatever works there legally for everybody is fine. Because it is a smaller request, we also requested the Board maybe consider not requiring the covenant that if it were sold the tennis court be removed just because of the amount of landscaping and expenditures on the court if any property were ever sold, it would be expensive, and the property is basically being designed around the variance so because we are requesting a smaller variance we are hoping the Board may consider not requiring a covenant but we offered it and we will still live by it if the Board wants it.

Mr. O'Connell: And the court is still going to be sunk below ground, correct?

Mr. Tarbet: Right so the court is sunk below ground, the variance is from our own property line, and it is not visible from any neighbors. As a matter of fact, there is room on the property to put a court but it would be closer to the actual neighbors, we are trying to put it closer to our common boundary line, and, again, you cannot see it from the street, you cannot see it from any of the neighbors' houses, and it is sunken.

Mr. O'Connell: Those are the only questions I had Mr. Chairman.

Mr. McMullan: I have a question. If this existing house is being taken down now, what is the restriction of having it placed within that setback? Is there a physical restriction or is this just a request to have it over the property line?

Mr. Tarbet: So originally, we had planted...

Mr. Rose: Property line or setback line? Sorry to interrupt.

Mr. McMullan: Setback line, yes, thank you Joe.

Mr. Rose: So originally the intent was to try to live with the house that is there now for a few years while the architect designs what will eventually be the new home. The reality is that that is probably not valuable to us so that is part of the reason why the house was moved further from the common boundary was in all likelihood the existing house will be torn down although it is possible to keep it, if you look it would be essentially right on the tennis court where we are moving it now. What was your question, whether it was possible to build it, oh right, so if

the house were torn down, then you could technically locate the court on the property without the need for a variance?

Mr. McMullan: Right, and I notice in your letter that it is saying they are going to build a 1,200 square foot house, and I see here you are allowed as much as almost 8,000 square feet and I am just wondering why they would be going so small when they have the ability to go larger, and is this just to accommodate the Board for allowing this variance?

Mr. Tarbet: So, I assume you are seeing the same thing I am seeing locally which is that for the first ninety percent of my career, people were just trying to buy a piece of property and then develop it to the maximum potential. Now we are seeing more and more people own the property next to them or two properties next to them or three properties next to them and people are basically putting together estates again and the intent of this property, he already has a main house which is a single and separate lot. This property was purchased for two reasons. One was to preserve what goes on, you always worry about what your neighbors do, the second thing was he wanted a tennis court so the driving force behind buying this property was a tennis court. There will be a tennis pavilion which, because you cannot have a tennis court on a property without a house, the tennis pavilion will be labeled a house but it is going to small like 1,200 square feet that will then eliminate the need for a variance. The Code says in order to have a tennis court you need a primary structure so we are going to be calling what is in all practicality is a tennis house, a house, which is why it is so small but there would be no reason to build two main houses for him. At some point, ten years or 15 years from now that could certainly happen.

Mr. McMullan: Right so my feeling is going back to Philip's question if, say, the property were sold and now they want to come back and build an 8,000 square foot house or slightly less than 8,000 square feet, I would feel more comfortable having that covenant of having the tennis court removed later on. Obviously if the new owner is going to tear down the 1,200 square foot house and build an 8,000 square foot, they are going to be doing major work to the property with landscaping and stuff so I think taking the tennis court out would not be a hardship and then they can redesign it in a way that is more compliant. I do not know how the rest of the Board feels but that is my feeling.

Mr. McGuirk: Any Board Members want to comment?

Mr. Rose: I agree.

16871

Ms. Doyle: I agree.

Mr. McGuirk: That is something we can, Jonathan?

Mr. Tarbet: Yes, no, we never intended to pull it away, we just for practical purposes, it is not fun to record a covenant on the property and nobody wants to do that but I get your concern so it is still something we are offering.

Mr. O'Connell: We can work that out with Vinnie.

Mr. McGuirk: Okay so...

Ms. Doyle: I have a question, does the covenant say, it says no variances on the property with the tennis court but are there no variances going to be asked for on the other property?

Mr. Tarbet: No, I do not think that is the...

Ms. Doyle: Just the tennis court property.

Mr. Tarbet: Yes, just on the subject application property or that is the intent at least.

Mr. Hajek: Mr. Chairman, can I ask a question?

Mr. McGuirk: Yes, please.

Mr. Hajek: So, I guess some of the compelling reason I guess the Board has is partly that this is a sunken court. I think the Board should have some detail or information or factual information about what the extent to which it is sunken. You lower a court six inches below grade and that technically is a sunken court, we do not have a section or detail, is it four feet below grade or three feet below grade? I think that level of detail is required.

Mr. Tarbet: Does anyone know what the standard depth is? The Board could condition their approval on the depth, I am just trying to wrap it up today because it has been a while, the Board could also, I understand 100 percent your...

Mr. Hajek: Four feet is conventional for a sunken tennis court.

16872

Mr. Tarbet: The intent here is to actually sink it not pretend to sink it so whatever the inner depth is would be fine as a condition of approval.

Mr. Hajek: I am just bringing it up because we have had this come up on other applications and it was vague and at the end it was questionable whether the court was actually sunken.

Mr. Tarbet: It is actually our house that is next door to it so we want to sink it in reality, not pretend.

Mr. O'Connell: I thought four feet because I think that is in a couple of the other codes, I did not realize it was not in our Code.

Mr. Tarbet: Jim, does that make sense from an architect's point of view?

Mr. McMullan: Yes. We typically sink them four feet.

Mr. Hajek: Okay, so I would just recommend the Board then include that as a condition that it be sunken four feet below existing grade in that area.

Mr. McMullan: I agree.

Mr. Tarbet: We are fine with that.

Mr. McGuirk: Motion to close the hearing?

Mr. Rose: So moved.

Mr. McGuirk: Second please?

Ms. Doyle: Second.

Mr. McGuirk: All in favor?

Mr. McMullan: Aye.

Mr. Rose: Aye.

Mr. O'Connell: Aye.

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

Mr. McGuirk: We have another request to reopen a hearing, Lisa and Gary Seff, 43 Mill Hill Lane, do I have a motion to open the hearing?

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

Mr. McGuirk: Second please?

Mr. McMullan: Second.

Mr. McGuirk: All in favor?

Ms. Doyle: Aye.

Mr. McMullan: Aye.

Mr. O'Connell: Aye.

Mr. McGuirk: Andy, go ahead.

Mr. Hammer: Andy Hammer here, I am with Tara Burke, basically we did submit revised plans for the Board's consideration. Essentially what we are looking for at this point, it is a change to the actual plans approved, however, our revisions will actually be a square foot less than the approved gross floor area that was granted a variance so the house is no longer getting any larger in gross floor area, it will be compliant with the original determination in terms of coverage, we do not need any dimensional variances, we just are basically looking for a revised architectural element of the front of the house that includes the rounded area as opposed to the turret. Originally if you remember we had appeared looking for additional gross floor area that was created by the squaring or the circular nature of this structure, we were able to remove gross floor area from the residence and thereby be compliant with our original variance that was granted of a 120 something square feet as I recall. So it will actually be a square foot lower than that.

Mr. McGuirk: Thank you. Would anybody else like to speak on this, Board Members?

Mr. McMullan: I will say something. As we said before when we granted the first variance, I think some of the Board Members had a concern of the massing and especially it being a new structure, the massing was very important, it is on a small street where houses are not that large. I think with this new addition, even though the applicant is taking square footage from the rear of the house, I still think that this kind of puts another level of massing at the front or on the streetside. That is my concern.

Mr. McGuirk: Thank you. Any other comments from the Board Members?

Mr. O'Connell: I drove around the neighborhood and it seems to be out of, it has the potential to change the character of the neighborhood. It is definitely out of character to have that turret over the street like that. The only other turret that I saw was I guess it is the Moran house over there where it has the turret on it, but it sits pretty far back from the street, it is not kind of looming over it so that was just another concern I saw when I viewed the property and moved around the area.

Mr. McGuirk: Mr. Rose?

Mr. Rose: No further comment.

Mr. McGuirk: Ms. Doyle?

Ms. Doyle: I agree with what Jim and Phil said, it seems big for the street.

Mr. McGuirk: I also agree. If the design had been proposed on the onset, I question the Board's willingness to grant approval for it to be honest with you so I agree with Jimmy and Phil also on this. Any other comments?

Mr. Hammer: Just for a point of clarification here, the original plans showed a squared off, it is not a turret, it is kind of like a dormer with faceted sides, is that something that the Board is seeking to reimpose on this property because at the end of the day, I think it is going to be a major change, I thought it was helpful that it was framed and perhaps that helped the Board actually evaluate their concerns about the actual structure but you would like that restored to the faceted dormer that was on the original plans is what I am hearing?

Mr. McMullan: That would be my feeling. It was approved, the first design.

Ms. Seff: But could I just add something, hi, it is Lisa Seff, sorry I called in as well because my internet kept telling me my internet was unstable.

Ms. Bennett: I have to swear you in, again, sorry.

Ms. Seff: Oh sure, go ahead, no that is okay.

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

Ms. Seff: My name is Lisa Seff and my address is 43 Mill Hill Lane in East Hampton.

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

Ms. Seff: I do.

Ms. Bennett: Thank you.

Ms. Seff: Okay, thank you. I just wanted to bring up that the new curved area versus the angle part of the structure is still within the first-floor roof plan and we actually have made that front stoop area smaller than it was originally. So, the house is not, that part of the house has not moved beyond the first-floor line of the house, it has just moved like two feet closer to the house. The porch itself below, we have actually curved and reduced that area so just to point that out as a clarification.

Mr. McGuirk: Thank you. Any other comments? Do I have a motion to close the hearing?

Mr. McMullan: I will make a motion.

Mr. Rose: Second.

Mr. McGuirk: Do I have a second?

Ms. Doyle: Second.

Mr. McMullan: We may have lost John.

16876

Ms. Bennett: Yes, he is frozen.

Mr. McMullan: I will just jump in until John can reconnect, so we have a second, all in favor?

Ms. Doyle: Aye.

Mr. O'Connell: Aye.

Mr. Rose: Aye.

Mr. McMullan: Aye. Thank you. Is John back?

Ms. Seff: Thank you.

Mr. McMullan: Thank you.

Ms. Bennett: He still looks frozen.

ORIGINAL HEARING
**Jack Levy and Frances W. Levy – 39 Georgica Road and 43 Georgica Road –
SCTM #301-8-12-30.2 and 10.2**

Mr. McMullan: So Pam the next on the agenda are the hearings.

Ms. Bennett: Yes.

Mr. McMullan: Would you like to start.

Ms. Bennett: Sure, on the Levy application?

Mr. McMullan: Yes, please.

Ms. Bennett: Application of Jack Levy and Frances W. Levy, SCTM#'s301-8-12-30.2 and 10.2, for Area Variances from Chapter 278, Zoning, to construct an Accessory Dwelling Unit. Variances of 13.7 feet and 14.1 feet are requested from Section 278-2.B.(7)(e) to construct an Accessory Dwelling Unit 36.3 feet from the rear yard lot line and 35.9 feet from the side yard lot line where the required setbacks are 50 feet, and any other relief necessary. This application is proposing

16877

merging two properties located at 39 Georgica Road and 43 Georgica Road. The merger creates a 139,801 square foot lot and both parcels are located in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR.

Mr. McMullan: Is the applicant on the line?

Mr. Tarbet: Jon Tarbet for the applicant. So, this is actually maybe one of the few times it is a win win for the applicant and for the Village, I believe at least. I think Billy Hajek's memo...

Mr. Rose: Hopefully it is not the only time.

Mr. Tarbet: Yes.

Mr. Rose: It could be on every application.

Mr. Tarbet: Yes, well that is the goal, that is definitely the goal. What we have here is a property that was subdivided in the 1960's, the house is a historic home, I see the Trunzos are on the line, I am not sure if they are here for this application or not, but they did the historic renovation of the interior of the house, did a beautiful job. So, when the property was subdivided in the 1960's it created a lot in front of the historic home that fronts on Georgica Road and that it is a single and separate lot that could be built on. My client has adult daughters and wishes to create some additional living space outside of his home where they could stay. He could build 5,000 square foot lot on that vacant property and that would accomplish his goal, however, it is a beautiful setting while it would detract from his use and enjoyment of the property because he does not want to see a house built on Georgica any more than the Village would probably want to see a house built there. So when the affordable apartment law came in, it gave us more design flexibility where he could build an affordable apartment where his daughters could stay or accessory apartment, I called it an affordable, accessory apartment, on his existing property, however, there is not a whole lot of room on his existing property so what we did was we tried to come up with something that would make sense from a zoning perspective and that is that we are offering to merge the two properties together eliminating his ability to build on that front parcel and forever preserving that open setting with a historic home and the ask is a variance from the side and rear yard setbacks. Because the property is so big, those side and rear yard setbacks are pretty big, they are 50 feet, so he is asking to locate the accessory apartment 35 feet from those two property lines. Two important facts are that one of the

property lines is a common driveway serving multiple homes and the rear yard is, the house that is on that property, between his accessory apartment and that house is probably about 200 feet and it is a circular driveway on that property, so there are essentially two driveways and about 200 feet between his accessory, proposed accessory apartment, and that house. Also, super important is that accessory apartments can be 35 feet high and in order to not impact neighbors, he purposely limited the height of the accessory apartment to 23 feet. So, with any sort of landscaping, the accessory apartment would not be visible from the neighbors and it would be 35 feet from them and that is the short of the application.

Mr. McGuirk: Thank you, Jonathan. Do we have any callers?

Mr. Gambino: Yes, that caller I believe was on the line for this, let me put them through. Caller, you are on the line.

Mr. McGuirk: Good morning, Pam, can you...

Ms. Bennett: Sure, please raise your right hand and state your name and address for the record.

Mr. Sedgwick: Mitchell W. Sedgwick, 49 Georgica Road.

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

Mr. Sedgwick: Yes, I do.

Ms. Bennett: Thank you.

Mr. McGuirk: Go ahead Mr. Sedgwick.

Mr. Sedgwick: Thanks. I am the next door, adjacent property that, toward Crossways, between Pudding Hill and Crossways. I want to speak in support of this because not only would it mean there was not another large house on Georgica, it would mean my property was not overlooked in perpetuity, I really appreciate that. I appreciate the height restrictions on this, we have a new house at 53 that has just been put in and it is completely maxed out on the height and every other dimension and it really looks directly into our property so I am particularly keen that you guys see...[inaudible]...in support of that.

16879

Mr. McGuirk: Okay, thank you Mr. Sedgwick. Billy, we have a memo that you put together for us, maybe just hit the highlights on it?

Mr. Hajek: Sure, good morning, Chairman, Members of the Board. This is an application to construct a 2,996 square foot accessory dwelling unit. The relief that is requested has been already discussed. A couple of the highlights from our report. The 39 Georgica Road, which is the house, the property with the existing historic residence, they are already entitled to build an accessory dwelling unit so the fact that they are proposing to merge the vacant lot only makes their parcel bigger, they could build the ADU as of right right now it is just the fact that what they are proposing requires a little bit of relief. There are a number of large specimen trees located throughout both parcels. I imagine constructing a dwelling on that vacant lot would probably result in the removal of some of those trees which would be, in my mind, kind of devastating, and when you are looking at historic houses or...[inaudible]...homes, you want to maintain the setting, it is always about the setting, it is preserving the house, but it is also maintaining the setting, and I think placing a new residence toward the front of that vacant lot would really upset the setting of the G.A. Strong house and I think this accomplishes many objectives in maintaining that setting and also providing the applicant with the relief that they need to build an accessory dwelling unit. I would point out that there is a notice of violation on both parcels. They did build a patio straddling that lot line so granting this relief and merging those two parcels would eliminate the need for rectifying that issue and the end result is the lot would be one and one-half times greater than the zoning restriction to prevent any future subdivision of the parcel, I would recommend the Board require a Large Lot Scenic Easement and that extinguishes the ability to re-subdivide this property in the future. If you have any questions, I would be happy to try to answer them.

Mr. Rose: Is the applicant amendable to that recommendation?

Mr. Tarbet: Yes, absolutely. I probably failed to mention that the Levys, who own the property, actually are trying to be good custodians of the property which is why they spent the money fixing up the 100-year-old home, they just have done a beautiful job landscaping, it so this is, as Billy mentioned, this is really about trying to make this property work the best way possible, not just for them but for the future. Not only do we have the ability to put the accessory apartment on the property right now we could actually do it without variances, it just would push it very close to the garage which would be a massing. From a neighbor's perspective, it would just be massing, you would have this preexisting nonconforming large garage and then you would have an accessory apartment next

to it. The only reason they are requesting the variance is just to try to create a gap and have it aesthetically more pleasing and the give is just because it is their intention to this property be something that is appreciated 100 years from now and not just by them during their ownership, and absolutely they would be happy to condition the approval on a prohibition against future subdivision.

Mr. McGuirk: Okay, thank you. I think it is a win, win for the Village. Any other Board Members have any comments?

Mr. McMullan: I agree. Oh, go ahead Joe.

Mr. Rose: You first Mr. Vice Chair.

Mr. McMullan: I agree, I like that the whole front yard is being maintained as kind of how it has been for a long time. Also putting that new structure kind of behind all the other structures you really do not see it from the road so I agree and it is nice to see that applicants are taking the Village's best interest into account as well and I thank them for that.

Mr. McGuirk: Thank you. So a motion to...

Mr. Rose: I just want to underscore and I agree with Jim's comments and think this is an example of a good variance application in a way that is neighborly both for the, it accomplishes the property owners' goals, benefits the neighbors and the Village as a whole, and I commend the applicant and thank the representatives for their accommodation and thank Billy for his memo which I think is very helpful. Move to close...

Mr. McGuirk: Philip, do you have any comments? You have to unmute yourself.

Mr. O'Connell: I echo what was said, I think it is great.

Mr. McGuirk: Thank you. Motion to close the hearing.

Mr. Rose: So moved.

Mr. McGuirk: Second?

Mr. O'Connell: Second.

Mr. McGuirk: All in favor?

Mr. Rose: Aye.

Mr. McMullan: Aye.

Mr. McGuirk: Thank you. Pam, we are going to move onto the last hearing of the day.

ORIGINAL HEARING
Heller Lane Residence LLC – 32 Heller Lane – SCTM #301-10-1-14.1

Ms. Bennett: Application of Heller Lane Residence LLC, SCTM#301-10-1-14.1, for Area Variances from Chapter 278, Zoning, and Chapter 124, Preservation of Dunes, to legalize fencing and swimming pool equipment. A 9.8 foot variance is requested from Section 278-3.A.(5)(c) to legalize swimming pool equipment located 30.2 feet from the side yard lot line where the required setback is 40 feet. Variances are required from Sections 278-3.A.(7) and 124-1.B.(1) to legalize approximately 265 linear feet of fencing located south of the 20-foot contour line and approximately 105 linear feet of fencing north of the 20-foot contour line where all buildings and structures are required to meet a 25 foot setback from the 20-foot contour line, and any other relief necessary. The subject property is 173,042 square feet in area and is located at 32 Heller Lane in Residence District R-160. This project is classified as a Type II Action in accordance with SEQR.

Mr. McGuirk: And the applicant is represented by you, Steven?

Mr. Trunzo: Yes, and his father riding shotgun. If I can speak first, we submitted a narrative explaining the circumstances and we also have available Brittany Nargi from Farm Design Landscape who installed the fence that is at issue. So, I essentially think what we should do is ask if you have any questions because we have tried to do a thorough job of explaining the need for the variance.

Mr. McGuirk: Board Members, any questions for Mr. Trunzo?

Mr. Rose: Can I just...

Mr. McGuirk: Mr. Rose, go ahead.

16882

Mr. Rose: I understand the issue with the pool equipment and the pool fence, can you just go about the fence in the dunes, can we walk through that one.

Mr. Trunzo: Sure, so there was historically when the house was first built a fence through this dune area, the northerly portion of the double dune area which the lot extends into to. When that fence deteriorated to the point where it really was not serving its purpose any more, Farm Design Landscape, knowing that a pool enclosure fence was still needed, ran a new fence through the same area. Because the vegetation in various points is dense and the slope of the bluff is also steep in certain areas, they tried to do so with the least disturbance to the dune land environment and vegetation. Unfortunately, neither we nor Farm Design knew about this setback requirement that keys into the 20-foot contour so the Building Inspector picked it up when we went for the final inspection, and we are here before you asking for a variance to try to put it as close as possible to where it was historically.

Mr. McGuirk: Mr. Rose, any other questions?

Mr. Rose: No.

Mr. McGuirk: Phil?

Mr. O'Connell: Yes, my understanding is that where you pulled out and disturbed you re-vegetated, is that correct?

Mr. Trunzo: No, we did not do any disturbance of the vegetation. In fact, the landscaping of the yard has actually gone more natural. I do not know if any Member went to inspect the property, but it used to be typical lawn right to the edge of the bluff so they have since pulled that back and I think it is indicated one of the maps that shows that the edge of lawn is much closer to the house and a more natural grass has been planted from that point south so I think it is more in keeping with the natural environment the landscaping design that was installed with this renovation.

Mr. O'Connell: Okay, thank you. Mr. Chairman, maybe we can hear...

Mr. McGuirk: I did visit the property. Go ahead.

Mr. O'Connell: I was going to say maybe we can hear from the Village Planner.

Mr. Hajek: I think John froze again.

Mr. McMullan: I will jump in again. Billy, would you give us your overview.

Mr. Hajek: Yes, sure I can give a brief summary. So, if the Board is not aware, this is a Norman Jaffe house, partial to being a fan of his work, I think they did a very sensitive restoration of the house, and it fits into the environment as Mr. Jaffe would have done and it is very much underdeveloped comparatively to the size of the property so I leave that as a bit of information for the Board. As Pat indicated, there was a legally preexisting or preexisting nonconforming fence throughout the dunes, and it was generally at the base of the, I guess loosely term a bluff, in the Atlantic double dunes as you move from the beach to the northerly section, the vegetation transitions from typical beach vegetation, which is beachgrass and heathers, beach plum, to a more heath environment and it becomes a more woody type of vegetation, there are taller plants and taller trees, and it is mostly woody shrubs and woody trees. I think what, based on my inspection what they did here is they sort of navigated around the woody vegetation. So, the fence is actually shielded, it is generally in the location of the previously existing fence and if the Board were to accept it as mitigation, they did restore what was lawn and is now a meadow and I think the actual meadow, even though it is not traditional beach vegetation, I think it is appropriate because as I said when you move north, you transition into that heath forest and it would not be uncommon to find meadow-type vegetation in here at the very upper reaches of it. I think if the Board were inclined to approve this, I think you would approve it on the grounds that they did offer the meadow as sort of a replacement of lawn into a more natural environment. So if you have any questions for me, I would be happy to answer them.

Mr. McMullan: Thank you Billy.

Mr. McGuirk: Thanks Billy. Any questions from the Board?

Mr. McMullan: No, I do not have a problem with this.

Ms. Doyle: Me neither.

Mr. McGuirk: Thank you Mr. Trunzo and Mr. Trunzo. Can we have a motion to close the hearing?

Mr. Rose: So moved.

16884

Mr. McGuirk: Second please?

Ms. Doyle: I do.

Mr. McGuirk: All in favor?

Ms. Doyle: Aye.

Mr. McMullan: Aye.

Mr. O'Connell: Aye.

Mr. Rose: Aye.

Mr. McGuirk: And now a motion to close the meeting.

Mr. Rose: So moved.

Mr. McGuirk: Second?

Mr. McMullan: Second.

Mr. McGuirk: All in favor?

Mr. O'Connell: Aye.

Mr. McMullan: Aye.

Mr. Rose: Aye.

The meeting was adjourned at 11:44 a.m.

Note: The application of Hamptons Residence LLC, 16 Nichols Lane, SCTM #301-13-11-11, requires re-noticing.

16885

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, June 10, 2022 at 11:00 a.m., or via video-conferencing if necessary, on the following applications and to conduct such other business as may come before the Board. If the hearings are to be conducted via video-conferencing, please contact pbennett@easthamptonvillage.org to find out how to participate. The applications can be viewed on the Village's website easthamptonvillage.org by clicking on the "Alerts" tab.

Application of Jack Levy and Frances W. Levy, SCTM#'s 301-8-12-30.2 and 10.2, for Area Variances from Chapter 278, Zoning, to construct an Accessory Dwelling Unit. Variances of 13.7 feet and 14.1 feet are requested from Section 278-2.B.(7) (e) to construct an Accessory Dwelling Unit 36.3 feet from the rear yard lot line and 35.9 feet from the side yard lot line where the required setbacks are 50 feet, and any other relief necessary. This application is proposing merging two properties located at 39 Georgica Road and 43 Georgica Road. The merger creates a 139,801 square foot lot and both parcels are located in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR.

Application of Heller Lane Residence LLC, SCTM#301-10-1-14.1, for Area Variances from Chapter 278, Zoning, and

Chapter 124, Preservation of Dunes, to legalize fencing and swimming pool equipment. A 9.8 foot variance is requested from Section 278-3.A.(5) (c) to legalize swimming pool equipment located 30.2 feet from the side yard lot line where the required setback is 40 feet. Variances are required from Sections 278-3.A.(7) and 124-1.B.(1) to legalize approximately 265 linear feet of fencing located south of the 20-foot contour line and approximately 105 linear feet of fencing north of the 20-foot contour line where all buildings and structures are required to meet a 25 foot setback from the 20-foot contour line, and any other relief necessary. The subject property is 173,042 square feet in area and is located at 32 Heller Lane in Residence District R-160. This project is classified as a Type II Action in accordance with SEQR.

Application of Hamptons Residence LLC, SCTM#301-13-11-11, for Variances from Chapter 101, Coastal Erosion Hazard Areas, Variances from Chapter 278, Zoning and Variances from Chapter 124, Preservation of Dunes to legalize accessory improvements. A Coastal Erosion Hazard Area Permit and Variances are required in accordance with Sections 101-9.(B) and 101-19 to legalize a deck with gazebo, a shed and fencing installed seaward of the Coastal Erosion Hazard Area line. Variances of 35.2 feet and 62.2 feet are requested from Sections 124-1.A.(1) and (2) and 278-3.A.(7) to legalize a deck with gazebo constructed 64.8 feet from the 15-foot contour line and 87.8 feet from the edge of beach where

the required setbacks are 100 feet and 150 feet. Variances of approximately 90 feet and 130 feet are requested from Sections 124-1.A.(1) and (2) to legalize approximately 480 linear feet of fencing located at its nearest point, 10 feet from the 15-foot contour line and 20 feet from the edge of beach grass where the required setbacks are 100 feet and 150 feet. An 8.3 foot variance is requested from Section 278-3.A.(5) (b) to legalize a shed installed 11.7 feet from a side yard lot line where the required setback is 20 feet. Variances of approximately 25 feet and 20 feet are required from Sections 278-3.A.(5)(a) and (b) to legalize a slate patio area 50 feet from the front yard lot line and 0 feet from the side yard property line where the required setbacks are 75 feet and 20 feet. Variances of approximately 14.9 feet, 8 feet and 20 feet are requested from Section 278-3.A.(5)(b) to legalize slate walkways located 5.1 feet and 12 feet from the rear yard lot line and 0 feet from side yard lot line where the required setbacks are 20 feet, and any other relief necessary. The subject property is 116,464 square feet in area and is located at 16 Nichols Lane in Residence District R-160. The property adjoins the ocean beach and is located in FEMA Flood Zone VE (cl. 17) and Zone X. 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. Dtd: May 20, 2022
By Order of John L. McGuirk III, Chairman, Zoning Board of Appeals, Inc. Village of East Hampton 46-2/194

FILED
VILLAGE OF EAST HAMPTON, NY
DATE: July 14, 2022
TIME: 12:30 pm

Danah J. Bennett

16886