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Zoning Board of Appeals

Date: January 12, 2024

11:00 a.m.

LTV Studios

75 Industrial Road, Wainscott, NY 11975

Those Present Were:

John L. McGuirk III, Chairman

James H. McMullan, Vice-Chair

Joseph B. Rose, Member

Andrew Baris, Member

Lisa Perillo, Village Attorney

Billy Hajek, Village Planner

Thomas Preiato, Building Inspector

John Tarbet, Attorney on Behalf of Lee and Vanessa Eastman, 247 Cove Hollow
Road

Jacqueline Morely, Attorney on Behalf of Jane Z. Forman and Edward N. Wolff 122
Georgica Close Road

Brenda Wai Ming Chaing, property owner of 111 Pantigo Road

Brian Mannix, Agent on Behalf of Susan P. Furlaud, 79 Hither Lane

Gabrielle McKay, Deputy Village Clerk

Those Absent Were:

Philip O'Connell, Member

Abigail FitzSimons, Alternate

Chairman McGuirk called the meeting to order at 11:00 a.m., and the following official business was discussed:

MINUTES

Upon motion of Joseph B. Rose, duly seconded by Andrew Baris, the Board unanimously approved the minutes of **December 8, 2023**.

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DETERMINATION

Timothy J. Tynan – 34 Sherrill Road – SCTM# 301-1-4-30

Upon Motion of Joseph B. Rose, duly seconded by Andrew Baris, an Area Variance to construct decking and roofed patios that will exceed coverage is granted.

James H. McMullan – Aye
Joseph B. Rose – Aye
Andrew Baris – Aye

DETERMINATION

Eric Ellenbogen – 13 Egypt Lane – SCTM # 301-4-6-18

Upon motion of Joseph B. Rose, duly seconded by James H. McMullan, a .8 foot Area Variance to legalize a residence located 19.5 feet from the side yard lot line where the required side yard setback is 20.3 feet is granted.

John McGuirk – Aye
James H. McMullan – Aye
Joseph B. Rose – Aye
Andrew Baris – Aye

APPLICATION WITHDRAWN

55 La Forest LLC – 55 La Forest Lane – SCTM #301-12-6-8

The Board is in receipt of a letter from Leonard I. Ackerman dated January 4, 2024, withdrawing the application of 55 La Forest LLC, 55 La Forest Lane.

ADJOURNMENT

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

The Board is in receipt of a letter from Martha F. Reichert Esq. dated January 8, 2024, requesting an adjournment of this application until the Board's February 9, 2024, meeting.

ORIGINAL HEARINGLee and Vanessa Eastman – 247 Cove Hollow Road – SCTM# 301-12-2-18.1

Chair McGuirk called the hearing to order at 11:01 a.m., and the Public Notice, as duly published in the East Hampton Star, was read.

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

John Tarbet, Esq. appeared on behalf of the applicant; no additional material was submitted into record. Mr. Tarbet referenced the previous application for Lee and Vanessa Eastman in which the garage was not going to be within the front yard setback, being 148 feet from Cove Hollow Road, and covered by landscaping so as to not be visible from the road. For the previous application, a landscaping plan was provided to the Board depicting this. Mr. Tarbet then explained that the reasoning for the submission of the new application is due to the property owners deciding that they now want a larger garage, 768 square feet versus the original 576 square feet. With a larger garage, items that would otherwise be found outside around the property can be stored. Mr. Tarbet then shared a benefit to the new application, being that the garage now sits further back from the road 151 feet from the road versus the original 140 feet.

Chair McGuirk asked for Building Inspector Tom Preiato to share the current state of the property. Mr. Preiato explained that a garage was permitted and built on the property, however the placement was not what the property owners were hoping for. It is close to the house. It was made clear that a decision was not rendered for the previous ZBA Application, but rather the garage was constructed pursuant to a valid issued building permit. Member Rose asked for clarification in which Mr. Preiato further explained that the existing garage built complied with the code. The new application is to either partially disassemble or

to move the compliant garage in order to enlarge it to fit additional items. Chair McGuirk added that the shape of the property is unordinary, resulting in the garage being placed in the front yard. Mr. Preiato then approached the Board and pointed out the current location of the garage on the Saskas Survey received December 4, 2023 and last revised November 20, 2023, as the garage is not present on it.

John Tarbet explained that the property was vacant before the current house and garage were built, and the last house was torn down many years ago. Mr. Tarbet then reiterated that no written determination was given for the previous ZBA Application, as the property owner decided he wanted to redesign the garage. With the property being longer than ordinary, having the garage in the front yard makes more sense. Member Rose asked if the garage conforms outside of the front yard setback variance, in which Mr. Tarbet confirmed. All Board members agreed that they did not have an issue with this variance.

Upon motion of James McMullan, duly seconded by Andrew Baris, the Board unanimously closed the Public Hearing.

ORIGINAL HEARING

Jane Z. Forman and Edward N. Wolff – 122 Georgica Road – SCTM# 301-7-4-16

Chair McGuirk called the hearing to order at 11:09 a.m., and the Public Notice, as duly published in the East Hampton Star, was read.

Application of Jane Z. Forman and Edward N. Wolff, SCTM#301-7-4-16, for a Wetlands Permit and Variances in accordance with Chapter 278, Zoning, and Chapter 163, Freshwater Wetlands, to legalize accessory improvements and landscaping. Variances of 34.6 feet and 10.3 feet are requested from Section 278-3 A. (5) (a) to legalize a playset and a trampoline located 40.4 feet and 64.7 feet from a front yard lot line where the required front yard setback is 75 feet. A Freshwater Wetlands Permit and variances from Section 278-3 A. (8) in the amount of 114 feet, 80.2 feet, 65.8 feet, 75.2 feet and 85.3 feet are requested to legalize a fence located 36 feet from wetlands, a playset located 69.8 feet from wetlands, a trampoline located 84.2 feet from wetlands, an outdoor shower located 74.8 feet from wetlands and an A/C condenser unit located 64.7 feet from

wetlands where the required wetland setback is 150 feet. A Freshwater Wetlands Permit and variance from Section 278-3 A. (8) is requested to legalize landscaping within 125 feet of a wetland. The subject property is 96,179 square feet in size and is located at 122 Georgica Close Road. The property is located in Residence District R-160 and this project is classified as a Type II Action in accordance with SEQR.

Jacqueline Morley, Esq., of Twomey, Latham, Shea, Kelley, Dubin & Quartararo LLC was present on behalf of the applicant. Ms. Morely submitted into record the Affidavit of Mailing for a Freshwater Wetlands Permit and the certified mail receipts for the mailing. No other material was submitted into the record, and no one appeared in opposition. Ms. Morley explained that this application is for the legalization of a number of improvements on the property without a permit including recreational structures for the property owners' grandchildren and some native plantings at the rear of the lawn. Regarding the denial letter from the Building Department, an application was submitted to the DEC in the fall, in which there has not been any communication on yet. The property is situated as a corner lot between Georgica Close Road and Georgica Road. There is a 50 foot wide restricted buffer at the rear of the property and there are flagged wetlands within the middle of the rear yard. Due to the location of the property, there is constraint by the front yard and wetland setbacks. Regarding the denial letter, a stone patio is no longer being proposed in front of the pool house and the height of the deer fence has been lowered to comply. Two deer fences are located on the property, the one on the western side has been removed and the wire fence towards the back of the property has been lowered to comply and is the fence that was included on the denial letter. The trampoline is built into the ground and the playset is "tamped down" into the ground so as not to move. The plantings that were provided in the planting plan, received October 12, 2023, are all native species – inkberry, bay berry and sweet pepper bush.

Ms. Morley then shared that the 2016 ZBA Determination for the previous owners of 122 Georgica Close Road was for the pool house in the rear yard, which was then renovated to bring up to current code as it was built in 1989. Part of that

approval was that there would not be a shower in the structure. The current property owners added an A/C condenser outside the pool house in order to make it more usable, and thus an additional variance request is needed for this.

Speaking to the criteria of the application, Ms. Morley shared that there are other applications close in proximity to 122 Georgica Close Road that have been granted for similar variances. She then acknowledged that although these variances are all to be legalized after the fact, all are minor improvements. She then reiterated that with the location of the property, most structural improvements within the rear lawn would require a variance.

Member Rose asked about the current irrigation system with respect to the wetland setback. Village Planner Billy Hajek explained that limits of landscaping or clearing have not changed. The prior approval did require revegetation and Mr. Hajek had visited the property prior to this public hearing. All revegetated areas were maintained and to his knowledge irrigation only exists in the portion of the yard that is considered lawn. If irrigation is required for the additional plantings proposed to be installed, it should be made a condition of the determination that temporary above ground irrigation is to be installed for no more than two growing seasons and then removed thereafter. Member Rose then asked if Mr. Hajek had noticed any irrigation elsewhere on the rear yard, in which Mr. Hajek confirmed he did not notice any.

Member Rose then asked in terms of runoff and treated chemicals, if there is any issue with the play equipment and the like creating runoff that is a hazard. Mr. Hajek explained he does not see the play equipment or the A/C condenser unit having a negative impact. Regarding the outdoor shower, it is recommended that a dry well be installed to capture any sort of runoff created by the shower, if not already present. Mr. Rose then asked if there is a bathroom inside the pool house in which Mr. Hajek confirmed and added that there is a septic system for the pool house that meets the Health Department's most current requirements.

Member Baris then asked Mr. Hajek to elaborate on if there is a structure underneath the trampoline. It is an in ground trampoline, and Mr. Hajek believes they would need some sort of structure beneath it so as to prevent the dirt from falling in on itself. He then added that he does not see the trampoline having an adverse effect on the wetlands. If the trampoline were to one day be removed, lawn could be put back in that area.

Chair McGuirk explained to Jacqueline Morey that based on Billy's comments, a dry well is to be installed for the outdoor shower. Additionally, as a condition of the determination, a plan should be provided for the above ground temporary irrigation for the proposed plantings. Mr. Rose then added that he has a concern for the location of the trampoline since it is in ground. It is a more permanent structure than the playset which can be moved. Otherwise, he is okay with the granting of the other variances. Vice Chair McMullan asked Ms. Morely when the trampoline was installed. Ms. Morely stated that it has been there since 2021. Chair McGuirk recommended that the trampoline be moved to comply, keep the location of the playset, ensure that the outdoor shower has a drywell installed, and add in as a condition that a plan be submitted demonstrating the dimensions of the above ground temporary irrigation for the plantings.

Jacqueline Morley asked for the record to remain open in order to speak with the applicants as they are currently away. Chair McGuirk agreed to this.

ORIGINAL HEARING

Brenda Wai Ming Chang – 111 Pantigo Road – SCTM# 301-4-4-26

Chair McGuirk called the hearing to order at 11:22 a.m., and the Public Notice, as duly published in the East Hampton Star, was read.

Application of Brenda Wai Ming Chang, SCTM#301-4-4-26, for Area Variances from Chapter 278, Zoning, to construct accessory improvements and exceed the allowable coverage. A 94 square foot variance is requested from Section 278-3 A. (9) (a) to permit 2,276 square feet of coverage where the maximum permitted coverage is 2,182 square feet. A 13.9 foot variance is

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requested from Section 278-3 A. (3) (a) to construct a window well 11.1 feet from a front yard lot line where the required front yard setback is 25 feet. The subject property is 8,410 square feet in area and is located at 111 Pantigo Road in Residence District R-20. This project is classified as a Type II Action in accordance with SEQR.

Brenda Chang, 111 Pantigo Road East Hampton, New York, duly sworn in by the Deputy Village Clerk, swore to tell the truth, the whole truth, and nothing but the truth. No additional material was submitted into the record, and no one appeared in opposition. Ms. Chang explained that she obtained a building permit in January of 2023 to lift the house in order to restore the foundation as it was not in good condition. Additionally, a basement was "roughed out." Additional lot coverage is needed in order to install egress stairs down to the basement. In order to complete this, the deck has to be removed. Once the stairs are built, Ms. Chang would like to build the deck back to its original size. The other request is for a setback variance on the northwest corner of the house in order to build out a window well. For this setback, the front yard line would be Fredericka Lane.

Member McMullan stated that he does not see a problem with this application. On Fredericka Lane, there is a fence that is located along the road; thus the window well would not be visible from the road. Looking at the coverage calculation, the existing was 2,290 square feet versus the proposed 2,276 square feet, there is a reduction. All Board Members agreed that they do not see an issue with this application.

Upon motion of Joseph B. Rose, duly seconded by James McMullan, the Board unanimously closed the Public Hearing.

ORIGINAL HEARING

Susan P. Furlaud – 79 Hither Lane – SCTM #301-5-1-2

Chair McGuirk called the hearing to order at 11:25 a.m., and the Public Notice, as duly published in the East Hampton Star, was read.

Application of Susan P. Furlaud, SCTM#301-5-1-2, for an Area Variance from Chapter 278, Zoning, to construct a generator. A 30 foot variance is requested from Section 278-3 A. (5) (a) to construct a generator 25 feet from a front yard lot line where the required front yard setback is 55 feet. The subject property is 66,995 square feet in area and is located at 79 Hither Lane in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR.

Brian Mannix, Amagansett, New York, duly sworn in by the Deputy Village Clerk, swore to tell the truth, the whole truth, and nothing but the truth. No additional material was submitted into the record, and no one appeared in opposition. Mr. Mannix explained that the applicants would like to install a new generator and were looking for a location. To meet the setbacks, the only location would be at the back of the house. This would be difficult when getting serviced and would be noisier for the neighbors since it would end up being closer in proximity to their property. In the proposed location located in the front yard, there is a planting bed, which could be used to screen the generator from being visible from the road. Chair McGuirk added that the neighboring house on the left does sit back pretty far. Mr. McGuirk then asked if Mr. Mannix had a screening plan for this application in which he stated he did not.

Member Rose explained that he has a concern with a generator being located in the front yard as they should always comply with the setback requirements due to being noisy when in use. Member Baris asked if there was a reason the generator is not located closer to the house. Mr. Mannix explained that the proposed location is best for the servicing of the generator and is where a planting is already located that can be utilized to screen it in. The generator is to be a diesel powered.

Vice Chair McMullan does not have an issue with the variance since it is 25 feet off the property line in the front and there's also another 25 feet before reaching Further Lane. The proposed location of the generator also sits 40 feet away from the neighboring property, in which the neighbor's house is even further away. Mr. McMullan then stated that he understands running the servicing for the generator all the way to the back of the house being detrimental and having it located in the front will be more of an ease for servicing.

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Chair McGuirk stated that this public hearing will be left open and asked Bryan Mannix to supply the board with a screening plan with some kind of sound mitigation to be installed around the generator prior to the next meeting.

EXECUTIVE SESSION

Chair McGuirk announced that the Board would be going into Executive Session at 11:31 a.m. to discuss pending legal matters upon motion of James McMullan, duly seconded by Joseph B. Rose. Upon motion of James McMullan, duly seconded by Andrew Baris, the Board unanimously closed the Executive Session at 11:44 a.m.

Upon motion of James McMullan, duly seconded by Joseph B. Rose, the Board unanimously closed the meeting at 11:44 a.m.

FILED
VILLAGE OF EAST HAMPTON, NY
DATE: 2/12/24
TIME: 3:15 p.m.

Valeri M. Kang

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Incorporated Village of East Hampton will hold a public meeting at the LTV Studios, 75 Industrial Road, Wainscott, New York, on Friday, January 12, 2024, at 11:00 a.m. on the following applications and to conduct such other business as may come before the Board. The applications can be viewed on the Village's website easthamptonvillage.org by clicking on the "Alerts" tab.

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

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(5) (a) to legalize a playset and a trampoline located 40.4 feet and 64.7 feet from a front yard lot line where the required front yard setback is 75 feet. A Freshwater Wetlands Permit and variances from Section 278-3 A. (8) in the amount of 114 feet, 80.2 feet, 65.8 feet, 75.2 feet and 85.3 feet are requested to legalize a fence located 36 feet from wetlands, a playset located 69.8 feet from wetlands, a trampoline located 84.2 feet from wetlands, an outdoor shower located 74.8 feet from wetlands and an A/C condenser unit located 64.7 feet from wetlands where the required wetland setback is 150 feet. A Freshwater Wetlands Permit and variance from Section 278-3 A. (8) is requested to legalize landscaping within 125 feet of a wetland. The subject property is 96,179 square feet in size and is located at 122 Georgica Close Road. The property is located in Residence District R-160 and this project is classified as a Type II Action in accordance with SEQR.

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(a) to construct a window well 11.1 feet from a front yard lot line where the required front yard setback is 25 feet. The subject property is 8,410 square feet in area and is located at 111 Pantigo Road in Residence District R-20. This project is classified as a Type II Action in accordance with SEQR.

Application of Susan P. Furlaud, SCTM#301-5-1-2, for an Area Variance from Chapter 278, Zoning, to construct a generator. A 30 foot variance is requested from Section 278-3 A. (5) (a) to construct a generator 25 feet from a front yard lot line where the required front yard setback is 55 feet. The subject property is 66,995 square feet in area and is located at 79 Hither Lane in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR.

Said Zoning Board of Appeals will at said time and place hear all persons who wish to be heard in connection with the applications. Interested parties may be heard in person, by agent, or by attorney. Dated: December 15, 2023

By Order of John L. McGuirk III, Chairman, Zoning Board of Appeals, Inc. Village of East Hampton 24-2/159