

Zoning Board of Appeals
February 14, 2020
11:00 a.m.
Emergency Services Building
One Cedar Street, East Hampton

Those present were:

Lysbeth A. Marigold, Chair
Raymond J. Harden, Vice Chair
John L. McGuirk III, Member
Lawrence A. Hillel, Member
Craig R. Humphrey, Member
Elizabeth Baldwin, Village Attorney
J. Kent Howie, Ordinance Inspector
Robert Jahoda, Ordinance Inspector
Billy Hajek, Village Planner
Britton Bistran, Edward W. Williams QPRT and Lisa B. Williams QPRT
David Tosher, Edward W. Williams QPRT and Lisa B. Williams QPRT
David Harvey, Architect on behalf of Ron J. Vinder
Thomas J. Osborne, Nedenia C. Rumbough and Donald E. Handelman
Jamie Bufalino, East Hampton Star
Pamela J. Bennett, Deputy Clerk

The Chair called the meeting to order at 11:00 a.m. wished everyone a Happy Valentine's Day; the following official business was discussed:

MINUTES

Upon motion of Lawrence A. Hillel, duly seconded by Raymond J. Harden, the Board unanimously approved the minutes of **January 10, 2020**.

Chair Marigold – Aye
Vice Chair Harden – Aye
Member McGuirk – Aye
Member Hillel – Aye
Member Humphrey – Aye

15968

DETERMINATION

Lewis Family 2002 Trust – 165 Lily Pond Lane – SCTM #301-13-11-5.2

Disposition of Application: Approved – Determination on file

Chair Marigold – Aye
Vice Chair Harden – Aye
Member McGuirk – Aye
Member Hillel – Aye
Member Humphrey – Aye

DETERMINATION

Joseph R. and Amy M. Perella – 43 Terbell Lane – SCTM #301-13-10-5

Disposition of Application: Approved – Determination on file

Chair Marigold – Aye
Vice Chair Harden – Aye
Member McGuirk – Aye
Member Hillel – Aye
Member Humphrey – Aye

DETERMINATION

Robert W. and Rosalind M. Woolcott – 55 Toilsome Lane –
SCTM #301-8-1-6

Disposition of Application: Approved – Determination on file

Chair Marigold – Aye
Vice Chair Harden – Aye
Member McGuirk – Aye
Member Hillel – Aye
Member Humphrey – Aye

DETERMINATION

George E. Doty Jr. and Le-Ellen Spelman – 25 Fithian Lane –
SCTM #301-3-5-7.4

Disposition of Application: Approved – Determination on file

Chair Marigold – Aye
Vice Chair Harden – Aye
Member McGuirk – Aye
Member Hillel – Aye
Member Humphrey – Aye

ADJOURNMENTS

James D. Danella – 49 La Forest Lane – SCTM #301-12-6-7

Zee I LLC – 19 Chauncey Close – SCTM #301-15-1-6

Zon II LLC – 23 Chauncey Close – SCTM #301-15-1-5

Nicole and Allen Salmasi - 73 Davids Lane – SCTM #301-3-9-15

These applications are adjourned until the March 13, 2020 meeting.

ORIGINAL HEARING

Edward W. Williams QPRT and Lisa B. Williams QPRT –

200 Lily Pond Lane – SCTM #301-15-2-8.1

Chair Marigold called the hearing to order at 11:04 a.m., and the Public Notice, as duly published in the East Hampton Star, was read.

Application of Edward W. Williams QPRT and Lisa B. Williams QPRT, SCTM#301-15-2-8.1, for a Wetlands Permit from Chapter 163, Freshwater Wetlands, and Area Variances from Chapter 278, Zoning, to construct a detached garage, a shed, a patio, a driveway, a pergola and install vegetation. A wetlands permit and variances of 64 feet, 68.5 feet, 24.3 feet, 59 feet and 40 feet are required from Section 278-3.A.(8) to construct a detached garage located 86 feet from wetlands, slate patio located 81.5 feet from wetlands, a shed located 125.7 feet from wetlands, a pergola located 91 feet from wetlands and a driveway located 110 feet from wetlands where the required setbacks are 150 feet. A wetlands permit and variance from Section 278-3.A.(8) is required to install vegetation directly adjacent to a wetland. A 26.2 foot variance is required from Section 278-3.A.(4) (a) to construct a shed located 48.8 feet from the front yard lot line where the required setback is 75 feet, and any other relief necessary. The subject property is 106,626 square feet in area, located at 200 Lily Pond Lane and is in the Residence District R-160. The property is located in FEMA Flood Zones AE elevation 10 and the project is classified as a Type II Action in accordance with SEQR.

Britton Bistran appeared on behalf of the applicant; no additional material was submitted into the record; no one appeared in opposition. Ms. Bistran stated that the proposal is to build a 618 square foot garage, a patio, a driveway, a 140 square foot shed, and a pergola over an existing patio. Also proposed is the removal of a few structures that are actually closer to the wetlands than all the proposed structures. The property is irregularly shaped and has approximately 800 feet on its western edge running along

Lily Pond Lane; there is no conforming envelope on this 2.5 acre property for additions, however, all the additions being proposed are farther from the existing improvements to be removed and the net result is the reduction in lot coverage. Also proposed is approximately 5,100 square feet of re-vegetation along the Pond with native vegetation. The project has New York State DEC approval and the Town Trustees have conceptually approved the project.

Mr. McGuirk asked why there is a patio attached to the proposed garage. Ms. Bistran stated that it is the best spot on the property for a view; there is a small patio attached to the existing house which is where the pergola is proposed. Mr. McGuirk stated that there is a proposed shed as well. Ms. Bistran stated that the garage is for cars and the shed is for boats and storage. Because of the flood plain and the groundwater, there is no basement so storage is at a premium. Ms. Marigold asked if a car will be able to get into the elongated portion of the proposed garage and Mr. Harden asked about the door for the garage. Mr. Hajek stated that on the west side there is an overhead door and that you would have to drive over the lawn to get to it. Ms. Marigold asked how a car would get into the garage. Ms. Bistran stated that they would not use that side of the garage for cars, it would store boats. Mr. Tosher stated that the idea of the second bay with the door to the west is for winter storage so it is once or twice a year, once in the autumn and back out in the spring; the overgrown shrubs in that area will be removed.

Ms. Marigold stated that the Code states that a garage has to be for storage of cars and accessible. Mr. McGuirk stated that the structure does not look like a garage. Ms. Marigold stated that there are gorgeous windows. Mr. Tosher stated that there are garage doors. Ms. Marigold asked Mr. Tosher to explain the beautiful windows. Mr. Tosher stated that the owners have understood that for years, as their parents and grandparents have maintained the property, that the only part of the property that was ever not looking really nice were the buildings on the property, there was a little ranch house there and that was changed over to a nice little one-story cottage. Mr. McGuirk stated that the property was always immaculate and the house was nice. Mr. Tosher stated that the structures are not now what they were 30 years ago but the applicants came to him and said that they want something that looks really nice. Mr. Hillel questioned the legality if the building is not going to be used for cars. Mr. Tosher stated that it is a garage. Mr. Hillel stated that it is not going to be used for cars that much. Mr. Tosher stated that it will be one car all winter long on one side and the

other side for the daily use for five months of the year. Mr. McGuirk asked if there could be a condition that the building be inspected once a year. Mr. Harden added that the structure should not be finished. Ms. Baldwin stated that the applicant could file a covenant with the option of inspections but did not believe the Board should require inspections. Ms. Marigold stated that the Board could condition that the building have no residential use. Ms. Baldwin said no habitable space. Mr. Hajek clarified that the Code prohibits insulation in pool houses but garages you can insulate. Ms. Marigold stated that Mr. Hajek's memorandum requested drywells, a permeable driveway, and temporary silt mesh fencing. Mr. Tosher found no objection to those conditions.

Upon motion of Raymond J. Harden, duly seconded by John L. McGuirk III, the Board unanimously closed the Public Hearing and asked Village Attorney Elizabeth Baldwin to prepare a determination for the March 13, 2020 meeting.

Chair Marigold – Aye
Vice Chair Harden – Aye
Member McGuirk – Aye
Member Hillel – Aye
Member Humphrey – Aye

ORIGINAL HEARING

Ron J. Vinder – 10 Baiting Hollow Road – SCTM #301-8-11-17.1

Chair Marigold called the hearing to order at 11:14 a.m., and the Public Notice, as duly published in the East Hampton Star, was read.

Application of Ron J. Vinder, SCTM#301-8-11-17.1, for Area Variances from Chapter 278, Zoning, to construct additions to an existing residence. A 356 square foot gross floor area variance is requested from Section 278-3.A.(13)(a) to permit the construction of additions resulting in a 5,417 square foot residence. The maximum permitted gross floor area on this lot is 5,014 square feet and a prior Zoning Board determination granted variances permitting the residence to contain 5,061 square feet of gross floor area. A 272 square foot coverage variance is requested from Section 278-3.A.(9) to permit 8,802 square feet of coverage when the maximum permitted coverage is 8,530 square feet, and any other relief necessary. The subject property is 40,202 square feet in area and is located at 10 Baiting Hollow Road in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR.

David Harvey appeared on behalf of the applicant; no additional material was submitted into the record; no one appeared in opposition. A third bay is requested to be added to an existing attached garage. The property is small and oddly shaped so there is no room for an accessory garage or an accessory structure. The addition is all within the setbacks. Ms. Marigold noted that the existing coverage is under and the proposed gross floor area is less than 10 percent. Mr. Hillel stated that the proposed coverage is only 3 percent over. Ms. Marigold stated that it is de minimis. Mr. McGuirk stated that it is a tough lot.

Upon motion of Craig R. Humphrey, duly seconded by Raymond J. Harden, the Board unanimously closed the Public Hearing and asked Village Attorney Elizabeth Baldwin to prepare a determination for the March 13, 2020 meeting.

Chair Marigold – Aye
Vice Chair Harden – Aye
Member McGuirk – Aye
Member Hillel – Aye
Member Humphrey – Aye

ORIGINAL HEARING

Nedenia C. Rumbough and Donald E. Handelman as Trustees –
8 West Dune Lane – SCTM #301-9-4-21

Chair Marigold called the hearing to order at 11:17 a.m., and the Public Notice, as duly published in the East Hampton Star, was read.

Application of Nedenia C. Rumbough and Donald E. Handelman as Trustees, SCTM#301-9-4-21, for an Area Variance from Chapter 278, Zoning, to construct a swimming pool and hot tub. A 7.7 foot variance is requested from Section 278-3.A.(5)(c) to construct a swimming pool and hot tub 32.3 feet from the rear yard lot line where the required setback is 40 feet. The subject property is 42,848 square feet in area and is located at 8 West Dune Lane in Residence District R-160. This project is classified as a Type II Action in accordance with SEQR.

Thomas J. Osborne Esq. appeared on behalf of the applicant; no additional material was submitted into the record; no one appeared in opposition. The swimming pool was initially proposed at 20 feet by 40 feet and is now 14 by 30 to comply with the neighbor's request. Mr. Osborne

stated that the conditions set forth by the neighbor are listed in the application and are acceptable to the applicant if approved by the Board. The swimming pool could be located in the west part of the property and meet setbacks but that is where plantings are located, where activities take place, and would be right in the view of the middle part of the house. To the rear of the property is a new stockade fence which is a double walled fence which will help negate any sound impact. Mr. Humphrey asked if the hot tub is within the swimming pool. Mr. Osborne stated that the hot tub is within the swimming pool, it is not separate.

Upon motion of John L. McGuirk III, duly seconded by Lawrence A. Hillel, the Board unanimously closed the Public Hearing and asked Village Attorney Elizabeth Baldwin to prepare a determination for the March 13, 2020 meeting.

Chair Marigold – Aye
Vice Chair Harden – Aye
Member McGuirk – Aye
Member Hillel – Aye
Member Humphrey – Aye

Upon motion of Craig R. Humphrey, duly seconded by Lawrence A. Hillel, the Board unanimously adjourned the meeting at 11:20 a.m.

Chair Marigold – Aye
Vice Chair Harden – Aye
Member McGuirk – Aye
Member Hillel – Aye
Member Humphrey – Aye

continued on next page

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 14, 2020 at 11:00 a.m. on the following applications and to conduct such other business as may come before the Board:

Application of Edward W. Williams QPRT and Lisa B. Williams QPRT, SCTM#301-15-2-8.1, for a Wetlands Permit from Chapter 163, Freshwater Wetlands, and Area Variances from Chapter 278, Zoning, to construct a detached garage, a shed, a patio, a driveway, a pergola and install vegetation. A wetlands permit and variances of 64 feet, 68.5 feet, 24.3 feet, 59 feet and 40 feet are required from Section 278-3.A.(8) to

construct a detached garage located 86 feet from wetlands, slate patio located 81.5 feet from wetlands, a shed located 125.7 feet from wetlands, a pergola located 91 feet from wetlands and a driveway located 110 feet from wetlands where the required setbacks are 150 feet. A wetlands permit and variance from Section 278-3.A.(8) is required to install vegetation directly adjacent to a wetland. A 26.2 foot variance is required from Section 278-3.A.(4) (a) to construct a shed located 48.8 feet from the front yard lot line where the required setback is 75 feet, and any other relief necessary. The subject property is 106,626 square feet in area, located at 200 Lily Pond Lane and is in the Residence District R-160. The property is located in FEMA Flood Zones AE elevation 10 and the project is classified as a Type II Action in accordance with SEQR. Application of Ron J. Vinder, SCTM#301-8-11-17.1, for Area Variances from Chapter 278, Zoning, to construct additions to an existing residence. A 356 square foot gross floor area variance is requested from Section 278-3.A.(13)(a) to permit

the construction of additions resulting in a 5,417 square foot residence. The maximum permitted gross floor area on this lot is 5,014 square feet and a prior Zoning Board determination granted variances permitting the residence to contain 5,061 square feet of gross floor area. A 272 square foot coverage variance is requested from Section 278-3.A.(9) to permit 8,802 square feet of coverage when the maximum permitted coverage is 8,530 square feet, and any other relief necessary. The subject property is 40,202 square feet in area and is located at 10 Baiting Hollow Road in Residence District R-80. This project is classified as a Type II Action in accordance with SEQR. Application of Nedenia C. Rumbough and Donald E. Handelman as Trustees, SCTM#301-9-4-21, for an Area Variance from Chapter 278, Zoning, to construct a swimming pool and hot tub. A 7.7 foot variance is requested from Section 278-3.A.(5)(c) to construct a swimming pool and hot tub 32.3 feet from the rear yard lot line where the required setback is 40 feet. The subject property is 42,848 square feet in

area and is located at 8 West Dune Lane in Residence District R-160. 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: January 24, 2020
By Order of Lysbeth A. Marigold, Chair, Zoning Board of Appeals, Inc. Village of East Hampton 29-2

VILLAGE OF EAST HAMPTON, NY
DATE April 27, 2020
TIME 9:00 a.m.

Richard J. Vinder
Mayor

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