

Zoning Board of Appeals  
October 9, 2020  
11:00 a.m.  
via Video-Conferencing and  
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Those present were:

Lysbeth A. Marigold, Chair  
John L. McGuirk III, Member  
Lawrence A. Hillel, Member  
Craig R. Humphrey, Member  
Christopher A. Minardi, Alternate Member  
Elizabeth Baldwin, Village Attorney  
Billy Hajek, Village Planner  
Leonard I. Ackerman, Attorney on behalf of Donald R. Mullen Jr. and  
Calvin Klein  
Oliver Cope, Architect on behalf of Donald R. Mullen Jr.  
Eric Brown, Attorney on behalf of 24 West End Road LLC  
Scott Dobriner, Inter-Science Research Associates on behalf of  
24 West End Road LLC  
James Grimes, James Grimes Land Design on behalf of  
24 West End Road LLC  
John Whelan, Architect on behalf of Calvin Klein  
John Hamilton, LaGuardia Design on behalf of Calvin Klein  
Jody Gambino, LTV Moderator  
Pamela J. Bennett, Deputy Clerk

Ms. Marigold: Let us start by calling this eighth Zoom meeting of the East Hampton Village Zoning Board to order; a warm welcome to everyone, the lawyers, and hopefully our new Mayor is watching.

MINUTES

Ms. Marigold: Let us start by approving the minutes of **August 14, 2020** and **September 11, 2020**. Are there any additions or corrections? If not, I would like a motion to accept the minutes as submitted.

Mr. Hillel: Motion.

Ms. Marigold: Second?

Mr. Humphrey: Second.

Ms. Marigold: All in favor?

Mr. McGuirk: Aye.

Mr. Hillel: Aye.

Ms. Marigold: Next we have six determinations with thanks to Village Attorney Beth Baldwin, they are streamlined, and I will just read the addresses and a brief summary.

DETERMINATION

84 Egypt Lane LLC – 84 Egypt Lane – SCTM #301-4-11-3.4

Ms. Marigold: I will start with 84 Egypt Lane to construct a pool house, the application is granted.

Ms. Bennett: Ms. Marigold?

Ms. Marigold: Yes.

Ms. Bennett: Mr. McGuirk?

Mr. McGuirk: Yes.

Ms. Bennett: Mr. Hillel?

Mr. Hillel: Yes.

Ms. Bennett: Mr. Humphrey?

Mr. Humphrey: Yes.

DETERMINATION

Summerhouse30 LLC – 30 West End Road – SCTM #301-15-3-8

Ms. Marigold: Okay, next we have Summerhouse which is at 30 West End to install a sculpture with a concrete base and do landscaping within the wetlands, it is hereby granted with the condition of a project limiting fence.

Ms. Bennett: Ms. Marigold?

Ms. Marigold: Yes.

Ms. Bennett: Mr. McGuirk?

Mr. McGuirk: Yes.

Ms. Bennett: Mr. Hillel?

Mr. Hillel: Yes.

Ms. Bennett: Mr. Humphrey?

Mr. Humphrey: Yes.

DETERMINATION

Justin G. and Elizabeth P. Sautter – 3 Georgica Road –  
SCTM #301-8-12-5.10

Ms. Marigold: Then we go to 3 Georgica Road, the applicant's name is Sautter, to construct a detached garage with adjoining pool house and cabana, the application was denied.

Ms. Bennett: Ms. Marigold?

Ms. Marigold: Yes.

Ms. Bennett: Mr. McGuirk?

Mr. McGuirk: Yes.

Ms. Bennett: Mr. Hillel?

Mr. Hillel: Yes.

Ms. Bennett: Mr. Humphrey?

Mr. Humphrey: Yes.

DETERMINATION

David Kuhl Revocable Trust and Michele Kuhl Revocable Trust –  
4 Lockwood Lane – SCTM #301-13-10-16

Ms. Marigold: On Lockwood Lane, David and Michele Kuhl Trust to re-construct a pool house with pool equipment is hereby granted.

Ms. Bennett: Ms. Marigold?

Ms. Marigold: Yes.

Ms. Bennett: Mr. McGuirk?

Mr. McGuirk: Yes.

Ms. Bennett: Mr. Hillel?

Mr. Hillel: Yes.

Ms. Bennett: Mr. Humphrey?

Mr. Humphrey: Yes.

DETERMINATION

7 Davids Lane LLC – 7 Davids Lane – SCTM #301-3-9-2

Ms. Marigold: And on 7 Davids Lane, alteration and additions to the main residence and renovations to the second building is hereby granted.

Ms. Bennett: Ms. Marigold?

Ms. Marigold: Yes.

Ms. Bennett: Mr. McGuirk?

Mr. McGuirk: Yes.

Ms. Bennett: Mr. Hillel?

Mr. Hillel: Yes.

Ms. Bennett: Mr. Humphrey?

Mr. Humphrey: Yes.

#### DETERMINATION

#### Fulling Mill Farm LLC – 10 Briar Patch Road – SCTM #301-12-4-15.3

Ms. Marigold: On 10 Briar Patch Road, Fulling Mill Farm LLC, it is to allow an accessory playing court without a principle residence, this request was granted.

Ms. Bennett: Ms. Marigold?

Ms. Marigold: Yes.

Ms. Bennett: Mr. Hillel?

Mr. Hillel: Yes.

Ms. Bennett: Mr. Humphrey?

Mr. Humphrey: Yes.

#### ADJOURNMENTS

#### c/o The Maidstone – Premises of Lexington Lounge LLC – 207 Main Street – SCTM #301-8-7-30.4

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

#### Gary M. Kravetz and Mariel Creo-Kravetz – 2 Baiting Hollow Road – SCTM #301-8-10-29.3

Ms. Marigold: Moving right along, we have three requests adjournments as I said before for various reasons. One is c/o The Maidstone, premises of Lexington Lounge LLC, at 207 Main Street, is it okay if I bundle them?

Ms. Bennett: Yes.

Ms. Marigold: Gary M. Kravetz and Mariel Creo-Kravetz at 2 Baiting Hollow Road and the third is Eric and Lori Blatstein, 211 Lily Pond Lane. Do I have a motion to accept the adjournments?

Mr. McGuirk: So moved.

Mr. Humphrey: Second.

Mr. Hillel: Second.

Ms. Marigold: All in favor?

Mr. McGuirk: Aye.

Mr. Humphrey: Aye.

Mr. Hillel: Aye.

CONTINUED HEARING

Donald R. Mullen Jr. – 67 Cross Highway – SCTM #301-5-2-12

Ms. Marigold: Now we have one continued hearing, Donald R. Mullen Jr. at 67 Cross Highway, is the applicant present?

Mr. Ackerman: Good morning, Lenny Ackerman, for the applicant. Following up on last month's meeting, we worked together, the architect and myself, with respect to reducing the request. As you know, this sought-after improvement and alteration is all within the existing footprint except for 20 square feet constituting a bay window. To accomplish the reduction, we reduced the existing footprint by 170 square feet ending up with a net, net of 985 square feet. Oliver Cope, the architect, is available to answer any questions you may have with respect to the application and how we were able to obtain this reduction.

Ms. Marigold: Oh, Lenny, I thought it was that you reduced it by 75 square feet.

Mr. Ackerman: Well, yes, what happened was when you add up the numbers we actually reduced by 95 square feet taking it out of the garage to get a net of 985. If you want, Oliver could go through and give you the pluses and the minuses but we tried to stay within the existing footprint and reduce the existing GFA coverage, all netting it out basically to 985 square feet.

Ms. Marigold: I was actually pretty surprised. I thought you were going to come in with 450, 550 something, 10,485 square feet to reduce it by 75 seems minimal, beyond minimal.

Mr. Ackerman: Well minimal only to the extent the numbers but in actuality we took what was there and we put 10 pounds into a five pound bag by allowing, you understand by utilizing what was there and we have not expanded the footprint at all, we have just taken the GFA that was existing and reworked the GFA and further reduced it, however, if you do not feel this is adequate, then I understand, I think this is, considering the circumstances, this client effected this house, the GFA lost a substantial, up to I think it was 30 percent of GFA in the 2015 rezoning. It strikes me this is a two and one-half acre lot, we have demonstrated the character of the neighborhood, no impacts since we are working within the existing GFA, existing footprint, this house has been owned by this client and was built by him prior to the 2015 amendment, this property was eligible for a 12,000 plus GFA per Code, it is reduced from 12,000 to 8,700 without any self-created hardship here and he is just looking because of his extended family, his new family, his need for more living space, his study for more privacy for himself, with this extended family he is looking for I believe a reasonable variance here and I would strongly urge you to grant this variance.

Ms. Marigold: Giving up the garage, is he going to come back and say he needs a garage. He is giving it up and converting a three-car garage into a family room.

Mr. Ackerman: Well I do not know what his future plans are, Lys, he has not discussed it with me. He came to me with respect to expanding the house, the minimum, Oliver I thought did a pretty good job reworking the numbers, I really do not think, under the circumstances, I think when you balance the equities here, I think this is reasonable, this is not self-created. Mr. Mullen did not buy a house and then come in and say oh I bought a house, I guess I should have known that this house was preexisting nonconforming. He built this house, he has lived in this house, he did not take advantage as many Village residents did of the delay between the time that the 2015 law was noticed, it went through the hearing process before it was enacted to file a Building Permit, he was not in need in 2015 of what he is now. Again, this is not, I keep saying this is not self-created. I think that is really important here. This is one of the few cases I have had since 2015 where an applicant finds himself looking at the preexisting nonconforming house when he had 12,000 square feet and he is now looking to expand beyond the existing 9,500 square feet and he was reduced and pushed down from 12,000 to 8,700 in 2015. I just do not think this is unreasonable especially since we have

come back a second time and we were guided I thought to show good faith, show that we could rework the numbers, and rework the floor plan. This is not a situation where like we did in Danella where we can give up the right to do any further improvements. I hate to see that become precedent. In Danella it was understandable and the client agreed to it because he is satisfied with what he has, but, in this case, I cannot offer that up if that is what you are asking me to do, I cannot do that.

Ms. Marigold: Larry, would you like to speak?

Mr. Hillel: I understand the special circumstances but still 20 percent is substantial. I feel that he could be, maybe certainly not reducing to the max but I think if he reduces a little more significantly, I would be a little more open, what percent down to 20 percent I think is still substantial and the law reduced it for a certain reason and I think our job as Zoning Board is to relate to the law and that is what we are doing. Again, I would be open to see more substantial reduction.

Mr. Ackerman: Let me just ask a question. You said 20 percent. That is based upon Beth's recent opinion that she issued that the calculation should be made based upon the increase from what is allowed today but not based upon what was allowed preexisting nonconforming. Is that right?

Mr. Hillel: Again, the proposed is, I do not know the exact number, but 10,480 versus the max of 8,726 which is 20 percent and that is the interpretation and that is how we have to look because our job as Zoning Board is to relate to the law and not make the law. We are just enforcing it and making exceptions and I think at 20 percent, it is still substantial from the proposed to the current max and if there would be a little more significant decrease, I would be a little more open under the circumstances that you said that if he built this initially, he could have been over this proposed limit.

Ms. Marigold: Craig?

Mr. Humphrey: My question is whether or not is quite opposite, what is the coverage now and what does he have to, if he has to put a garage on, does he have any room?

Ms. Marigold: Well that is not in front of us so, what about the numbers as they have been submitted, this time, the revised numbers, how do you feel about that?



Mr. Humphrey: I am comfortable with them.

Ms. Marigold: You are, okay.

Mr. Humphrey: Yes.

Mr. Ackerman: Thank you Craig, fresh air.

Mr. Humphrey: This has been, you have moved into living space that was not living space.

Ms. Marigold: No but it was an attached garage. Is there anybody on the line that wants to speak on this?

Mr. Gambino: Currently there are no callers on the line.

Mr. Cope: This is Oliver, I just want to reiterate a couple of things if I could.

Ms. Marigold: Yes, okay, Oliver.

Mr. Cope: So, I want to make clear that all of this is happening not only within the footprint of the existing house but also, we have reduced the footprint of the house by 170 square feet. There are a lot of, this is not a precedent setting situation because with the exception of the 20 square foot bay window, it is all happening within the footprint infilling existing porches, and it is imperceptible, not just from the street or from the air, but I would argue in walking around the house and that is why we introduced the two models showing how the house appears currently and how it appears with the changes that we have suggested. So I would argue strongly or...[inaudible]...increase in the GFA but look at the benefit to the applicant which is considerable, not a self-created hardship, and then there is no impact on the community and if you compare it to other potential asks regardless of the interpretation of what the percentage is relative to either the existing house or what the allowable GFA would be, I do not see that you are going to find too many pieces of property or houses where somebody could come back and ask for this kind of increase that are going to be able to do it within a reduced footprint and at a setback from the road which is a multiple of what the requirement is so it is not a precedent setting move and it does not have any impact on anybody around.

Ms. Marigold: I think that is probably the key point that you were afraid with the numbers being 20 percent over that it would be precedent. We do not want a slew

of people coming and saying well you gave them 20 percent over but being that this follows the footprint so carefully, with the exception of the bay window as you mentioned, I do not have a problem with it.

Ms. Baldwin: Can I just point out one thing too with regard to the 20 percent, the Board can consider the fact that their property is nonconforming as to gross floor area and consider that as a mitigating factor in making it so, yes, the variance itself is 20 percent, the Board can consider the fact that there is a nonconforming element to this as well and maybe that creates a unique aspect to the application that the Board can look at. So, while I still stand by my opinion that it is a 20 percent variance, whatever the final numbers are, that considering the nonconformity is something that the Board can do when reviewing applications such as this, I wanted to be clear.

Ms. Marigold: Yes, even before with Linda Riley the Board basically did follow what you are saying where we considered what is allowed, also what is existing, and what is proposed, those three numbers, but I think this one is sort of in its own category in that it is not a massive addition, it is a renovation within the existing footprint and I think that is satisfactory to me.

Mr. Ackerman: May I say something, Lys?

Ms. Marigold: Yes.

Mr. Ackerman: First of all, Beth, I want to compliment you on your memo, thank you. I must say that this is exactly what balancing is about. Lys, you have an opinion, Larry has an opinion, Craig has an opinion, and then we discuss it, and we discuss the balancing, the character of the neighborhood, self-created hardship and we come around to what is considered a reasonable, balanced decision so I appreciate the Board considering this and I ask that you close the record. Thank you.

Ms. Marigold: Okay, so Craig, you are all right with this?

Mr. Humphrey: Yes, Mr. Cope basically underlined the fact that these are expansions within the house, and I think that is the most important part of this whole change is that the footprint has not changed at all, there is very little change.

Ms. Marigold: Larry, have you come around?

Mr. Hillel: Yes, I think with the discussion on the footprint and the comments by other people, I would be open to approve this.

Ms. Marigold: Okay, can we close the hearing. Is there a motion to close the hearing?

Mr. Humphrey: So moved.

Mr. Hillel: Motion.

Ms. Marigold: Second?

Mr. Humphrey: Second.

Ms. Marigold: All in favor? Aye.

Mr. Humphrey: Aye.

Mr. Hillel: Aye.

ORIGINAL HEARING  
24 West End Road LLC – 24 West End Road – SCTM #301-15-3-5.1

Ms. Marigold: Now we are going to move onto the new hearings. 24 West End Road LLC, 24 West End Road. Ms. Bennett will you read the notice.

Ms. Bennett: Application of 24 West End Road LLC, SCTM#301-15-3-5.1, for Area Variances from Section 278-3.A.(8) and a Freshwater Wetlands Permit in accordance with the standards set forth in Section 163-6 of the Village Code to remove Phragmites from wetlands and adjacent areas by cutting with hand held equipment and the treated areas are to be replanted with native plant stock. The subject property is 119,736 square feet, is in the R-160 zoning district, and is located at 24 West End Road. The property is adjacent to Georgica Pond and this project requires approval of the New York State Department of Environmental Conservation and the Town of East Hampton Town Trustees. The project is classified as an Unlisted Action in accordance with SEQR.

Ms. Marigold: Is the applicant present?

Mr. Ackerman: Yes, first a bit of housekeeping. Beth, when we applied, I am sorry, am I getting ahead of myself? Wait, this is your Phragmites case, Eric?

Mr. Brown: Yes.

Mr. Ackerman: I am sorry, Eric. I thought the address was wrong, I was getting into Klein, I am sorry. I am just ahead of myself.

Mr. Brown: This is what happens when Lenny lets me out of the attic.

Mr. Ackerman: Introduce this good-looking group that you have sitting in the office.

Mr. Brown: I was going to do that, Lenny. Good morning Chair, Members of the Board, Eric Brown obviously from Ackerman Partners for the applicant. I have with me today Scott Dobriner from Inter-Science who is the principal author of the application you are reviewing and I have Jim Grimes who is going to be the contractor. As the notice states, it is a fairly straight-forward Phragmites control project on Georgica Pond. In terms of issued permits, we have the DEC in hand. The Trustees have approved the project, that permit has yet to be issued, it is conditioned upon your Board's approval of the project, and obviously if you have any questions, we are happy to answer them.

Ms. Marigold: Billy's memo that came this morning or at least I got it this morning from Billy Hajek...

Ms. Bennett: Lys, I cannot hear you very well.

Mr. McGuirk: Yes, you have to speak up a little bit.

Ms. Marigold: Did you receive the memo, I got it this morning, about this project from Billy Hajek?

Mr. Humphrey: I received that.

Mr. McGuirk: I received the memo also this morning, and I think my question is Billy says it is going to be a project...[inaudible].

Ms. Marigold: Yes, he recommends the following conditions be incorporated into any approval of the project. The Village Zoning Board be noticed in writing 48

hours prior to commencement and 48 hours after any cutting or planting is completed. Any deviation will require approval of the Zoning Board. Submission of an annual report that includes at least three-color photographs covering the shoreline and all restored areas. The report shall provide the cutting program and schedule and explain the overall success or failure of the project. The report shall allow the Village staff or the Village's designated consultant the right to an annual inspection of the treated area with adequate notice. Four, the Village reserves the right to require implementation of the approved revegetation plan, or portions thereof, throughout the life of the permit and last, if any irrigation is required, it shall be temporary above ground and shall be removed after plantings have become established.

Mr. McGuirk: This is a four-year project, right?

Ms. Marigold: Four-year project, it is pretty straight forward, are there any questions?

Mr. McGuirk: Not from me.

Mr. Brown: Before you all proceed, Billy had also discussed this wildlife limiting fence in his memo. We have talked to Jim Grimes, I have spoken to the client, she has no issue doing that if it helps preserve the plants and stop creation by wildlife that is certainly something we would be happy to do. We did not include it in this application because, to quote my daughter, we did not know it was a thing, until Billy noted it in his report but if that is something that the Board would like to see, we can certainly incorporate it, it will require us to go back to the Trustees and also to notify the DEC that we are making that modification.

Mr. Hajek: Just to be clear, I am not recommending it, I simply asked if they have to, if it turns out that they think they needed it, just incorporate that into the file. It is up to the applicant, if they do not want to use it, that is fine. It is just that it has popped up on other Phragmite removal projects that the Board has approved where temporary fencing has been put up after the fact in order to prevent animals from gnawing on the vegetation, that is all.

Mr. Brown: Jim Grimes has something to add here folks.

Mr. Grimes: Billy, I appreciate you mentioning that. Basically, bringing the rest of the Board here up on the timeline of this project, the design work on this project that is really just before you guys reviewed Zee and Zon and Billy, and I did

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discuss the issues of when contractors realized that they had to take some action, when the axis of wildlife is to maintain the health of these projects. That falls between the cracks and I know in the case of the Trustees, the Trustee Board in East Hampton allows these wildlife limiting fences, they put pretty strict guidelines on it because they do not want it to either inhibit wildlife activities on the Pond during the season and certainly does not want to limit boaters and stuff on the pond so they usually want these fences out by April 1. The fences that are being recommended are to keep the deer and keep the geese from treading on the plantings in that first season before they could root in. Typically, we would have to do this only when the planting, only to give the Board some understanding of the actual timeline for this project. It is a cutting and then a revegetation project, there will be no re-vegetation here until such time is that the control of the Phragmites has been determined by myself and our team that if we got significant control of Phragmites, then we will move into the final stages. In reality, at first we are only cutting, then cutting may extend into the second year and the planting might not occur until the second or third year simply because you want to get the Phragmites under control before you start introducing new native species in the area. It just complicates the Phragmites control aspect of the project.

Mr. Humphrey: Mr. Grimes, is there not going to be house construction going on at the same time?

Mr. Brown: Craig, the house is being constructed now. This was before you guys, I do not know, Lenny, how long ago?

Mr. Ackerman: They started last year.

Mr. Humphrey: The dimensions of the construction are already defined.

Mr. Brown: Correct. Again, Madam Chair, I think we would like to take advantage of the fence, we would like to re-submit that to you guys, we would like to avoid having the come back for another hearing so if the Board could give Billy the authority to review that and sign off rather than having to go through the entire hearing process again that would be helpful.

Ms. Marigold: Billy, is that okay?

Mr. Hajek: That is fine.

Ms. Marigold: All right so we will include it in the application.

Mr. Hillel: Lys, can you speak up please.

Ms. Marigold: I think we are all in agreement so I think we could close the hearing. Do I have a motion?

Mr. Hillel: Motion.

Mr. Humphrey: Second.

Ms. Marigold: All in favor? Everyone say aye.

Mr. McGuirk: Aye.

Mr. Hillel: Aye.

Mr. Brown: Thank you very much everyone, have a wonderful weekend.

Ms. Marigold: Thank you.

### ORIGINAL HEARING

#### Calvin Klein – 75 West End Road – SCTM #301-15-5-11.1

Ms. Marigold: And our final one Calvin Klein at 75 West End Road, Ms. Bennett, please read the notice.

Ms. Bennett: Application of Calvin Klein, SCTM#301-15-5-11.1, for Variances from Chapter 101, Coastal Erosion Hazard Areas, Chapter 278, Zoning, Chapter 163, Freshwater Wetlands and from Chapter 124, Preservation of Dunes, to make alterations and construct additions to an existing single-family residence, redesign the driveway, construct accessory improvements, and install a new sanitary system. A Coastal Erosion Hazard Area Permit and Variances are required in accordance with Sections 101-9.(B) and 101-19 to make alterations to the existing residence, to construct two additions and an attached screened porch, make alterations to a driveway, and to install stormwater drainage structures all located seaward of the Coastal Erosion Hazard Area line. Variances of 17.6 feet, 21.9 feet and 21 feet are requested from Sections 124-1.A.(1) and (2) and 278-3.A.(7) to make alterations to a residence located 82.4 feet from the 15-foot contour line and 78.1 feet from the edge of beach where the required setbacks are 100 feet and 150 feet, and to disturb land 129 feet from the edge of beach where no land disturbance or clearing is permitted within 150 feet of the edge of beach. A wetlands permit in accordance

with Section 163-2 and a 95.8-foot variance from Section 278-3.A.(8) is required to clear land 29.2 feet from wetlands where a 125-foot setback is required. A wetlands permit in accordance with Section 163-2 and variances of 95.8 feet, 104 feet and 110 feet are required from Section 278-3.A.(8) to construct a driveway, a gate, and to install stormwater drywells approximately 29.2 feet, 46 feet, and 40 feet from wetlands where 150-foot setbacks are required. The subject property is 277,193 square feet in area, located at 75 West End Road, in the Residence District R-160 and adjoins the Ocean Beach and is in FEMA Flood Zones VE. (el. 19), VE. (el. 17), and AE (el.10). The project is classified as an Unlisted Action in accordance with SEQR.

Ms. Marigold: Is the applicant present?

Mr. Ackerman: Yes, it is Lenny Ackerman, just a bit of housekeeping before I get started. Beth, when we applied for the Building Permit denial, we asked Billy to clarify that Coastal Erosion only applied to exterior improvements and in Rob Jahoda's letter of June 19, 2020 in denying the permit and indicating the variances and the permits that are needed, he set forth "the proposed exterior improvements are within Coastal Erosion area." I would like for the record, if it is agreeable to the Board, that we are clear that the interior improvements, when and if they are done, do not require a Coastal Erosion Permit. So, moving on, as you all know, this is an iconic property. I know that it was occupied by Juan Trippe, owned the point at the end of West End Road, and some years ago I represented Calvin Klein when he bought this lovely property...[inaudible]...renovated and I believe it is 20, 25, 35 years since this house was renovated and the circumstances Mr. Klein now requires additional space, and he is for the first time beyond some small renovations like the addition of a pool and the like we sought through the help of John Whelan and his team in Fred Stelle's office and the LaGuardia Design team to come up with what I consider a very modest plan to expand to the east and to the north some additional bedrooms. As Billy in his well-written memo has indicated, the two permitting focus here is the coastal erosion for the 1,277 square foot addition and the wetlands approval for the driveway. The present GFA of this house and what is proposed are both, the house is 8,951, the addition is 1,277, the permitted GFA on this property is 13,713. I would like to also emphasize, I think this is very significant that John Whelan and his team effectively...[inaudible]...to only extend the coverage here, Coastal Erosion, by 486 feet, and utilizing the non-major addition provisions in the Code we were able to bring this in below the 25 percent cap. The grounds for the Coastal Erosion appear, first of all this is preexisting coastal erosion arose many years after Mr. Klein bought this property, demonstrated substantial mitigation, I think the most important as Billy pointed out



is the sanitary system not only being upgraded but it is being relocated outside of wetlands and coastal erosion jurisdiction. This is your minimum necessary because of the practical difficulty of the existing and that house is preexisting nonconforming within coastal erosion. We will of course agree to Billy's recommendations because of the time constraints we were not able to provide you with a construction protocol but we will whether if you prefer it before the determination is signed off or before the issuance of a building permit. I leave that to Billy's determination. The grounds for the wetlands relief, again, driveway condition. There is no alternative location and substantially this is just an improvement on what is there. Both John Whelan, the architect, and LaGuardia's office, John Hamilton, is available to answer any questions you may have.

Ms. Marigold: I think this is a very nice application.

Mr. McGuirk: Me too.

Ms. Marigold: It is modest, it is under the GFA, it is under the Coastal Erosion at 17.8 which is well under the 25 percent. They are putting in a new IA system. Much of the six-point whatever acres is left in natural state, I understand that there is one little spit of grass right at the edge before it falls off to the beach that they are willing to turn back to natural.

Mr. Ackerman: Right, no, of course, we are consenting to Billy's recommendations with respect to that mitigation. I do not know how that occurred but whatever, we self-reported on that...

Mr. McGuirk: Lys, I think we should have the construction protocol prior to issuing the building permit.

Mr. Ackerman: That is fine, sure.

Ms. Marigold: Craig, any comment?

Mr. Humphrey: Well I am very impressed by the whole...[inaudible]...been made here, it is a situation where everything...[inaudible]...and they have prevented as much damage as they can. It looked to me like the part of the driveway that is going to be expanded is offset by the part of the driveway that is going to be left to...[inaudible]...land, it is not really but it is close enough.

Mr. Ackerman: Yes, that is correct, Craig, you are absolutely right.

Ms. Marigold: And Larry, comment?

Mr. Hillel: As long as the construction protocol is set up and it is implemented I have no problem.

Mr. Ackerman: Good, Larry, thank you. I will move to close the hearing.

Ms. Marigold: Oh wait, is there anybody on line that has any comment? (no)  
Okay, we can make a motion to close the hearing.

Mr. McGuirk: So moved.

Mr. Ackerman: Thank you very much. Have a good weekend everybody.

Ms. Marigold: Do I have a second?

Mr. Whalen: Thank you all.

Ms. Marigold: All in favor?

Mr. McGuirk: Aye.

Mr. Hillel: Aye.

Mr. Humphrey: Aye.

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Ms. Marigold: And now a motion to close the meeting finally.

Mr. McGuirk: So moved.

Ms. Marigold: Second?

Mr. Hillel: Second.

Ms. Marigold: All in favor?

Mr. McGuirk: Aye.

Mr. Hillel: Aye.

Ms. Marigold: Thank you everyone, very productive Zoning Board meeting.

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, October 9, 2020 at 11:00 a.m., or via video-conferencing if necessary, on the following applications and to conduct such other business as may come before the Board. The applications can be viewed on the Village's website easthamptonvillage.org by clicking on the "Alerts" tab.

Application of 24 West End Road LLC, SCTM#301-15-3-5.1, for Area Variances from Section 278-3.A.(8) and a Freshwater Wetlands Permit in accordance with the standards set forth in Section 163-6 of the Village Code to remove Phragmites from wetlands and adjacent areas by cutting with hand held equipment and the treated areas are to be replanted with native plant stock. The subject property is 119,736 square feet, is in the R-160 zoning district, and is located at 24 West End Road. The property is adjacent to Georgica Pond and this project requires approval of the New York State Department of Environmental Conservation and the Town of East Hampton Town Trustees. The project is classified as an Unlisted Action in accordance with SEQR.

Application of Calvin Klein, SCTM#301-15-5-11.1, for Variances from Chapter 101, Coastal Erosion Hazard Areas, Chapter 278, Zoning, Chapter 163, Freshwater Wetlands

and from Chapter 124, Preservation of Dunes, to make alterations and construct additions to an existing single-family residence, redesign the driveway, construct accessory improvements, and install a new sanitary system. A Coastal Erosion Hazard Area Permit and Variances are required in accordance with Sections 101-9.(B) and 101-19 to make alterations to the existing residence, to construct two additions and an attached screened porch, make alterations to a driveway, and to install stormwater drainage structures all located seaward of the Coastal Erosion Hazard Area line. Variances of 17.6 feet, 21.9 feet and 21 feet are requested from Sections 124-1.A.(1) and (2) and 278-3.A.(7) to make alterations to a residence located 82.4 feet from the 15-foot contour line and 78.1 feet from the edge of beach where the required setbacks are 100 feet and 150 feet, and to disturb land 129 feet from the edge of beach where no land disturbance or clearing is permitted within 150 feet of the edge of beach. A wetlands permit in accordance with Section 163-2 and a 95.8-foot variance from Section 278-3.A.(8) is required to clear land 29.2 feet from wetlands where a 125-foot setback is required. A wetlands permit in accordance with Section 163-2 and variances of 95.8 feet, 104 feet and 110 feet are required from Section 278-3.A.(8) to construct a driveway, a gate, and to install stormwater drywells approximately 29.2 feet, 46 feet, and 40 feet from wetlands where 150-foot setbacks are required. The subject property is

277,193 square feet in area, located at 75 West End Road, in the Residence District R-160 and adjoins the Ocean Beach and is in FEMA Flood Zones VE. (el. 19), VE. (el. 17), and AE (el.10). 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: September 18, 2020

By Order of Lysbeth A. Marigold, Chair, Zoning Board of Appeals, Inc. Village of East Hampton  
11-2

FILED  
VILLAGE OF EAST HAMPTON, NY  
DATE: November 13, 2020  
TIME: 2:00 p.m.



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