



## EH Town Zoning Board of Appeals

300 Pantigo Place  
East Hampton, NY 11937

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# EH Town Zoning Board of Appeals meeting of June 12, 2018 East Hampton, New York

## I. CALL TO ORDER

6:30 PM Meeting called to order on June 12, 2018 at Town Hall Meeting Room, 159 Pantigo Road, East Hampton, NY.

Attendee Name	Present	Absent	Late	Arrived
Chairman John P. Whelan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Board Member Theresa Berger	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Board Member Roy Dalene	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Board Member Samuel Kramer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Board Member Tim Brenneman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

## II. WORK SESSION:

## III. EXTENSION OF TIME:

## IV. POSSIBLE ADMINISTRATIVE APPLICATIONS:

### A. *Robert Shapiro*

SCTM# 300-23-1-18

6 Bay Inlet Road

Springs

Requesting application be considered for Administrative Natural Resources Special Permit for phragmites removal on property bordering wetlands - which also includes revegetation of the scenic easement.

### B. *Mary Geelan*

SCTM# 300-23-1-16.2

133 Isle of Wight Road

Springs

Requesting application be considered for Administrative Natural Resources Special Permit for phragmites removal on property bordering wetlands - which also includes revegetation of the scenic easement.

**C. *Lionhead Beach Association***

SCTM# 300-23-1-25

Bay Inlet Road

Springs

Requesting application be considered for Administrative Natural Resources Special Permit for phragmites removal on property bordering wetlands.

**V. BOARD DETERMINATIONS:**

**A. *Abiplanalp***

SCTM# 300-7-2-6 - 300-13-1-2

319 East Lake Drive

Montauk

Board has to determine if the plan submitted with the revised dock depicted on the First Coastal Corp site plan dated 4/5/18 satisfied the conditions of approval of the ZBA determination filed January 25th 2018

**B. *Alison & Neal Schwartz***

SCTM# 300-135-4-6.1

Alison & Neal Schwartz  
1 Pheasant Woods Lane  
East Hampton

Letter from Trevor Darrell dated June 4th 2018 requesting record be left open an additional week (6/19/18)

**C. Christopher Haak**

SCTM# 300-90-3-13

81 NW Landing Road  
East Hampton

Board needs to review the Revegetation Plan that has been submitted.

**D. Ackerman**

SCTM# 300-174-2-32

71 Jacqueline Drive  
Amagansett

Planning Department memorandum dated June 4th 2018 regarding the Updated Revegetated Plan

**VI. BOARD DECISIONS:**

**A. Rosenstein**

SIZE/LOCATION: 84,065 sq. ft., 38 Hawk's Nest Lane, Map No. 6557; Map of Hawks Nest, Sec II, Lot 39, Amagansett (300-151-04-06)

DESCRIPTION: To allow approximately 3,495 sq. ft. of clearing and a 280 sq. ft. storage shed to remain on the property.

RELIEF SOUGHT: One variance from 255-3-65 (Water Recharge Overlay District (WROD) regulations), a variance from 255-11-10 (Dimensional regulations), and a variance from 255-11-

72D (Pyramid Law) of the Town Code and any relief necessary. A 9,172 sq. ft. clearing variance is requested to allow 29,680 sq. ft. of clearing to remain on the property where the maximum clearing permitted is 20,500 sq. ft. A 6.2 ft variance is required to allow the shed to remain 13.8 ft. from the side yard where 20 ft. is the minimum setback. A 3 ft 2.5 in. Pyramid variance is required.

ZONING DISTRICT: A2 Residence, Zone X Flood Zone

SEQRA CLASS: Type II

**B. Grand Leopard**

SIZE/LOCATION: 5.621 acres (total), 17 Association Road, Wainscott (300-200-03-15)

DESCRIPTION: Not applicable.

RELIEF SOUGHT: An Appeal of the Principal Building Inspector pursuant to 255-8-30A (1) of the Town Code. Appellant seek to challenge the May 1, 2017 issuance of building permit #

64322.

ZONING DISTRICT: A5 Residence AE Flood Zones, elevation 9' & 13' & X Flood Zone

SEQRA CLASS: Type II

2/6/2018

**C. Bisagni**

SIZE/LOCATION: 20,000, 9 Ditch Plains Road, Seaside Shores, lot 5, map # 1518, Montauk (300-032-05-02)

DESCRIPTION: To remove an existing shed and cabana and to construct an approximately 540 sq. ft.

two story garage, construct a new roof over the existing residence and allow a 690 sq. ft. patio to remain within jurisdiction of freshwater wetlands, within side yard lot line setbacks, and outside of the Towns pyramid regulations.

RELIEF SOUGHT: A Natural Resources Special Permit pursuant to 255-4-20 of the Town Code and four variance is required for this application. Variance of 5.2 and 8.8 are required from

255-11-10 of the Town Code to construct the garage 4.8 and allow the patio to remain 1.2 from the northern side yard lot line where 10 setbacks are required. Two variances of approximately 7 and 8.5 are required from 255-11-72(D) of the Town Code to allow the proposed garage to exceed the pyramid line by approximately 7 and the new roof over the existing residence to exceed the pyramid line by approximately 8.5, and any other relief necessary.

ZONING DISTRICT: B Residence Zone X Flood Zone

SEQRA CLASS: Type II

**D. Othmer**

SIZE/LOCATION: 7,500 sq. ft., 24 Cranberry Rd., Montauk soils, graded, 0 to 8 percent slopes (MIB), Montauk (300-004-08-14)

DESCRIPTION: To construct a deck and additions to a residence within the town's jurisdiction of wetlands.

RELIEF SOUGHT: A Natural Resources Special Permit pursuant to 255-4-20 of the Town Code and any other relief necessary.

ZONING DISTRICT: B Residence Zone X Flood Zone

SEQRA CLASS: Type II

**E. Locker**

SIZE/LOCATION: 71,837 sq. ft. total, 328 Cranberry Hole Rd., Amagansett (300-128-01-195)

DESCRIPTION: To construct a 4,038 sq. ft. one and two story residence which includes a covered porch, a 579 sq. ft. detached garage, a 391 sq. ft. pool, 471 sq. ft. of decking, and a sanitary system on a parcel of land containing dune land and beach vegetation

RELIEF SOUGHT: A Natural Resources Special Permit pursuant to 255-4-20 and any relief necessary

ZONING DISTRICT: A Residence, AE Flood Zone, elevation 9

SEQRA CLASS: Type II

**F. AFMP**

SIZE/LOCATION: 2.8 acres (total), 204 Old Montauk Hwy, Montauk (300-022-01-04)

DESCRIPTION: A modification of the Board's determination filed January, 2005.

RELIEF SOUGHT: A modification of the Board's determination filed January, 2005. Modification seeks to Relocate the sanitary system from the north side to the south side of an approved

Residence on a parcel of land containing coastal bluffs, beaches and freshwater Wetlands.

ZONING DISTRICT: A10 Residence VE velocity & X flood zones

SEQRA CLASS: Type II

**G. Kirschman**

SIZE/LOCATION: 18725, 2 Queens Lane, East Hampton (300-162-02-048)

DESCRIPTION: To allow an existing 576 sq. ft. garage to remain within rear yard setbacks, and outside pyramid law setbacks.

RELIEF SOUGHT: Variances from 255-11-10 (Table of dimensional regulations) and 255-11-72D

(Pyramid Law) of the Town Code. A 9.3 variance is required to allow the garage to remain 0.7 from the southwestern (rear yard) lot line where a 10 setback is required and a variance is required to allow the garage to remain 14.2 ft. beyond the relative height (Pyramid) setback from the southwestern lot line.

ZONING DISTRICT: A Residence Zone X Flood Zone

SEQRA CLASS: Type II

**H. Kendel**

SIZE/LOCATION: 94,316, 10 Long Ridge Lane, Long Ridge, Map No. 6586, Lot 5, Amagansett (300-135-03-05)

DESCRIPTION: To allow a cement slab and air conditioning units to remain within side yard lot line

setbacks.

RELIEF SOUGHT: One variances from 255-11-10 (Table III) and 255-11-89 of the Town Code. A 9.8 variance is required to allow a cement slab and air conditioning units to remain 10.2

from southwestern (side yard) lot line where a 20 setback is required and any other relief necessary.

ZONING DISTRICT: A2 Residence Zone X Flood Zone

SEQRA CLASS: Type II

02/27/2018

### ***I. Quigley***

SIZE/LOCATION: 8,241 sq. ft. (total), 29 Whalers Lane, Whalers Cove, map # 8585, Amagansett (300-152-02-11)

DESCRIPTION: To construct a 374 sq. ft. second floor addition, a 523 sq. ft. swimming pool with pool

patio, a new sanitary system, new stairs over the existing decking, to convert an existing open porch to a screened porch, and to clear approximately 1,340 sq. ft. of vegetation within front yard lot line setbacks, outside of the Town's pyramid regulations, and on a parcel of land containing beach vegetation and dunes.

RELIEF SOUGHT: A Natural Resources Special Permit pursuant to 255-4-20 of the Town Code and

three variances are required for this application. One variance of approximately 9.5 from 255-11-72D of the Town Code is require to allow the second story addition to be 9.5 outside of the Towns pyramid regulations. One variance of 11.7 from 255-11-10 of the Town Code to construct the swimming pool patio 18.3 from the front yard lot line where a 30 setback is required. Finally, one variance of 7 is required from 255-11-10 of the Town Code to construct the second story addition 13 from the front yard lot line where a 20 setback is required, and any other relief necessary.

ZONING DISTRICT: A2 Residence AE Flood Zone, elevation 10

SEQRA CLASS: Type II

### **J. Gavalas**

SIZE/LOCATION: 28,874 sq. ft. total, 43 Marine Blvd., Map No. 4987; Seaview at Amagansett Lot 39, Amagansett (300-179-01-09)

DESCRIPTION: To construct two approximately 51 sq. ft. one story additions, a 64 sq. ft. one story

addition, a 21 sq. ft. one story addition, a 56 sq. ft. one story addition, a 175 sq. ft. one story addition with covered porch and steps, a 360 sq. ft. attached garage with a second story deck, and a 342 sq. ft. second story addition on a parcel of land with dune crests and wetlands.

RELIEF SOUGHT: A Natural Resources Special Permit pursuant to Section ? 255-4-20 and ten variances from 255-4-40 (Coastal setbacks) of the East Hampton Town Code and any relief

necessary. Variances of 67.8 ft., 77.5 ft. 58 ft. 44 ft. 50 ft, 45 ft. 50 ft, 45 ft, 55 ft. are respectively required to construct six additions to the existing residence 32.2 ft., 22.5 ft., 42 ft., 56 ft., 50 ft., 55 ft. , 50 ft., 55 ft., and 45 ft. from the dune crest where a 100 ft. minimum setback is required. A 32 ft. variance is required to construct a second story deck on the garage 68 ft. from the wetland where a minimum 100 ft. setback is required.

### **K. Sea Bass**

SIZE/LOCATION: 130,097 sq. ft. total, 63 Shipwreck Drive, Map No. 7001; Map of Ocean Estates Lots 10-13, Amagansett (300-152-02-08.33)

DESCRIPTION: To construct a 6,829 sq. ft. two story residence with a 1,091 sq. ft. attached garage, and 4, 676 sq. ft. of pool, decking and planters, 234 sq. ft. of exterior stairs and

walkways, 1, 998 sq. ft. of porches and Porte-Cochere, 5,783 sq. ft. of driveway and parking, and a new sanitary system on a parcel of land with wetlands, dune land and beach vegetation.

RELIEF SOUGHT: A Natural Resources Special Permit pursuant to 255-4-20 of the Town Code and any relief necessary.



ZONING DISTRICT: A2 Residence, AE Flood Zone, elevation 9

SEQRA CLASS: Type II

1/16/18

**L. NW Properties**

SIZE/LOCATION: 0.58 acres, 68 Muir Boulevard, 218, East Hampton (300-123-03-10.1)

DESCRIPTION: Construction of a 3,500 sq. ft., one story building for service commercial uses with

1,150 sq. ft. of office space, workshops, and a 1,150 sq. ft. basement for storage.

RELIEF SOUGHT: An 11.2 front yard setback variance from 255-11-10 (Dimensional table) to allow for the construction of a 3,500 sq. ft. commercial building 38.8 from Old Fireplace Road

where a 50 front yard setback is required under zoning and any other relief necessary

ZONING DISTRICT: CI- Commercial Industrial, Zone X Flood Zone

SEQRA CLASS: Unlisted

3/20/18

**M. Vanderveer**

SIZE/LOCATION: 3.56 acres, 580 Three Mile Harbor-Hog Creek Hwy, Springs ()

DESCRIPTION: An appeal of the Principal Building Inspector's November 20, 2017 determination

regarding the use of the property.

RELIEF SOUGHT: An Appeal of the Principal Building Inspector pursuant to 255-8-35A(1) of the Town

Code. Appellants seek to challenge the determination dated November 20, 2017 finding that a storage warehouse was not a pre-existing use on the subject property.

ZONING DISTRICT: A Residence

SEQRA CLASS: Type II

**N. Diamant**

SIZE/LOCATION: 12,429 sq. ft., 91 Napeague Harbor Road & contiguous to Napeague Harbor, N/a,

Amagansett (300-110-02-01)

DESCRIPTION: To demolish a one story residence and construct a new 1,950 sq. ft. two-story

residence with 710 sq. ft. of 1st and 2nd floor decking & porches, a sanitary system and new driveway on a parcel of land containing tidal wetlands, primary dunes and beach vegetation.

RELIEF SOUGHT: A Natural Resources Special Permit pursuant to 255-4-20, variances from 255-4-30 (Minimum wetland setbacks), 255-4-40 (Coastal setbacks), 255-11-10 (Table of

Dimensional Regulations), 255-11-72D (Pyramid Law) of the Town Code and any other relief necessary. The following nine variances are required: (1) & (2) Variances of

38.8 and 39.4 are required to construct the residence and decking 61.2 & 60.6 respectively, from wetlands where a 100 setback is required; (3) a 105.4 variance is required to install the sanitary system 94.6 from wetlands where a 200 setback is required; (4) a variance of 3 is required to construct a staircase approximately 47 from

the primary dune crest where a 50 setback is required; (5) a 4.6 side yard variance is required to construct the principal structure 10.4 from the northern lot line where a 15

setback is required, (6), (7) & (8) variances of 6 1, 8 3 & 10 5 are required to allow the residence to extend beyond the relative (pyramid) height restriction along the northern, southern (side yards) and eastern (street) lot lines respectively; & (9) a 3 maximum height variance is required to allow the residence to extend 28 above natural

grade where 25 is the limit.

ZONING DISTRICT: A Residence AE Flood Zone, el. 11'; VE Flood Zone el. 12

SEQRA CLASS: Type II

**O. Marden**

SIZE/LOCATION: 28,922 sq. ft. (total), 166 Waterhole Road, Clearwater Beach Section 2, lot 286, map #2831, Springs (300-023-03-26)

DESCRIPTION: To allow stockade and split rail fencing to remain within jurisdiction and setbacks of

tidal wetlands.

RELIEF SOUGHT: A Natural Resources Special Permit pursuant to 255-4-20 of the East Hampton Town Code and two variances are required for this application. Variances of 74.2 and 68.3

are required from 255-4-30 of the Town Code to allow the split rail fencing to remain 25.8 and stockade fencing to remain 31.7 from tidal wetlands where 100 setbacks are required, and any other relief necessary.

ZONING DISTRICT: B Residence AE Flood Zone, elevation 6

SEQRA CLASS: Type II

**P. DioGuardi**

SIZE/LOCATION: 24,190 sq. ft., 2167 Montauk Highway, N/A, Amagansett (300-110-01-10)

DESCRIPTION: To add some new minor accessory structures such as fences, a handicapped-

accessible parking space and accessible route and the relocation of some accessory structures including two (2) portable walk-in coolers and a trash compactor and a bar/countertop surface. Also proposed is the creation of a new parking lot on the western portion of the subject parcel along with associated fencing and vegetative screening.

RELIEF SOUGHT: A Natural Resources Special Permit (NRSP) pursuant to section 255-4-20 of the Town

Code. Five (5) variances, one each of 54.5?, 54.5?, 90.5?, 56.5? & 64.4? from the inimum

wetland setbacks of section 255-4-30 of the Town Code whereas setbacks of 45.5?,

45.5', 9.5', 43.5' & 35.6' are proposed for an expanded parking lot, new fence along the

western property line, new fence along the eastern property line, new handicapped accessible parking space and walkway, and a new roof overhang, respectively,

whereas a minimum setback of 100' is required. A variance of 10' from the minimum

side yard setbacks of section 255-11-10 of the Town Code whereas a setback of 0' for

an expanded parking lot is proposed and a minimum setback of 10' is required.

ZONING DISTRICT: A Residence AE Flood Zone, elevation 10

SEQRA CLASS: Unlisted

10/24/17

## **VII. MINUTES APPROVAL:**

## **VIII. RESOLUTIONS**