



**EH Town Zoning Board of Appeals**

300 Pantigo Place  
East Hampton, NY 11937

Denise Savarese  
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**EH Town Zoning Board of Appeals meeting of August 14,  
2018  
East Hampton, New York**

**I. CALL TO ORDER**

6:30 PM Meeting called to order on August 14, 2018 at Town Hall Meeting Room, 159 Pantigo Road, East Hampton, NY.

<b>Attendee Name</b>	<b>Present</b>	<b>Absent</b>	<b>Late</b>	<b>Arrived</b>
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"/>	

**2. *Executive Session***

**II. CANCELLED PUBLIC HEARING:**

**III. SCHEDULED PUBLIC HEARINGS:**

**IV. WORK SESSION:**

**V. EXTENSION OF TIME:**

**A. *Claire Lazar***

300-176-5-21.1.67 Surf Drive, Amagansett

Extension of time request to obtain a Building Permit

**VI. POSSIBLE ADMINISTRATIVE APPLICATIONS:**

**VII. BOARD DETERMINATIONS:**

**A. Rathbone**

Applicant: Travis Rathbone

Size/Location: 28,001 sq. ft., 62 Muir Blvd. East Hampton

Description: To allow approximately 8,800 sq. ft. of clearing to remain on the property.

Relief Sought: One variance from 255-2-60 (Residential District Provisions) of the Town Code and any relief necessary. A 8,800 sq. ft. clearing variance is requested to allow 25,800 sq. ft. of clearing to remain on the property where the maximum clearing permitted is 17,000 sq. ft.

Zoning District: B Residence

SEQRA CLASS: Type II

**B. Solar**

Applicant: Mladen & Frances Solar

Size/Location: 230,950 sq. ft. 110 Merchants Path, East Hampton (300-133-1-40)

Description: To allow the property to remain beyond the clearing limits established in the Water Recharge Overlay District

Relief Sought: One variance of 11,145 sq. ft. is required from 255-3-65 (Water Recharge Overlay District regulations) of the Town Code to allow 50,139 sq. ft. of clearing to remain on the property where the maximum clearing permitted is 38,994 sq. ft., and any relief necessary.

Zoning District: A5 Residence

SEQRA CLASS: Type II

## **VIII. BOARD DECISIONS:**

### **A. 3 Kidd Surf Shack, LLC**

Applicant: 3 Kidd Surf Shack, LLC

Size/Location: 7,320 sq. ft. 35 Otis Road, Montauk (300-31-3-36).

Description: Demolition of existing structures and construction of a 1,939 sq. ft house with 440 sq. ft deck and a new sanitary system on a parcel of land within wetland jurisdiction.

Relief Sought: A Natural Resources Special Permit pursuant to 255-4-20 and three variances from 255-4-30 (wetland setbacks) of the Town Code and any relief necessary. Variances of 61 ft. and 32 ft. are required to respectively construct a house and deck 39 ft. and 68 ft. from the wetland, where a 150 ft. setback is required.

Zoning District: B Residence, AE Flood Zone, elevation 13

### **B. Cheek & Grimstad**

Applicant: Marshall Cheek & Michael Grimstad

Size/Location: 41,117 sq. ft. 17 Bearing East Road, East Hampton (300-55-1-20)

Description: To construct a proposed 600 sq. ft. accessory structure garage within front yard setbacks.

Relief Sought: One variance from 255-11-10 (Table of dimensional regulations) of the Town Code. One variance of 9.7' for the construction of the proposed garage to be 40.3' from the front lot line where a 50' setback is required.

Zoning District: A residence

SEQRA CLASS Type II

**C. Grand Leopard (Floken INC)**

Applicant: Grand Leopard Murial the First, LLC

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

Description N/A

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

Applicant: Bungu Wungi LLC, C/O Joel Halsey

Size/Location: 36,893 sq. ft. 72 Old West Lake Drive, Montauk (300-20-05-19.2)

Description: To construct an approximately 1,600 sq. ft. two-story residence with approximately 800 sq. ft of first and second floor decking on a parcel of land containing tidal wetlands, freshwater wetlands, and surface waters.

Relief Sought: A Natural Resources Special Permit pursuant to 255-4-20 and variances from 255-4-40 (Minimum wetland setbacks), 255-3-75 (Harbor Protection Overlay District regulations) of the Town Code and any relief necessary. The following variances are required for this application: (1) & (2) Variances of 65' and 67.7 are required to allow the

residence and decking to be located 35' and 32.3' respectively from wetlands, where 100' setback is required; (3) a 126.1' variance is required to install the sanitary system 73.9' from wetlands where a 200' setback is required & (4) a variance is required to allow the clearing of vegetation 22' from wetlands where a 50' setback is required.

Zoning District: A Residence

SEQRA CLASS: Type II

**D. Foti**

Applicant: Frank & Carol Foti

Size/Location: 22,669.8 sq. ft. (300-019-06-05.5)

Description: To construct a 512 sq. ft. pool with 324 sq. ft. of decking within jurisdiction of wetlands.

Relief Sought: Natural Resources Special Permit for the construction of the pool within jurisdiction of wetlands, pursuant to 255-4-20 of the Town Code

Zoning District: B Residence

SEQRA CLASS: Type II

**E. 80 S, Essex**

Applicant: 80 S. Essex St, LLC C/O Joel Halsey

Size/Location: 24,791.05 sq. ft., 80 S. Essex Street, Montauk. (300-052-01-9.2)

Description: To construct a new 512 sq. ft. swimming pool, to reconstruct and expand an existing 256 sq. ft. sunroom to be 284 sq. ft. with roof deck over, reconstruct and modify an existing 430 sq. ft. deck to patio, construct approximately 378 sq. ft. of stoops and stairs, and 512 sq. ft. of roof deck over existing residence, add dormers to the existing residence, with an upgraded sanitary system on a parcel of land within setbacks and jurisdiction of freshwater wetlands.

Relief Sought: A Natural Resources Special Permit pursuant to 255-4-20 of the Town Code and four variances are required for this application. Variances of 32', 28', 14', and 3' are required from 255-4-30 of the Town Code to construct the proposed stoop 68', swimming pool 72', pool equipment 86', and roof deck 97' from freshwater wetlands where 100' setbacks are required, and any other relief necessary.

Zoning District: B Residence

SEQRA CLASS: Type II

**F. O'Sullivan**

Applicant: Kathleen O' Sullivan C/O Due East Planning, Inc.

Size/Location: 0.17 acres. 1936 Montauk Highway, Amagansett (300-131-3-9.1)

Project Description: To demolish the existing residence, decking, and associated structures and to construct an approximately 2,391 sq. ft. two story residence with 288 sq. ft. swimming pooling, 207 sq. ft. of decking with outdoor shower, steps with landing, a 600 sq. ft. driveway, and sanitary system on a parcel of land containing dunes and dune vegetation.

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

SEQRA CLASS: Type II

**G. Busili**

Applicant: Sandro De Oliveira Busilli

Size/Location: 40,343 sq. ft. 83 North Surfside Ave, Montauk (300-083-1-10.1)

Description: To construct an approximately 720 sq. ft. swimming pool with spa, 75 sq. ft. shed, and allow an existing approximately 360 sq. ft. brick patio to remain within jurisdiction and setbacks of freshwater wetlands and side yard lot line setbacks.

Relief Sought: A Natural Resources Special Permit pursuant 255-4-20 of the Town Code and three variances are required for this application. Variances of 17' and 24' from 255-4-30 of the Town Code are required to allow the brick patio to remain 83' and to construct the shed 76' from freshwater wetlands, where 100' setbacks are required. One variance of approximately 5' is required from 255-11-10 of the Town Code to allow the brick patio to remain approximately 5' from the side yard lot line where a 10' setback is required, and any other relief necessary.

Zoning District: B Residence

SEQRA CLASS: Type II

**H. Schuler**

Applicant: Bettina Schuler

Size/Location: 24,513 sq. ft. 23 North Flaming Court, Montauk (300-133-01-40)

Description: To allow the property to remain beyond the clearing limits established in the Water Recharge Overlay District.

Relief Sought: One variance of 4,188 sq. ft is required from 255-3-65 (Water Recharge Overlay District regulations) of the Town Code to allow 14,188 sq. ft. of clearing to remain on the property where the maximum clearing permitted is 10,000 sq. ft., and any other relief necessary.

Zoning District: B Residence

SEQRA CLASS: Type II

**I. *Bungi Wungi, LLC***

Applicant: Bungi Wungi LLC, C/O Joel Halsey

Size/Location: 36,893 sq. ft. 72 Old West Lake Drive, Montauk (300-20-05-19.2

Description: To construct an approximately 1,600 sq. ft. two-story residence with approximately 800 sq. ft of first and second floor decking on a parcel of land containing tidal wetlands, freshwater wetlands, and surface waters.

Relief Sought: A Natural Resources Special Permit pursuant to 255-4-20 and variances from 255-4-40 (Minimum wetland setbacks), 255-3-75 (Harbor Protection Overlay District regulations) of the Town Code and any relief necessary. The following variances are required for this application: (1) & (2) Variances of 65' and 67.7 are required to allow the residence and decking to be located 35' and 32.3' respectively from wetlands, where 100' setback is required; (3) a 126.1' variance is required to install the sanitary system 73.9' from wetlands where a 200' setback is required & (4) a variance is required to allow the clearing of vegetation 22' from wetlands where a 50' setback is required.

Zoning District: A Residence

SEQRA CLASS: Type II

**IX. MINUTES APPROVAL:**

**X. RESOLUTIONS**