



## 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 August 16, 2022 East Hampton, New York

## I. CALL TO ORDER

6:30 PM Meeting called to order on August 16, 2022 at Teleconference, Various Locations, East Hampton, NY.

Attendee Name	Present	Absent	Late	Arrived
MinuteTraq Admin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Chairman Roy Dalene	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Vice Chairman Edward Johann	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Board Member Theresa Berger	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Board Member Denise Savarese	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Board Member Joan McGivern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Assistant Attorney Jennifer Nigro	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Secretary Laura MacPherson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

## II. CANCELLED PUBLIC HEARING

### A. *Kathy O'Sullivan: 130 South Forrest Street, Montauk. (SCTM#300-028-07-34.1)*

**TIME:** 6:30:00 PM      **APPLICANT:** Kathy O'Sullivan

**SIZE/LOCATION:** 40,463.62 sq. ft., 130 South Forrest Street, Country Club Estates Section 2; Map No. 5152, Montauk (SCTM#300-028-07-34.1)

**DESCRIPTION:** To construct, two additions to the residence totaling 226 sq. ft., 354 sq. ft. of decking, an 80 sq. ft. roof overhang, a 72 sq. ft. staircase, a 200 sq. ft. pool house, 1,000 sq. ft. pool deck and a 480 sq. ft. swimming pool, and pool fence on a parcel of land containing freshwater wetlands.

**RELIEF SOUGHT:** A Natural Resources Special Permit (NRSP) pursuant to §255-4-20 and six (6) variances from §255-4-30 (wetland setbacks) are required. Variances of 74.7', 67.9', 55.7', 58.3', 18' and 5.5' are required to construct a roof overhang 25.3', a staircase 32.1', an addition to the residence 44.3', decking 41.7', pool fence 82', and a swimming pool 94.5' respectively from a wetland where 100' is required, and any other relief necessary from the Town Code.

**ZONING DISTRICT:** B Residence Zone X Flood Zone

**SEQRA CLASS:** Type II

***B. 26 S. Elroy Drive LLC: 26 South Elroy Drive, Montauk. (SCTM#300-048-02-38)***

**TIME:** 6:30:00 PM      **APPLICANT:** 26 S. Elroy Drive LLC

**SIZE/LOCATION:** 42,065 sq. ft., 26 South Elroy Drive, N/A, Montauk (SCTM#300-048-02-38)

**DESCRIPTION:** To remove non-native flora species from a parcel within 150' of a freshwater wetland.

**RELIEF SOUGHT:** A Natural Resources Special Permit pursuant to §255-4-20 of East Hampton Town Code.

**ZONING DISTRICT:** B Residence Zone X Flood Zone

**SEQRA CLASS:** Type II

**III. SCHEDULED PUBLIC HEARINGS**

***A. Peter & Ann Joyce: 93 South Euclid, Montauk. (SCTM#300-049-01-13.3)***

**TIME:** 6:30:00 PM      **APPLICANT:** Peter & Ann Joyce

**SIZE/LOCATION:** 8,200 sq. ft., 93 South Euclid, Fort Pond Business Section; #174, lots 18-23 in, Montauk (SCTM#300-049-01-13.3)

**DESCRIPTION:** To construct an outdoor storage yard with 3 on-site parking spaces, 7 in right-of-way spaces, sidewalk, and additional fencing. The applicant is proposing a garden center use with an associated commercial landscaping use.

**RELIEF SOUGHT:** A variance from §255-11-40 (Parking requirements) to allow 7 parking spaces in the right-of-way where on-site parking spaces are required.

**ZONING DISTRICT:** CB- Central Business, Zone X Flood Zone

**SEQRA CLASS:** Type II

***B. James Walsh: 239 East Lake Drive, Montauk. (SCTM#300-013-03-32)***

**TIME:** 6:30:00 PM      **APPLICANT:** James Walsh

**SIZE/LOCATION:** 33,383 sq. ft., 239 East Lake Drive, N/A, Montauk (SCTM#300-013-03-32)

**DESCRIPTION:** To construct a 608 sq. ft. swimming pool, pool fence, pool equipment, a 1,185 sq. ft. pool patio, a 64 sq. ft. spa and an outdoor shower on a parcel of land containing tidal wetlands and a bluff.

**RELIEF SOUGHT:** A Natural Resources Special Permit (NRSP) pursuant to §255-4-20 and any other relief necessary from East Hampton Town Code.

**ZONING DISTRICT:** A Residence Zone X Flood Zone

SEQRA CLASS: Type II

## IV. WORK SESSION

### A. *Administrative Applications*

### B. *Post-Hearing Decisions*

#### i. **David Wagner: 237 Kings Point Road, Springs.(SCTM#300-24-1-32)**

**SIZE/LOCATION:** 29,643 sq. ft. (total), 237 Kings Point Road & contiguous to the waters of Gardiners Bay, Clearwater Beach; Map # 2715; lot 21, Springs (SCTM#300-024-01-32)

**DESCRIPTION:** The restoration of an eroded coastal bluff by removing foreign materials, place and grade approximately 250 cubic yards of clean sand, stabilize with coir logs and erosion matting and plant with beach grass on a parcel of land containing coastal bluffs, beaches and tidal wetlands.

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

**ZONING DISTRICT:** B Residence Zone X Flood Zone

**SEQRA CLASS:** Type II

#### ii. **Terrance O'Connell: 9 Madison Drive, Montauk. (SCTM#300-068-02-14.1)**

**SIZE/LOCATION:** 10,000 sq. ft., 9 Madison Drive, Montauk Beach, Hither Hills 2; Map No. 1315, Montauk (SCTM#300-068-02-14.1)

**DESCRIPTION:** To allow a roughly 232 sq. ft. wood deck with roof overhang, pergola, and 1st and 2<sup>nd</sup> story wood decking to remain within front yard setbacks.

**RELIEF SOUGHT:** One variance of 9.3' from §255-11-10 (dimensional setbacks) is required to allow existing decking with roof overhang and pergola to remain 10.7' from the front yard lot line where 20' is required, and any other relief necessary from East Hampton Town Code.

**ZONING DISTRICT:** B Residence Zone X Flood Zone

**SEQRA CLASS:** Type II

#### iii. **Jessica Wayman: 1 Squires Path, East Hampton. (SCTM#300-157-3-16)**

**SIZE/LOCATION:** 26,729 sq. ft. (total), 1 Squires Path, East Hampton (SCTM#300-157-03-16)

**DESCRIPTION:** To allow an accessory structure greater than 200 sq. ft. to contain a bathroom.

**RELIEF SOUGHT:** One variance of 334.5 sq. ft. from §255-11-23B of the Town Code is required to allow the existing 534.5 sq. ft. accessory building to remain with a bathroom where 200 sq. ft. is the maximum allowable.

**ZONING DISTRICT:** B Residence Zone X Flood Zone

**SEQRA CLASS:** Type II

**iv. Lawrence Chaefitz: 56 Osprey Road, Montauk. (SCTM#300-131-07-02)**

**SIZE/LOCATION:** 7,552 sq. ft. (total), 56 Osprey Road, Montauk on the Sea, Section 1, Lot 113, map no. 2438, Montauk (SCTM#300-131-07-02)

**DESCRIPTION:** To construct 180 sq. ft. gross floor area dormer additions, allow 150 sq. ft. of decking, two sheds totaling 75 sq. ft., 56 sq. ft. spa/hot tub, walkways, and outdoor shower to remain, and to install a new I/A sanitary system within side and rear yard setbacks, outside of the Towns pyramid regulations, at the third story, and on a parcel of land containing beach vegetation

**RELIEF SOUGHT:** A Natural Resources Special Permit pursuant to §255-4-20 of the East Hampton Town and five variances are required for this application. One variance of 8'8.5" is required from §255-11-72D of the Town Code in order to construct the proposed dormer addition 8'8.5" outside of the Towns pyramid regulations along the eastern lot line. One variance of 2' is required from §255-11-10 of the Town Code in order to allow the existing shed to remain 8' from the western side yard lot line where a 10' setback is required. Two variances of 8' and 6' are required from §255-11-10 of the Town Code in order to allow the existing hot tub to remain 12' and 14' from the western side yard lot line and southern rear yard lot line where 20' setbacks are required, respectively. One variance from §255-11-10 of the Town Code is required to construct third story additions where 2.5 stories is the maximum permitted, and any other relief necessary.

**ZONING DISTRICT:** B Residence AE Flood Zone, elevation 10

**SEQRA CLASS:** Type II

**C. Interpretations**

**D. Other Decisions**

**i. Andrew Mintzer: 67 Leeton Road, Amagansett. (SCTM#300-131-03-16.1)**

Request to reopen the hearing for further discussion.

***E. Building Permit/Certificate of Occupancy***

***F. Extensions of Time***

**V. MINUTES APPROVAL**

Draft Minutes of August 9<sup>th</sup>, 2022.

**VI. RESOLUTIONS**

***A. Andrew Mintzer: 67 Leeton Road, Amagansett. (SCTM#300-131-03-16.1)***

**VII. ADJOURNMENT**