



## 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 April 4, 2023 East Hampton, New York

## I. CALL TO ORDER

6:30 PM Meeting called to order on April 4, 2023 at Town Hall Conference Room, 159 Pantigo Road, East Hampton, NY.

Attendee Name	Present	Absent	Late	Arrived
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 Hope DeLauter	<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. *Sand Highway LLC: 146 Middle Highway, East Hampton. (SCTM#300-146-05-11)*

TIME: 6:30:00 PM      APPLICANT: Sand Highway LLC

SIZE/LOCATION: 14.49 acres (approx. total), 146 Middle Hwy, East Hampton (SCTM#300-146-05-11)

DESCRIPTION: Not applicable

**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 of the Inspector dated April 11, 2022, which interpreted the Town's zoning code and applicable law and determined that Sand Highway's proposed creation of a nature preserve/sanctuary and/or wildlife habitat at its mining site was prohibited. Among other things, the Building Inspector determined that only the East Hampton Town Board can designate a Town-owned property as a Nature Preserve, the residential A3 zoning district does not permit wildlife and aquatic habitats as conforming uses, the creation of a lake as a principal use in an A3 Residential Zone is prohibited and the creation of an artificial pond situated in groundwater requires a Natural Resources Special Permit pursuant to § 255-4-20(E)(3) of the Town Code.

ZONING DISTRICT: A3 Residence

SEQRA CLASS: Type II

### III. SCHEDULED PUBLIC HEARINGS

#### **A. 404 Old Montauk Highway: 404 Old Montauk Highway, Montauk. (SCTM#300-022-01-04)**

**TIME:** 6:30:00 PM      **APPLICANT:** 404 Old Montauk LLC

**SIZE/LOCATION:** 2.8 acres, 404 Old Montauk Highway, Montauk (SCTM#300-022-01-04)

**DESCRIPTION:** To construct a 3,591 sq. ft. two-story residence with basement & 891 sq. ft. of porches & 2nd story decking, a sanitary system and driveway on a parcel of land containing freshwater wetlands, coastal bluffs and beaches.

**RELIEF SOUGHT:** A Natural Resources Special Permit (NRSP) pursuant to § 255-4-20 of the Town Code and variances from § 255-4-30 (Minimum wetland setbacks), § 255-11-10 (Table of Dimensional Regulations), § 255-11-72D and any other relief necessary from the Town Code. The following (5) variances are required in the application: Variances of 37' & 48' are required to construct the residence and porch 63' & 52' respectively from wetlands where a 100' setback is required; an approximately 30' variance is required to allow the sanitary system to be installed 120' from wetlands where a 150' setback is required; a 15' side yard variance is required to construct the residence 5' from the (eastern) side yard lot line where a 20' setback is required & a variance is required to allow the residence to extend 9.5' beyond the relative height (Pyramid) restriction along the eastern lot line.

**ZONING DISTRICT:** A10 Residence Zone X Flood Zone

**SEQRA CLASS:** Type II

#### **B. 20 Whalers Lane LLC: 20 Whalers Lane, Amagansett. (SCTM#300-152-2-15.9)**

**TIME:** 6:30:00 PM      **APPLICANT:** 20 Whalers Ln LLC

**SIZE/LOCATION:** 40,571 sq. ft. (total), 20 Whalers Ln., Whalers Cove at East Hampton, lot 13, map no.8585, Amagansett (SCTM#300-152-02-15.9)

**DESCRIPTION:** To demolish the existing swimming pool and construct a new swimming pool, spa, and plunge pool, construct 219 sq. ft. of additions, reconstruct the existing decking with relocated stairs, new outdoor kitchen, new outdoor shower, construct a new brise soleil over the existing decking and balcony, new stairs and roof deck, generator, upgraded sanitary system, foundation changes for FEMA compliance, new windows, doors, and siding, interior renovations, relocate the existing pool equipment, remove planters, resurface the existing driveway, and to clear and remove invasive vegetation with a revegetation.

**RELIEF SOUGHT:** A Natural Resources Special Permit pursuant to § 255-4-20 of the Town Code and eight variances are required for this application. Variances of 48.5', 41.3', 37', 35.6', 18.5', 5', and 4' from §255-4-30 of the Town Code is required to construct the decking 51.5', swimming pool 58.7', kitchen 63', brise soleil 64.4', additions 81.5', generator 95', and outdoor shower 96' from freshwater wetlands where 100' setbacks are required. One variance of 31' from §255-4-30 of the Town Code is required to allow clearing to be 19' from freshwater wetlands where a 50' setback is required, and any other relief necessary.

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

**SEQRA CLASS:** Type II

**C. Glen Behr: 24 Coolidge Road, Montauk. (SCTM#300-068-12-11)****TIME:** 6:30:00 PM**APPLICANT:** Glen Behr**SIZE/LOCATION:** 18,491 sq. ft. (total), 24 Coolidge Rd., Montauk Beach, Hither Hills Section, Map 3, Lots 1511-1514 incl., map no. 1318, Montauk (SCTM#300-068-12-11)**DESCRIPTION:** To construct a new 3,110 sq. ft. residence with basement garage, 209 sq. ft. swimming pool, 402 sq. ft. pool patio, front entry and steps, walkways, stairs, basement entrance, retaining wall, driveway, new sanitary system, and associated structures within setbacks and jurisdiction of freshwater wetlands.**RELIEF SOUGHT:** A Natural Resources Special Permit pursuant to § 255-4-20 of the Town Code and seven variances are required for this application. Variances of 50', 48', 48', and 22' from §255-4-30 of the Town Code are required to construct the retaining wall 50', swimming pool 52', pool patio 52', and residence 78', respectively, from freshwater wetlands where 100' setbacks are required. One variance from §255-4-30 of the Town Code is required to allow clearing 45' from wetlands where a 50' setback is required. One variance of 22' from §255-4-30 of the Town Code is required to construct the sanitary system 128' from freshwater wetlands where a 150' setback is required. One variance of 6.96' from §255-11-72D of the Town Code is required to allow the construction of the residence to be 6.96' outside of the Towns pyramid regulations, and any other relief necessary.**ZONING DISTRICT:** B Residence Zone X Flood Zone**SEQRA CLASS:** Type II**IV. WORK SESSION****A. Administrative Applications****i. Shipwreck 71 LLC: 71 Shipwreck Drive, Amagansett. (SCTM#300-152-02-8.32)**

To install a new sanitary system within 200' of a wetland, connect existing residence and detached garage via 1,184 sq. ft. addition, enlarge the garage/artist studio area by 480 sq. ft., demolish an existing pool and construct a new approximately 1000 sq. ft. pool and 1600 sq. ft. patio, and implement a revegetation plan on a parcel containing duneland and beach vegetation.

**B. Post-Hearing Decisions****i. Michael Frishberg: 4 Osborne Farm Lane, Amagansett. (SCTM#300-197-08-11)**

To allow a one-story addition to remain as constructed. One variance of 0.8' is required to allow the addition to remain 14.2' from the eastern side yard lot line, where a 15' setback is required. The property is located at 4 Osborne Farm Lane, Wainscott in an A2 Residence Zoning District and is designated on the Suffolk County Tax Map as #300-197-08-11. The project is classified as a Type II Action pursuant to the State Environmental Quality Review Act and Chapter 128 of the Town Code.

**ii. David and Carol Geller: 35 North Surfside Avenue, Montauk  
(SCTM#300-029-01-19.10)**

**SIZE/LOCATION:** 19,193 sq. ft. (total), 35 North Surfside Ave, Surfside Estates, block 356, lots 11, 12, & 13, map no. 1690, Montauk (SCTM#300-029-01-19.10)

**DESCRIPTION:** To allow the existing stone walkways, second story decking, approximately 240 sq. ft. patio, fire pit, and approximately 480 sq. ft. driveway expansion to remain within jurisdiction and setbacks of, and on a parcel of land containing, freshwater wetlands.

**RELIEF SOUGHT:** A Natural Resources Special Permit pursuant to §255-4-20 of the East Hampton Town and four variances are required for this application. Variances of approximately 54.7', 44.6', 35.3', and 19' are required from §255-4-30 of the Town Code to allow the existing stone walkway to remain 45.3', second story decking to remain 65.4', stone patio to remain 74.7', and fire pit to remain 81' from freshwater wetlands where 100' setbacks are required, and any other relief necessary.

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

**SEQRA CLASS:** Type II

***C. Interpretations***

***D. Other Decisions***

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

***F. Extensions of Time***

**V. MINUTES APPROVAL**

***A. Draft Minutes of March 28th, 2023.***

**VI. RESOLUTIONS**

***A. Dana Levine: 872 Montauk Highway, Amagansett (SCTM#300-152-02-29.1)***

***B. John and Nancy Magnan: 59 Osprey Road, Amagansett (SCTM#300-131-05-19)***

***C. East Hampton Planning Board Wainscott Commerical: 30 Montauk Highway, Wainscott. (SCTM#300-192-02-066.2, 6.3, 6.4, 6.5, 6.6, 6.7)***

**VII. ADJOURNMENT**