

## Bridgehampton Front-Yard Pool Proposal Resurfaces

Publication: The Southampton Press  
By Colleen Reynolds Apr 6, 2012 1:58 PM



*Attorney John Bennett urges the Southampton Town ZBA on April 5 to approve variances allowing a front-yard pool in Bridgehampton. COLLEEN REYNOLDS PHOTOS*

A contentious proposal to install a front-yard swimming pool in Bridgehampton, which was defeated in December, resurfaced before the Southampton Town Zoning Board of Appeals on Thursday night—this time as a request for a pool of a slightly different size.

But there was no less controversy, as attorneys continued arguing at the public hearing for and against the variances that would allow Janet Finkel, the owner of the home on Hildreth Avenue, to build a pool in her front yard. The town's zoning code prohibits front-yard pools unless a lot is deemed waterfront, in which case the front and back yards can be considered switched for development purposes.

Ms. Finkel's attorney, John Bennett of the Southampton Village firm Bennett & Read, had previously argued that his client's swampy back yard, which is filled with phragmites and small pools of water, should be considered waterfront, as the town code does not specifically define waterfront. Town Chief Building Inspector Michael Benincasa had issued a determination that the property qualified as waterfront, but the ZBA overturned his ruling in December in a 6-1 vote.

On Thursday, Mr. Bennett disputed the earlier ZBA denial and pushed the board to grant the variances. "It's a nicely written decision, but the problem is, it just doesn't hold water," he argued, claiming that the board has approved variances for other front-yard pools, some involving wetlands lots.

Fighting against the variances is East Hampton attorney Jeffrey Bragman, who is representing one of Ms. Finkel's neighbors, David DiDomenico. "The interesting thing is that this application today is really almost a repeat of the last application. They just shaved a foot off the length and the width of the swimming pool," Mr. Bragman said, noting that his client is opposed to a pool of any size. "They're tinkering with the edges and the details of this application without addressing the fundamental reality: that this is an eyesore on this block and in this neighborhood."

Ms. Finkel's latest application calls for a 15-foot-by-31-foot above-ground pool, a tiny bit smaller than the 16 feet by 32 feet originally denied in 2009. In between, she also sought unsuccessfully for a variance for a 10-foot-by-18-foot pool.

"A pool does not belong here, and just because a lot is constrained by natural resource setbacks on one side and ordinary dimensional setbacks on the other side doesn't mean, 'Bingo, I win. I get the variance,'" Mr. Bragman said.

Ultimately, ZBA Chairman Herb Phillips granted the attorneys additional weeks to review and respond to information submitted by each other. He also urged both sides to simplify their arguments.

The hearing is set to continue on Thursday, May 17, at 7 p.m. at Town Hall.