

THE EAST HAMPTON STAR

SHINES FOR ALL

House on Dunes Hearing

By T.E. McMorrow | September 29, 2016 - 3:43pm



The owner of the final undeveloped beachfront property on Shore Road is awaiting a decision from the East Hampton Town Zoning Board of Appeals on a permit for a house on the dune. *T.E. McMorrow*

An application for permission to build a 3,602-square-foot house in and on top of the dunes on the last undeveloped oceanfront lot on Shore Road near Marlin Drive on Napeague was the focus of a two-and-a-half-hour hearing before the East Hampton Town Zoning Board of Appeals on Sept. 20.

The applicant, represented by Eric Bregman of Farrell Fritz, a Long Island law firm with an office in Water Mill, is a limited liability corporation called East Hampton Gerard Point. Its address is that of Heatherwood Luxury Rentals of Commack.

It is the second time in a little over a year the property, which is between the White Sands Motel and a private house, has been before the board. Last year, the board held a hearing on an application for a 4,320-square-foot house there, but it was withdrawn after members indicated it would be denied.

The property is long and narrow and runs from Shore Road through the dunes to the beach. It is in a Federal Emergency Management Agency high velocity flood zone, which means the house would have to be raised over 12 feet above grade.

The dune closest to the road rises on a fairly sharp angle almost from the pavement, and the house would cover 2,975 square feet of dune. The lower level of the structure would contain only an entrance or foyer and a garage, which would have knock-away walls in case of flooding. The living space would be on the first full floor.

“Why can’t the design be reconfigured to put square footage into a second floor?” John Whelan, chairman of the board, asked Mr. Bregman, who responded by pointing to what he called proposed improvements since 2015. There would be minimal excavation, he said, because there no longer was a foundation.

“The house has been moved back, substantially,” he said about the location on the dune. “There is no erosion of the dune’s benefits,” he said.

Mr. Whelan, however, apparently was not convinced. “I would love to have seen from the architect why this project could not have a smaller footprint,” he said. The architect, Andrew Glambertone, then said his client had originally asked for a two-story house, but was concerned about having to apply for pyramid variances, due to the narrowness of the lot.

The proposed configuration of the house clearly troubled Jeffrey L. Bragman, an attorney speaking for the opposition. He said the living space would be about six feet higher than the Federal Emergency Management Agency requires, which neighbors objected to.

“They are reaching for a view,” he said. “My ears perked up when I heard the chair say this is an awfully large footprint. It makes it a very imposing house.” He also said that if the house were moved closer to the street, its flood zone status would change, and it would not have to be raised so high. The plan appeared to include about two and a half stories, he said, with a dormer offering the possibility of another floor being added in the future.

“Under town law, a dune is a protected feature. A big footprint is bad for the dunes,” he said. He presented an illustration of a proposed alternate site for the footprint closer to the road. He also presented the board with a sketch of the house to the west of the property to provide a sense of scale.

Nick Gregory, one of the neighbors, addressed the board. He said the dunes were fragile and pointed to the potential for flooding. “We don’t have anything against a house being built, but all houses built since the 1980s have been two stories with a smaller footprint,” he said.

Mr. Bregman then responded to Mr. Bragman’s points. “Jeff is always very eloquent. Sometimes it is a little off-base.” He reiterated that the excavation would be minimal.

Finally, the board, clearly weary, voted to close the hearing, and the participants left the room. A few minutes later, however, both attorneys returned.

Mr. Bregman complained that his architect had not gotten a look at the sketch of the neighboring house presented to the board by Mr. Bragman as an illustration of scale. Mr. Bragman asked for the right to respond. But Mr. Whelan said he did not want a back and forth, and the board instead gave Mr. Bragman one week to confirm the accuracy of the sketch and closed the record.

The attorneys then left the room for a second time. After a minute, Mr. Whelan looked at the vice chairwoman, Cate Rogers, and quietly said, “We should have locked the doors.”