

To: The East Hampton Town Zoning Board of Appeals
From: Jaine Mehring
Re: Public Hearing on December 6, 2022 regarding 175 Atlantic Avenue
Date: December 6, 2022

Dear Chairman Dalene and the Members of the Zoning Board of Appeals.

I am submitting these public comments to the record with respect to the following December 6, 2022 public hearing before you.

C. 175 Atlantic Ave LLC: 175 Atlantic Avenue, Amagansett (SCTM#300-178-02-03)

TIME: 6:30:00 PM **APPLICANT:** 175 Atlantic Ave., LLC

SIZE/LOCATION: 23.500 sq. ft., 175 Atlantic Avenue, Amagansett (SCTM#300-178-02-03)

DESCRIPTION: To demolish the existing residence and accessory structures, and to construct a new 3,240 sq. ft. residence with 550 sq. ft storage area, a 450 sq. ft. swimming pool, 808 sq. ft. pool patio, new sanitary system, 1,174 sq. ft. driveway, 380 sq. ft. covered parking area, first and second story decking, and walkways on a parcel of land containing dune land and dune vegetation.

RELIEF SOUGHT: A Natural Resources Special Permit pursuant to §255-4-20 of the East Hampton Town Code, and any other relief necessary.

ZONING DISTRICT: A Residence AE Flood Zone, elevation 10

SEQRA CLASS: Type II

In preparation of this letter, I have reviewed closely the following material:

- All the documents in the current December 6, 2022 ZBA Public Hearing File, including surveys, building plans dated 3.31.22*, and septic plans; the Planning Department Technical Analysis Memo (TAM) dated Nov 2, 2022; the “Current Conditions” document, including the Zoning Board’s determination memo dated January 20, 2019, denying the first iteration of this application heard in a public hearing before this board on October 23, 2018 and post hearing decision discussed at the December 11, 2018 meeting
<http://easthamptontown.iqm2.com/Citizens/FileOpen.aspx?Type=12&ID=2040&Inline=True>.

*A note about the building plans, on sheets D1-D4 the architect provides inaccurate and conflicting directional labeling: in particular East and West appear to have been reversed.

- The video posted on the East Hampton Town website’s ZBA agenda archive of the Oct 23, 2018 ZBA public hearing, with the matter of 175 Atlantic beginning at the 1 hour, 2 minute mark:
<http://easthamptontown.iqm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=1996&Format=Minutes>
- The agenda for the October 23, 2018 public hearing for the first application regarding 175 Atlantic, including the TAM written by Tyler Borsack included on pages 11-16 of the agenda
<http://easthamptontown.iqm2.com/Citizens/FileOpen.aspx?Type=14&ID=1925&Inline=True>

D. 175 Atlantic Avenue

TIME: 7:30:00 PM **APPLICANT:** 175 Atlantic Ave., LLC

SIZE/LOCATION: 23,500 sq. ft., 175 Atlantic Avenue, Amagansett (300-178-02-03)

DESCRIPTION: To demolish the existing residence and accessory structures, and to construct a new 3,790 sq. ft. residence with a 375 sq. ft. accessory structure, a 450 sq. ft. swimming pool, 1,310 sq. ft. pool patio, new sanitary system with retaining wall, 1,780 sq. ft. driveway, 1,620 sq. ft. of first and second story decking, and 780 sq. ft. of walkways on a parcel of land containing dune land and dune vegetation.

RELIEF SOUGHT: A Natural Resources Special Permit pursuant to 255-4-20 of the East Hampton Town Code` , and any other relief necessary.

- The sections of Town Code related to Natural Resources and NRSPs and relevant to this application including:

255-1-11, especially sections A, B, C, E, H, I and L;
<https://ecode360.com/10413764#10413764>

255-1-20
<https://ecode360.com/10413764#10413796>

255-4-10, especially sections D and E;
<https://ecode360.com/10414668#10414668>

255-4-12-C
<https://ecode360.com/10414674#10414674>

255-4-20
<https://ecode360.com/10414674#10414712>

255-5-10
<https://ecode360.com/10414859#10414859>

255-5-40, especially sections A,B, C, D, E & I
<https://ecode360.com/10414859#10414872>

255-5-50
<https://ecode360.com/10414913?highlight=&searchId=29704906016728475#10414913>

255-5-51, especially sections C and D. In addition
<https://ecode360.com/10414859#10415320>

- The sections of the EH Town Code related to the specific Bluff Road Historic District, Chapter 255 Appendix B <https://ecode360.com/10635025> especially B-2-d:
- East Hampton Town Zoning Maps, Sheet #6 delineating the boundaries of the Amagansett Bluff Road Historic District and the related “Legends” information sheet that show the direct proximity of 175 Atlantic to the Amagansett Bluff Road Historic District and also that it is surrounded on three sides by a Park & Conservation Zone.
<http://ehamptony.gov/DocumentCenter/View/1433/Sheet-6-PDF>
<http://ehamptony.gov/DocumentCenter/View/1427/LegendRevisions-Sheet-PDF>
- Documentation about the historical significance of the Amagansett Lifesaving Station, and the extensive and expensive efforts to relocate it to its original site and restore it, including The Amagansett Life Saving Station Organization website <https://www.amagansettlss.org/> the Peconic Land Trust overview of the ALSS <https://peconiclandtrust.org/our-work/projects/amagansett-life-saving-station>,and the 2011 Robert Hefner restoration brief <https://aaqeastend.com/contents/amagansett-life-saving-station-1902-historic-structure-report-by-robert-hefner-new-2-25-16/>
- The East Hampton SASS Report document
https://dos.ny.gov/system/files/documents/2020/02/sass_report.pdf
- Various real estate listings for 175 Atlantic, including the sale of the advertised sale of the property in 2017-2019, the rental listing, and the more developer for sale advertisement including these:
<https://outeast.com/properties/rentals/378578>
<https://outeast.com/properties/sales/205594>
<https://bhs.eastendli.com/property/744000/?p=NTI1OTYx&listshare=7YC7IJZ27QBK5PVJU5BV222RDLCRT6IXJCIEJVATOJA&mc=NTI1OTYx>

<https://bhs.eastendli.com/property/734798/?p=NTI1OTYx&listshare=7YC7IJZ27QBK5PVOU5CFIY2RDLCRT6IXJCIEJFVATOJA&mc=NTI1OTYx>

<https://bhs.eastendli.com/property/861176/?p=NTI1OTYx&listshare=7YC7IJZ27QBK5MNLUJBFU3KRDLCRT6IXJCIEJFVATOJA&mc=NTI1OTYx>

- The website of the applicant Farrell Building <https://thefarrellcompanies.com> including their listing for 175 Atlantic found on the site via the “for Sale” tab <https://thefarrellcompanies.com/availability/>

A note: in this letter I refer to the for-sale promotion materials for 175 Atlantic, including the sale price of \$19.995 million and multiple computer-generated renderings and text about this project and its amenities that had been posted on the website ongoing for quite some time until last week, however, all of that was suddenly scrubbed from the Farrell site sometime on or about after Thursday Dec 1. I've included the screenshots I took on November 27, 2022 of this for-sale promotion from their website in the Appendix submitted in tandem with the letter.

- Various press articles about Farrell Building posted on their website as well as a few additional including https://therealdeal.com/issues_articles/joe-farrells-not-so-sad-saga/
<https://www.nytimes.com/2013/08/27/nyregion/hamptons-mcmansions-herald-the-return-of-excess.html>
<https://www.vanityfair.com/news/2008/08/hamptons200808>
<https://nypost.com/2007/03/08/carlleys-100m-l-i-stake/>
<https://www.27east.com/real-estate-news/lawsuit-says-builder-marked-bedroom-as-attic-to-obtain-building-permit-1832140/>

All in, my comments and opinions are based on my review of all these resources, as well as a deep individual knowledge of this particular section of Amagansett that now spans seven decades from the mid 1970s to current, including my 20+ years of homeownership and residence in Beach Hampton, the western boundary of which is just yards/feet from this portion of Atlantic Avenue.

This project and this parcel is very significant -- I refer to 175 Atlantic Avenue as a “quadfecta” of significance: 1.the natural resources/native and dune vegetation on the property; 2. It's scenic value related to its position within the East Hampton SASS and sitting across the road from the Amagansett National Wildlife Reserve; 3. its historical context, abutting both the Bluff Road Historic District and diagonally across from one of Amagansett's and East Hampton's most valuable historical (including maritime heritage) assets/resources; and 4: its position on top of/contiguous to and fully visible to the largest public beach access point in the Town of East Hampton. The multifaceted significance is why I, and I believe a number of other fellow citizens, are taking this application seriously and engaging in some depth in this public hearing.

Based on the amount of clearing, disturbance, and size of “improvements” proposed in this version of the application, it is hard to see how, post the ZBA’s denial of the 2018 application, the applicant has done anything anywhere close to enough to limit the development and address the Boards’ previous concerns that formed the reasoned and rational basis of their denial, a decision that as I understand it, was upheld by the Court in the applicant’s Article 78 legal challenge.

It is my view that the overall project as now proposed, or anything even close to this scale, will be completely incompatible with the surroundings and context of this section of Atlantic Avenue, the neighborhood and the broader area, as well as with the natural resources and topographic characteristics of this unique and important 0.54 acre parcel.

I agree that “this environmentally sensitive and environmentally constrained lot is not sufficient, appropriate or adequate for the proposed development,” either as currently scoped or anything in anyway close to it. Moreover, I see this application as completely out of step with at least my understanding of the standards and requirements for issuance of the required NRSP. It is incontrovertible that (1) Alternative reasonable uses of the property do exist; and (2) Alternative designs entailing smaller buildings or structures...or diminished or reconfigured areas of use” are possible and feasible and would be “effective in preventing loss of or potential damage to designated natural features.”

As the TAM makes explicit, the mass and scale of this current application is only minimally adjusted from the application that was before you at the October 23, 2018 public hearing and found to be completely incompatible with the characteristics of the parcel itself as well as in relation to the natural resources, scenic value, public access and historical assets defining the surrounding context and character of the area.

After close review, I also see this second version of the application to be minimally different from the 2018 first version, and I believe this new application to be a not-in-good faith and profligate consumption of critical and scarce town resources as well as insulting to and dismissive of public and community interests.

In short, stating the obvious: this is certainly not the biggest house to be before you these days. But by virtue of the location of the parcel and the impact its redevelopment will have on this unique and cherished, widely used, natural-resource-heavy and historically-significant public access location, it is one of the more important/consequential ones.

What is before you in the application for 175 Atlantic is unrelated totally to any actual homeowner's needs or dreams. Nor is this even about a rational investor's "reasonable expectations of return." This project, both the first version and this modified iteration, has been designed solely to extract the most aggressive individual speculator profits imaginable – the current \$19.995 million "pre-construction" price-tag, compared both to the applicant's 2017 \$2.3 million purchase price, and to the sale listing price of \$10.995 at the time of the Oct 2018 hearing is evidence of that. The financial rewards to a singular entity and particular individual will come at a major cost to and to the detriment of the interests of many, including thousands of residents and visitors to Amagansett and East Hampton.

In my opinion, this project fails completely to balance an individual, singular, short-term speculative interest with any enduring, legitimate long-term rights of the neighbors or the community, and it shows no respect to the land, the natural elements, the wildlife and ecosystem, the essential scenic value of the surroundings, the historical significance, the property rights of others, the public, the resources of Town infrastructure, and the time and efforts and studied deliberation of this Board and all who work alongside you. Neither this Board, nor the public is here to be held hostage to or to ensure that the economics of a project meet the desires of the biggest and most aggressive developer in Town. Any inability to earn a reasonable profit margin, let alone reap extra extraordinary returns on a new development in a clearly constrained location is a self-created problem, to say the least.

As the TAM reminds us, this development "would be highly visible to the neighbors and the adjacent Town beach." I find it ironic, therefore, that in the applicant's promotional materials for the speculative sale of the project, one of the few amenities they choose to boast about is that the rooms are being "fitted with concealed automatic blackout shades." I imagine said black-out shades will ensure that any future owner, investor or transient renter will not have to be disturbed looking at the public parking lot over which this new development will loom, or to see the public's to'ing and fro'ing around them, while still leaving them able to have the "breathtaking ocean views from many windows" that is promised whenever they want.

But we in the public, from the outside – we have no "black-out shades" -- we will never be able to block out or escape the view of this hulky, bulky looming structure degrading and dominating the landscape and emitting visual and light pollution day and night.

I recall the moment at the Oct 23, 2018 public hearing where the applicant's agent proudly displayed to the Board an enlarged photo of the rendering of the south side of the parcel, with the house rising to maximum allowable height, but "screened" by stockade fencing and an enormous row of uniform trees. He assured the Board that they were native "red cedars" and tried to make the case that their revegetation plan would be just fine and as good as native and existing.



Indeed, the applicant can try to screen the proposed monolith, but they won't effectively or authentically obscure or soften the damage. They can stagger the position of screening trees to perhaps look a bit less formal, but the more they will try to screen, the more incompatible the project will become with the inherent scenic values, the openness and the wildness and essential rural character of the surroundings.

In more depth, below here are my specific concerns and points of opposition to this application I express to you and the record as a member of the public.

- 1. The oversized mass, scale and scope of the project:** As per the November 2, 2022 TAM: "The current application is very similar to that 2019 determination with nearly the same exact residence, aside from some interior changes in the layout and function, and somewhat similar clearing concerns."

The TAM also notes that "The gross floor area of the residence is proposed to be reduced from 3,790 sq. ft. to 3,240 sq. ft." but the structure will additionally encompass a 550 sq. ft. so called "storage area." The TAM then continues "The result of this change in (sp?) the same 3,790 sq. ft. building that was proposed previously, only a portion removed from being habitable space and limiting it to storage, not reducing the mass of the building in any meaningful way."

It is not made clear in the file if this so-called embedded and structurally integrated first floor "accessory storage" structure is or will be conditioned, and I see nothing that would prevent this from being readily converted to habitable living space.

Moreover, the plans included in the public hearing file from architect Will Minnear, particularly sheets D2 and D5 of the lower level elevation and floor plan, show two important facets of this storage accessory structure space. First, that this part of the structure is well integrated into the overall residence. Indicated in the plans is clear and easy access from the first-floor bedroom wing ingress/egress, right through the "covered rec area" and right to an ingress/egress to the "accessory storage" part of the residence structure. And second, per the lower level floor plans and elevation, the so-called "storage accessory" will be defined by what looks like 20 or so linear feet of floor-to-ceiling fenestration, including two large glass double doors leading out to decking that connects directly back to the covered rec area and flows directly to the attached pool patio. From my perspective, that expansive glass feature would generally more likely be associated with living space or perhaps an accessory pool or guest house, rather than a storage facility.

I'd note that the septic plan in the public hearing file dated 7.1.22 shows this to be a "two story house..with 5 bedrooms" however, that does not sync with the Will Minnear architectural plans that labels all the residence structure spaces: the architectural plans currently show 4 bedrooms, leaving me wondering what

happened to the fifth bedroom and wondering if there are indeed plans/intent to use this 550 sq foot space as a guest bedroom/accommodation or another form of habitable living space.

It is not without possibility that what is labelled one thing today is intended to be or will be used differently after an NRSP, a Building Permit or a C/O is obtained. As an example, resonating loudly in my head is the unique public hearing heard before this Board on June 22, 2021:

Gouri Orekondy Edlich & Alexander Edlich

TIME: 6:30:00 PM **APPLICANT:** Gouri Orekondy Edlich and Alexander Edlich

SIZE/LOCATION: 19,861 sq. ft., 40 Roxbury Lane, West Wood, lot 50 and p/o lot 51, map no. 2856, Wainscott (SCTM# 300-197-06-01)

DESCRIPTION: To allow the existing residence to remain 758 sq. ft. over the maximum allowable gross floor area and the existing slate patio to remain within front yard lot line setbacks.

RELIEF SOUGHT: One variance of 758 sq. ft. from §255-11-67 of the East Hampton Town Code is required to allow the residence to remain at 4,344 sq. ft. where 3,586 sq. ft. is the maximum gross floor area allowable. One variance of 22.2' is required from §255-11-10 of the Town Code in order to allow the slate patio to remain 7.8' from the northern front yard lot line where a 30' setback is required, and any other relief necessary.

Three members of this current Board will recall this matter where the homeowner had to come before ZBA for a variance to exceed allowable GFA, because as they testified under oath, the developer/builder –the very same one who is the applicant for 175 Atlantic Avenue -- re-labeled the fifth bedroom originally included in the plans as “attic space” in order to circumvent GFA maximum allowances and overcome a rejection by the Building Department to obtain a Building Permit, and then went ahead and constructed that non-compliant bedroom and bathroom anyway, and withheld that “switcheroo” from the homeowner.

So whether or not by skillful labelling and intent the applicant is actively attempting to exclude this embedded 550 square feet of residence structure from the official GFA calculation and create the appearance that they have “scaled back” the project since the 2018 denial, or if simply not a premeditated potential use change in the future, it is clear that this square footage meaningfully adds to the house size, the building coverage, and potential occupancy and intensity of use of the residence.

The max allowable GFA on any parcel this size is 3,950 sq. ft. per the TAM an code formula. The structure including the embedded 550 “storage accessory” puts this project at just 160 square feet, or a de minimis 4%, smaller than the maxed out statistic.

But whether we calculate GFA as 3,240 or 3,790 sq. ft., the residence structure will present on the lot as far larger when we consider the inclusion of the 1620 sq. feet of first and second story attached, covered and uncovered decking, as well as the 380 sq. ft. covered attached parking area, the 483 sq. ft. “covered rec area,” which all add meaningfully to the mass and scale and sprawl of the residence structure, one that rises to the code-based maximum allowable height of 25 feet. And if the renderings of the project are accurate, we should expect a roof-spanning heavily furnished entertaining roof deck on top of it all. All in, this project will appear monolithic compared to its surroundings.

Moreover, the TAM highlights that lot coverage actually has increased modestly to 3,426 vs 3,374 sq. ft. in the first version. The final limits of clearing are proposed to be reduced by just a non-material 5%. I'll come back to the clearing in the next point below about natural resources and vegetation.

All in, from my member-of-the-public viewpoint, not enough has been done between the 2018 hearing and this adjusted second version of the application to address the Board's prior concerns or to meet the NRSP or other foundational and relevant standards across many sections of Chapter 255, or to create a structure and redevelopment more in harmony with and minimizing its visual impact on this particular location and

surroundings, or to minimize to the greatest extent possible the impact on the natural and native vegetation on the property.

2. The application as currently presented, or anything close to it, does not appear to comport with the core standards of “orderly growth” and “sufficient, appropriate and adequate lot area for use”

In terms of current conditions at 175 Atlantic, the lot contains topography, extensive dune vegetation, and wildlife habitat that warrant clearing and development only at the most minimal level. As I understand it, just 16 percent of its area has been cleared. There is a longstanding modest, three-bedroom, one-and-a-half bathroom shingle house, as well as another small cottage-style non-habitable accessory structure on it, both quite authentic to the surroundings. The property card and some other sources size and date the current residence at 1,400 square feet built in 1974, however, other real estate listing sources put it at 1,200 square feet, built in 1958. I actually wonder if it is even older or has historic context.

There is minimal hardcape on the lot, and no pool or extensive patios/decks. The driveway is mostly a sandy, dirt-road mixed with gravel path.

A greater-than-tripling of the residence structure, a very large expansion of coverages, and a likely incremental 10,000 or more square feet of new clearing/disturbance does not seem to comport with 255-11-1-A “Orderly growth: to guide and regulate the orderly growth, development and redevelopment of the Town in accordance with a Comprehensive Plan and the long-range objectives, principles and goals set forth therein as beneficial to the interests of the people.”

This all is made more salient given that at 23,500 sq feet, the 175 Atlantic Ave parcel is 41% substandard to its A-residence minimum lot size.

In 2018, “the majority of the Board found that the environmental constraints of the property required a project with a smaller footprint and total lot coverage.” Moreover, the first version of this application failed to meet the standard of 255-5-40-B:“Lot area. The lot area is sufficient, appropriate and adequate for the use, as well as reasonably anticipated operation and expansion thereof.” Given the analysis of the dimensions and statistics of the current application reviewed here, it appears to me that this project still fails to align with this important standard.

3. The project as currently scoped, or anything even close to it, fails to protect and perpetuate the parcel’s important natural resources and native and dune land vegetation. It in fact will cause a significant and unnecessary loss of it.

If I read the code correctly in 255-4-12-C , then the natural resources on this lot require special protection.

With respect to the 2018 version of this application, the ZBA in its studied denial determination memo wrote that with respect to that proposed development: “The board finds that the characteristics of the site are such that the proposed use may not be introduced without undue disturbance and disruption to important natural features.”

Per the current TAM “The majority of the Board found that the environmental constraints of the property required a project with a smaller footprint and total lot coverage. The Board noted the extensive dune vegetation and topography that would be impacted and that reducing total lot coverage to the biggest extent possible would better serve the environmental constraints. “

Important to the formation of the opinions I am offering as part of this public hearing is this passage from the current TAM: “The subject parcel contains extensive dune vegetation and topography which will be significantly impacted by the proposed construction. The dune land characteristics and vegetation make the area unique and should be preserved to the maximum extend practical when redeveloping a property. The property is across the street from large locally and federally preserved dune habitat and is directly adjacent

to a public parking area. The plant communities present on and around this parcel have become less common throughout Long Island and the entire Mid-Atlantic region, and are difficult to reestablish in areas that are cleared during construction activities. **The most effective measure of conservation in these areas is to limit the quantity of land clearing to the smallest area practical** (emphasis mine). The dune vegetation provides important habitat for both plants and animals which require its unique characteristics to survive.”

Also per the TAM “The Planning Department recommended to the ZBA in the 2018/2019 application that it represented a fairly aggressive redevelopment of a dune land property. The current application is very similar to that 2019 determination with nearly the same exact residence, aside from some interior changes in the layout and function, and somewhat similar clearing concerns.”

With respect to clearing, the current version of this application projects clearing/disturbance will be 11,596 sq feet, or just a smidge under half the lot area, modestly reduced (-12%) from the 13,232 asserted in the 2018 application. But this current clearing/disturbance projection seems no more credible to me than what we saw during the last go-round.

Having watched the video of the October 23, 2018 public hearing, I note that the Board at the time had significant dialogue about and expressed serious concerns that the line of clearing was only 5 feet from the structure to be built. Members were justifiably skeptical that such a tight and small clearing buffer was legitimate relative to a two-story and expansive structure and would or could be maintained. And again, this current application seems to re-assert similar “magical thinking” related to clearing and disturbance.

Per the TAM: “A large amount of the native dune land vegetation is going to be removed in order to construct the proposed improvements with little mitigation able to be offered to offset those impacts. The proposed clearing limits are still very close to the proposed structures which is often not a realistic limit of clearing during construction. These limits of clearing appear to be setback only 5' from the edge of the proposed structures, around the entirety of the proposed project. Maintaining such a tight clearing envelope is very difficult and often leads to incidental clearing throughout the construction process, resulting in additional revegetation not represented during the permitting process.”

So all in, definitively I do not understand how the scope of this proposed project will not meaningfully diminish and degrade and place in peril important natural resources. I think it will in fact do so, and do so unnecessarily because reasonable and scaled back alternatives certainly exist.

And all in, I am still finding it hard to see how this project scoped as is even comes close to meeting 255-5-40-K related to Special Permit criteria standards: “Environmental protection. The natural characteristics of the site are such that the proposed use may be introduced there without undue disturbance or disruption of important natural features, systems or processes and without significant negative impact to groundwater and surface waters on and off the site.”

Nor, all in, do I understand how this application comports with 255-4-10 discussing the core Town purpose to “protect and perpetuate some of the Town's most important natural resources” because as it states: “Rapid growth and development have encroached upon or despoiled many of the Town's wetlands, watercourses, tidal waters, natural drainage areas, watersheds and water recharge areas, as well as its beaches, dunes, bluffs, and other coastal features. These natural resources, which are threatened by the Town's growth, constitute important physical, social, scenic, aesthetic, recreational, and economic attributes of the Town. The provisions of this article are therefore designed to preserve and maintain these natural resources by minimizing their disturbance. Such protection will benefit the Town and its people in many ways.”

4. **The project as currently scoped, or anything close to it, is incompatible with the SASS in which it is included.** As we know, SASS standards discourage the alteration of dune, dune habitat, and natural terrain for residential house sites. It notes the importance of maintaining native plants to retain the visual

character of the area. The SASS also makes note of encouraging the designing of properties to fit into their neighborhoods and limit overdevelopment.

5. **The project as currently scoped, or anything close to it, is incompatible with the historic resources it abuts and with the overall established character of the neighborhood.** I understand fully that 175 Atlantic doesn't sit directly within the Bluff Road Historic District and therefore is not regulated as such within the codified jurisdiction of the Architectural Review Board.

However, 175 Atlantic DOES sit right directly next to the boundary of the Bluff Road Historic District, and importantly, diagonally across the road from one of Amagansett's and the Town's most valued historical resources, the Amagansett Life-Saving Station.

Chapter 255, Appendix B, section B-2 "Preservation Goals for the Bluff Road Historic District" item D clearly states the Town's priority to "*Retain other features of the setting that maintain the relationship of the houses to the Atlantic Ocean including the rural character of Bluff Road and the open dune area.*" Moreover, B-1-D also highlights the importance of the "open, natural appearance" of the area.

Reading both:

255-1-11-B "Protection of neighborhoods: to protect the established character of neighborhoods, especially residential neighborhoods..."

255-5-40-D "Compatibility. The site of the proposed use is a suitable one for the location of such a use in the Town, and, if sited at that location, the proposed use will in fact be compatible with its surroundings and with the character of the neighborhood and of the community in general, particularly with regard to visibility, scale and overall appearance."

it is in my mind impossible that one would not expect those historic district goals to factor into the consideration of this application. Especially given that within the section regarding special permit standards, it is clearly within the ZBA's jurisdiction, it is in fact required that this Board fully consider, how the visibility and appearance of development on this parcel will or will not be compatible with its particular surroundings -- and the important historical aspects and assets of the surrounding area do in large part define the character of this particular neighborhood and the community in general.

With respect to other aspects of the established character of the neighborhood, this southern section of Atlantic Avenue, and this half-acre slice of it that is 175 Atlantic Ave, has and retains a distinctively rural, relaxed as well as scrubby, beachy, sandy feel to it – it is something of "a wild place." The character is in largest part dependent on the natural resources, dune land and abundant native vegetation.

Even though there has been some redevelopment on Atlantic Avenue south of Bluff Road over the prior decade, from the road perspective, those newer houses of modern architectural style are well set back onto their properties and are, in large part, mostly obscured from view by the natural resources.

In the prior 2018 public hearing, the applicant cited that redevelopment at 159 and 163 Atlantic Avenue as "precedent" relevant to their application, but those were deemed not directly comparable, as both were in jurisdiction of wetlands only and neither required an NRSP.

6. **The project as currently scoped, or anything close to it, will dominate and degrade the largest and one of the most important areas of public beach access in the Town of East Hampton.** Though 175 Atlantic, at just over half an acre, is a relatively small plot of land, the impact of what is being proposed will be giant indeed by virtue of its relationship and position abutting the entrance and public parking lot of beautiful Atlantic Avenue Beach, the largest of the public ocean beaches in East Hampton Town – an iconic, much used, and expansively loved place.

As such, great care and restraint should indeed be required in this spot. In particular, I find 255-1-11-E compelling “Preservation: to promote in the public interest the preservation of prime agricultural land, productive wetlands, protective barrier dunes and beaches, unique vegetation, important animal habitats and other natural resources and man-made features of historical, environmental or cultural significance to the community.”

Moreover, I see 255-1-11-L as extraordinarily relevant to this application: “Aesthetic attributes: to perpetuate and enhance areas of natural beauty, to retain outstanding water views and other open vistas available to residents and visitors and to perpetuate generally those aesthetic attributes and amenities which not only please the eye, but which together are the essence of the nationally recognized character of the Town.”

And 255-5-40-E comes to mind here too: “Effect on specific existing uses. The characteristics of the proposed use are not such that its proposed location would be unsuitably near to arecreational area or other place of public assembly.”

Going back to the October 23, 2018 public hearing for the first version of this application, then-ZBA-member Sam Kramer stated it appropriately: *“This parcel is right next to the parking lot used by A LOT of people who come to East Hampton, and this is their exposure to East Hampton, the beauty of dunes and what it’s all about down there. This parcel is unique in that respect, and some respect for the dunes ought to be shown there... we might want to consider these unique aspects of this parcel and the way it impacts the Town and one of its most valuable resources, the interplay of this parcel with those who come here.”*

Beach Access is not simply about being able to set feet in or wheels on the sand along the shoreline. There is also a visual and aesthetic element that defines and protects beach access: [Surfrider states it well](#) as they describe beach access: “Coastal views from offshore to the inland coastline and from inland areas to the ocean view should be highly-valued. The public coastal viewshed should be preserved in relation to all public viewing corridors...”

In case anyone hasn't noticed, our coastal view sheds have been and continue to be severely compromised, if not completely destroyed, all over town by big houses, fences, gates, landscaping as well as the building of expansive decking on roofs. And with expanding house size and extensive hardscape comes terrible loss of native vegetation, displacement of ground water and polluting runoffs spilling or seeping into our water bodies.

175 Atlantic certainly seems to be a place to hold the line against this type of overdevelopment.

We need not have to stretch our imagination or hypothesize or guess at what this aggressive development will mean to this iconic and cherished area of public beach access. Indeed, we have current, tangible examples that tell us exactly what will happen, how it will look and feel, how a development of this size looming over us will dominate, and the grief and sense of loss we will experience as a result.

We need to look no further than the current redevelopment going on at 40 DeForest Road in Montauk: a 4,700-square-foot house being built on a 1+ acre parcel that directly abuts the Ditch Plain public beach parking lot, (a project that did not receive, for reasons I do not really understand, the benefit of a review by and a public hearing in front of this Board). (see for example <https://www.nytimes.com/2022/09/02/style/in-montauk-big-money-moves-in-on-a-surfers-paradise.>)

I've visited 40 DeForest several times over the last six months, and the impact of that build is entirely out of scale with, and destructive to, the irreplaceable and idiosyncratic natural-resources-based character and cultural context of the surroundings.

Like Ditch Plain Beach, Atlantic Avenue Beach is an iconic and beloved location where thousands of residents and visitors come not just to access the ocean beach, but also to experience the beauty and wildness of the duneland and what East Hampton and Amagansett are all about. If approved as planned, or anywhere close to it, a significant swath of beauty and wildness will be wiped away. This development will dominate the lot

and its surroundings, irrevocably spoiling a public beach frequented by an array of people who go there to be part of nature unblemished.

As always, thank you for your consideration of my thoughts, concerns and opinions.
Sincerely, Jaine Mehring, Amagansett