

EAST HAMPTON ZONING BOARD OF APPEALS
Regular Meeting
September 14, 2020
Virtual Meeting

DRAFT MINUTES

1. Call to Order: Chairman Walton called the meeting to order at 7:02 pm.

2. Seating of Alternates:

Present: Chairman Matthew Walton, Vice-Chairman Spack, Regular Member: George Pfaffenbach, and Alternate Member John Tuttle.

Absent: Vincent Jacobson, Margaret Jacobson and Robert Hines.

3. Legal Notice:

Staff read the September 14, 2020 Legal Notice into the record.

4. Approval of Minutes:

A. August 24, 2020 Special Meeting – Mr. Pfaffenbach made a motion to approve the August 24, 2020 Special Meeting minutes as written. The motion was seconded by Vice-Chairman Spack.

Vote: 4-0

5. Applications:

A. Application ZBA-20-008, Enrique & Brenda Diaz, 5 Poe Road, to reduce the front setback from 25' to 16' to remove unsafe patio and construct a 16' x 20' deck. Map 10A/Block 81/Lot 233. Rick Diaz presented. He explained that the existing concrete patio was deemed unsafe by his insurance company so he would like to remove it and replace it with a new 16' x 20' deck. The concrete patio is 14' with a rock wall around it making the entire area 16' therefore he is asking for a 16' deck with Trex flooring. Currently, the lot coverage is 32% with the house and existing concrete patio therefore a setback variance will help reduce the amount of coverage and reduce the amount of runoff going into the lake. A brief discussion followed about the inability to identify what the hardship is and what the reasonable use of the property is. Betsy Priest of 19 Hawthorne spoke in favor of the application. Mr. Tuttle made a motion to approve Application ZBA-20-008 because it will be trading in one non-conformity for another. The motion was seconded by Mr. Pfaffenbach. *Vote: 4-0*

B. Application ZBA-20-009, Rocco Nozzolini, 59 Waterhole Road, to reduce the side setback from 25' to 23' to construct a 17.1' x 25' addition with garage. Map 35/Block 95/Lot L-3. Rocco Nozzolini presented. He is proposing a one floor addition with a garage underneath (basement depth). He explained that the when the home was built, it was built 23' from the property line and not 28' as presented on the site plans. He is asking for the variance to build the addition in line with the house which is already over the setback line. There were no public comments. Mr. Tuttle made a motion to approve Application ZBA-20-009. Mr. Pfaffenbach seconded the motion. *Vote: 4-0*

C. Application ZBA-20-010, Spencer Killian, 15 Mark Twain Dr., to reduce the rear setback from 25' to 3.79' to place a 12' x 24' prebuilt shed. Map 10A/Block 81/Lot 103. Spencer Killian presented. He explained that there was a shed on the property in 1984 but the property lines were different at that time. The neighbors views will not be distracted with

the shed being placed where he would like. The new shed is the same size and in the same footprint as the old one. There is a swale between his property and the abutter that points to the lake so water runoff from the shed will go there and will be directed to the garden. There were no public comments.

Vice-Chairman Spack made a motion to approve Application ZBA-20-010 because the new shed will improve the look of the property, there was a shed there before and it will be used for storage. The motion was seconded by Mr. Tuttle. **Vote: 4-0**

6. **New Business:** Vice-Chairman Spack commented about the difficulty he has reading the handwriting on the applications and asked that staff provide clarity by typing it up or writing it out. He went on to say that the hardships provided by the applicants are not true hardships and that they need to be more specific. A lengthy discussion followed about the Zoning Board of Appeals prevue being the consideration of the hardship provided by the applicant and for the Commission to be consistent with the application and hardship approvals. Vice-Chairman Spack inquired about a property owner on Long Crossing that received a variance a few years ago to build a new home in the rear of the property and to remove the existing one by the road. The new home has been built but the existing one is still there. Mr. DeCarli provided a brief explanation of the status.
7. **Old Business:** None.
8. **Adjournment:** Mr. Tuttle made a motion to adjourn at 8:15 p.m. Mr. Pfaffenbach seconded the motion. The vote was unanimous in favor.

Respectfully Submitted,

Christine Castonguay
Recording Secretary