

**EAST HAMPTON ZONING BOARD OF APPEALS**  
**Regular Meeting**  
**October 21, 2019**  
**Town Hall Meeting Room**

<b>DRAFT MINUTES</b>
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1. **Call to Order:** Chairman Walton called the meeting to order at 7:00 pm.

2. **Seating of Alternates:**

Present: Chairman Matthew Walton, Vice-Chairman Spack, Regular Member: George Pfaffenbach, and Alternate Members: Margaret Jacobson, John Tuttle and Robert Hines.

Absent: Vincent Jacobson and Melinda Powell

Mr. Pfaffenbach made a motion to seat Alternates Bob Hines and John Tuttle. Vice-Chairman Spack seconded the motion. *Vote: 5-Yes; 0-No.*

3. **Legal Notice:**

Staff read the October 21, 2019 Legal Notice into the record.

4. **Approval of Minutes:**

- A. September 9, 2019 Regular Meeting – Mr. Pfaffenbach made a motion to approve the September 9, 2019 Regular meeting minutes as written. The motion was seconded by Vice-Chairman Spack.

*Vote: 5-Yes; 0-No*

5. **Applications:**

A. **Application ZBA-19-011, Keith LaBar, Jr. for Delia Sienna, 16 Hawthorne Rd.,** for a variance to reduce the side setback from 15' to 8' and reduce the front setback from 25' to 8' to construct a 12' x 15' carport over existing driveway. Map 10A/Block 81/Lot 6A. Keith LaBar, Jr. presented. He explained that the homeowner would like to build a carport over the existing driveway which will not add to the impervious surface. The structure will be 1 story tall with a 8'-10' deck with no stairs. He explained that the lot is an odd shaped lot and that they reviewed the site plan and tried to choose the most appropriate location to build. There was discussion about the discrepancies with the property lines on the plan that was submitted with the application as well as the location of the well. Delia Sienna (homeowner) explained where she believed the well to be. Mr. Robert Jones of 17 Wadsworth Rd. has lived in the area for many years and provided a history of the applicants property. He went on to explain where he believes the property lines to be as well as the location of the well. The members agreed that the site plan that was submitted was outdated (1979) and that the well location needs to be verified before moving forward. Mr. Pfaffenbach made a motion to continue the application to the next regularly scheduled meeting on November 18<sup>th</sup> and requested that the applicant submit an updated survey and provide verification of the well location. The motion was seconded by Mr. Tuttle. *Vote: 5-Yes; 0-No*

B. **Application ZBA-19-012, Randall and Diane Rushin, 43 Smith Street,** for a variance to reduce the side setback from 25' to 8' to construct a 26' x 24' 2 car garage with a 9' x 20' addition and a lot coverage increase from 10% to 14%. Map 06A/Block 57/Lot 8A-2. Mr. Rushin presented. He explained that he wants to build a 2 car garage over existing driveway. The application he submitted states that the hardship is that the lot is non-conforming. He went on to explain why he feels that his lot is non-conforming: because the house is not square with the property line and that it is narrow in the front and wider in the rear. Vice-Chairman Spack stated that the property conforms and explained what non-conforming means. He also stated that there is a distance requirement between the proposed structure and the well which Mr. Rushin did not feel that the garage location would have any effect on the well. Stacy Marino of 41 Smith Street submitted a letter of opposition (the letter will be filed with the minutes). Mr. Tuttle stated that he felt that the concerns expressed in the letter carried a lot of weight. Vice-Chairman Spack stated that Mrs. Marino had valid concerns and asked if the applicant would consider narrowing the size of the garage because it is close to the property line. Mr. Rushin stated that the grade of the property will not allow access to the garage if the location or size is changed. Stacy Marino was present and explained that there is 25' from the side of her garage to the property line which is already close and she provided the Commission members with a photo. Mr. Pfaffenbach made a motion to approve the application because it will be an improvement to the property and the abutters property. Mr. Hines seconded the motion. Mr. Tuttle stated that in his opinion, the application should not be approved because the lot is conforming therefore there is no hardship. Mr. Pfaffenbach made a motion to withdraw the previous motion. Mr. Hines seconded the motion. *(5-0)*

Mr. Tuttle made a motion to continue the application to the next regularly scheduled meeting on November 18<sup>th</sup> and requested that the applicant submit a re-revised application with a new hardship. Mr. Pfaffenbach seconded the motion. *Vote: 5-Yes; 0-No.*

**6. New Business:** None

**7. Old Business:** None.

**8. Adjournment:** Mr. Pfaffenbach made a motion to adjourn at 8:10 p.m., seconded by Mr. Tuttle. The vote was unanimous in favor.

Respectfully Submitted,

Christine Castonguay  
Recording Secretary