

**EAST HAMPTON ZONING BOARD OF APPEALS**  
**Regular Meeting**  
**December 13, 2021**

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

**2. Seating of Alternates:**

Present: Vice-Chairman Spack, Regular Members: George Pfaffenbach, Bob Hines, John Tuttle, George Coshow as well as Zoning Official Jeremy DeCarli.

Absent: Margaret Jacobson, Kevin Reed and Sal Nucifora

Mr. Pfaffenbach made a motion to seat Mr. Coshow and Mr. Hines. The motion was seconded by Vice-

Chairman Spack. *Vote: 4-0*

**3. Legal Notice:**

Staff read the December 13, 2021 Legal Notice into the record.

**4. Approval of Minutes:**

**A. August 9, 2021 Regular Meeting** – Mr. Pfaffenbach made a motion to approve the October 18, 2021 meeting minutes as written. The motion was seconded by Vice-Chairman Spack.

*Vote: 4-0-1 (Coshow)*

**5. Public Hearings:**

**A. A. Application ZBA-21-012: Donna & Ed Wells, 13 Navajo Trail** for a Variance to reduce the east side yard setback from 15' to 5' to construct an addition to the existing dwelling. Map 09A/ Block 74/ Lot 174. Donna and Ed Wells of 13 Navajo Trail presented. Mrs. Wells presented proposed plans for a two-story addition to the rear of an existing home. Mrs. Wells stated their house does not currently meet zoning side set back requirements of 15 feet. The current home has a side setback of 4.5' and 4.57' and the proposed addition side setbacks would be 5'. Vice-Chairman Spack asked what is included in the addition. Mrs. Wells stated the original plan consisted of two bedrooms on the ground level but that would consume the building lot coverage. Mrs. Wells explained they decided to put one bedroom on ground level and one on the upper level. Mr. Coshow asked when the property was purchased. Mrs. Wells stated the property was purchased in 2017, and they had a residence in Wallingford they lived in full time and on the weekends would live at this property. Mrs. Wells stated they are thinking about retirement so they sold their Wallingford home and now live fulltime at this property. Mr. Tuttle stated he read the hardship and does not believe it is a hardship under ZBA and is concerned with setting a precedent if approved with the hardship submitted. Vice-Chairman Spack asked what modernizations are needed in the home. Mrs. Wells explained they were not going to pursue modernization inside the current house at this time but explained what needed to be done: the floors need leveling inside, there is no dishwasher, bathroom is too small, the washer is in the bathroom and the dryer is in the garage, the second bedroom is too small for a twin bed so it is used as a pantry. Mrs. Wells stated proposed plans to put in a two-bedroom addition and future phases to modernize the inside the house. For example, she has a galley kitchen and has no kitchen table and would like to take existing bedroom and turn that into dining room. Mrs. Wells wants to bring the house up to code to be

a livable for a retirement home. Mr. Pfaffenbach believes the lot is a pre-existing condition and they should not make the lot more non-conforming but he states if it does not affect the neighbors he sees the need for the proposed plans. Mr. Pfaffenbach stated the cottages built in the 1940's were built as summer cabins and were not lived in year around until the sewer system was in place. Mr. Tuttle expressed concern with setting a precedent as when you buy a lot in certain areas they have limitations. Mr. Wells explained taxes would go up and Mr. Tuttle replied the commission follows strict rules and they do not consider taxes. Mr. and Mrs. Wells explained zoning rules are different in Wallingford and did not know East Hampton's zoning regulations. Mr. and Mrs. Wells stated they would like to improve their property, believe they will increase their property value and their neighbors do not have a problem. Mr. Pfaffenbach stated he believes their proposed plan will upgrade their neighborhood and asked Mr. DeCarli if anyone in that neighborhood has renovated and had variances in that area. Mr. DeCarli believes there have been some. Commission Members discussed the neighborhood and hardship requirements for the ZBA. Mrs. Wells asked Commission Members to provide an example of a variance that has been approved that met hardship they are talking about. Mr. Tuttle and Vice-Chairman Spack provided examples of approved variances. Mr. Tuttle stated he would consider proposed plans of a second floor rather than expanding foot print, added lot coverage or distance to the property line. Vice-Chairman Spack asked if they had a contractor that assisted them. Mrs. Wells replied they had a designer construct plans and worked with a surveyor. Mr. Coshow asked if their designer was aware of the setback requirements and believed the addition could be moved to west side of the house. Mrs. Wells explained they did not plan to put addition to the west because of an existing patio, the financial cost and more invasive. Mr. Wells stated he believes it would not look aesthetically pleasing to the neighborhood for second floor. Vice-Chairman Spack asked if there were any public comments. Daniel Conseza of 11 Navajo Trail spoke in favor of the application as he believes it is a cost-effective plan compared to other options and would improve the neighborhood. Gene Claudfeltor stated he believes adding it would not be aesthetically pleasing to add a second floor versus adding addition to back and wanted to know if board is considering the water run-off in the neighborhood. Mr. Claudfeltor believes the applicants plans will make their property more useable. Vice-Chairman Spack stated their Commission does not have oversight on the water run-off and to reach out to public works. Commission Members discussed water run-off and max lot coverage. Carol Casaveri of 16 Lake Blvd. stated that she noticed homes around the neighborhood had additions and was curious why this application hardship was not being considered. Mr. Tuttle explained in his opinion the hardship in this application does not meet ZBA guidelines. Mr. Wells had a discussion stating he believes the proposed plan is a simple plan and feels he is getting a bad impression and did not know the zoning requirements for the town. Vice-Chairman Spack stated the commission is not against the applicant and stated he understands what the applicant wants but the Commission is enforcing ZBA guidelines. Mr. Pfaffenbach stated again he was in favor of the application as it would improve the property. Mr. Pfaffenbach made a motion to approve the application. The motion was seconded by Mr. Hines. **Vote: 2-3**

6. **New Business: Approval of 2022 Meeting Dates** Mr. Pfaffenbach made a motion to approve the meeting schedule as presented. Mr. Hines seconded the motion. **Vote: 5-0** A general discussion regarding hardship took place with Commission Members.
7. **Old Business:** None
8. **Adjournment:** Mr. Coshow made a motion to the adjourn the meeting at 7:54pm. Vice-Chairman Spack seconded. **Vote: 5-0**

Respectfully Submitted,

*Cheryl Guiliano*

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Recording Secretary