

EAST HAMPTON ZONING BOARD OF APPEALS
Regular Meeting
November 18, 2019
Town Hall Meeting Room

MINUTES

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: John Tuttle and Robert Hines.

Absent: Vincent Jacobson, Margaret 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 November 18, 2019 Legal Notice into the record.

4. **Approval of Minutes:**

A. October 21, 2019 Regular Meeting – Mr. Pfaffenbach made a motion to approve the 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 with deck above. Map 10A/Block 81/Lot 6A.

B. Application ZBA-19-013, Paul Catalano, 49 Bay Rd., for a variance to reduce the side setback from 15' to 12' 11" to build a single family home on existing footprint with a 24' x 13' 4" addition. Map 9A/Block 70/Lot 33.

The applicant for Agenda 5A was not present when the application was opened therefore Mr. Pfaffenbach made a motion to revise the agenda as follows: move Agenda Item #5B to 5A and 5A to 5B. The motion was seconded by Mr. Tuttle. Vote: 5-0

Approved revised order of agenda items below:

A. Application ZBA-19-013, Paul Catalano, 49 Bay Rd., for a variance to reduce the side setback from 15' to 12' 11" to build a single family home on existing footprint with a 24' x 13' 4" addition. Map 9A/Block 70/Lot 33. Mr. Catalano of 33 Spellman Point Road stated that the project was previously approved and that the work stopped on August 12, 2019 because the foundation was off by approximately 3' and it was placed square to the existing house; not askew as previously approved which caused the addition to be in the required setback area. Mr. Catalano is asking for the side setback reduction so that he can sell the property with the project approved for the new owner to be able to move forward with construction as opposed to removing what is there and creating potential issues with it being so close to the lake. Chairman Walton asked for public comments at this time. There were none. Mr. Catalano submitted 3 letters of support from abutters (the letters will be submitted with the minutes). Mr. Pfaffenbach made a motion to approve the variance for ZBA-19-013, Paul Catalano, 49 Bay Rd., for a variance to reduce the side setback from 15' to 12' 11" to build a single family home on existing footprint with a 24' x 13' 4" addition Map 9A/Block 70/Lot 33 because it reduces further stress to the waterfront. The motion was seconded by Mr. Tuttle. **Vote: 5-0**

B. 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 with deck above. Map 10A/Block 81/Lot 6A. Ms. Sienna presented a site plan with the location of the well. The well was found 12' from the foundation and 16' from the corner of the house. Per Ms.Sienna, Steve Knauf, R.S. from Chatham Health District stated there are no distance requirements or conditions for the well in relation to carport because there are no footing drains. The carport will have no walls and the deck will be accessed by upstairs master bedroom only with a cable or baluster railing for the deck. There will also be no extra water runoff from the carport roof because it will be diverted away from the driveway onto the grass and is being built atop an existing asphalt driveway. Chairman Walton asked for public comments at this time. Robert Jones of 17 Wordsworth Road opposed the application because it may hinder his view. Patricia Holmes from Brookhaven Park Association submitted a list of concerns and reasons why they are opposing the application. Jean Peterman of 7 and 11 Hawthorne Rd. opposed the

application because of the lack of hardship and she submitted a letter of opposition as well as pictures. Tom Murray of 43 Hog Hill Rd. supported the application. Linda Jones of 17 Wordsworth opposed the application because of view obstruction. At this time, the Commission members discussed their thoughts and opinions as to why they were for or against the application.

Mr. Tuttle made a motion to approve 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 with a deck above Map 10A/Block 81/Lot 6A – approval of carport without the deck. Mr. Hines seconded the motion.

Vote: 2-Yes (Mr. Tuttle and Mr. Hines) 3-No (Chairman Walton, Vice-Chairman Spack and Mr. Pfaffenbach). The vote did not pass.

Mr. Pfaffenbach made a motion to approve 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 over existing driveway with a deck above Map 10A/Block 81/Lot 6A as presented and to include the requested deck. Vice-Chairman Spack seconded the motion with the condition that the carport be left as open sided. Chairman Walton amended the motion to add gutters and to have the water diverted and deposited to the backyard. Vice-Chairman Spack seconded the motion with the additional conditions and amendments. ***Vote: 3-Yes (Chairman Walton, Vice-Chairman Spack and Mr. Pfaffenbach) 2-No (Mr. Tuttle and Mr. Hines). The vote did not pass.***

Mr. Tuttle made a motion to accept Application ZBA-19-011 for the carport only; no deck and with the following conditions: that the carport structure be open sided and runoff must be diverted into the grass.

Mr. Hines seconded the motion. ***Vote: 2-Yes (Mr. Tuttle and Mr. Hines) 3-No (Chairman Walton, Vice-Chairman Spack and Mr. Pfaffenbach). The vote did not pass.***

Mr. Pfaffenbach made a motion to accept Application ZBA-19-011 as presented, 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 with deck above- Map 10A/Block 81/Lot 6A. Vice-Chairman Spack seconded the motion.

Vote: 4-Yes; 1-No (Mr. Tuttle). The motion passed.

6. New Business:

- A. Adoption of 2020 Meeting Dates: Mr. Tuttle made a motion to adopt the 2020 Meeting Dates as presented. The motion was seconded by Mr. Pfaffenbach. ***Vote: 5-Yes; 0-No.***

7. Old Business: None.

- 8. Adjournment:** Mr. Tuttle made a motion to adjourn at 8:21 p.m., seconded by Vice-Chairman Spack. The vote was unanimous in favor.

Respectfully Submitted,

Christine Castonguay
Recording Secretary