

EAST HAMPTON ZONING BOARD OF APPEALS
Regular Meeting
March 14, 2022

MINUTES

1. Call to Order: Mr. Tuttle called the meeting to order at 7:02 pm.

2. Seating of Alternates:

Present: Chairman Spack, Vice-Chairman Reed, Regular Members: Margaret Jacobson George Pfaffenbach, John Tuttle, Alternates: Bradford Cillizza and Bob Hines, as well as Zoning Official Jeremy DeCarli.
Absent: George Coshow

3. Election of Officers:

Mr. Tuttle nominated Mr. Spack as Chairman. Mrs. Jacobson seconded the motion. *Vote: 5-0*
Mr. Tuttle nominated Mr. Reed as Vice-Chairman. Mr. Pfaffenbach seconded the motion. *Vote: 5-0*

4. Legal Notice: Staff read the March 14, 2022 Legal Notice into the record

5. Approval of Minutes:

A. December 13, 2021 Regular Meeting – Mr. Tuttle made a motion to approve the December 13, 2021 meeting minutes as written. The motion was seconded by Mr. Pfaffenbach.
Vote: 5-0

6. Public Hearings:

A. Application ZBA-22-001: Twenty High, LLC, 20 East High, for a Variance to increase lot coverage from 75.5% to 85% in C Zone – Map 05A/Block 62/Lot 5A. Wayne Rand, Managing Member presented. Mr. Rand explained the old Town Hall is 12,000 SF and is under parked with only 30 parking spaces. Mr. Rand proposes increasing parking to 56 spaces by removing the old building department. Mr. Rand explained the Fire Marshal requested a 20 ft. access around the building for fire protection. Mr. Rand discussed proposed plans on the site plan. Chairman Spack asked if there were any public comments. There were no public comments. Mr. Pfaffenbach made a motion to approve Application ZBA-22-001: Twenty High, LLC, 20 East High, for a Variance to increase lot coverage from 75.5% to 85% in C Zone – Map 05A/Block 62/Lot 5A. The motion was seconded by Mrs. Jacobson.
Vote: 5-0

7. New Business:

A. Application ZBA-22-002: Atlantis Marketing, 1 Colchester Ave., 5 Colchester Ave., and 157 Main St., for a variance to increase lot coverage from 30.4% to 36.9% and reconstruction and expansion of legal non-conforming uses in the R-2 Map 7A/Block 56/ Lots 22, 21, 24. Attorney Jezek presented on behalf of the applicants. Attorney Jezek explained they have filed an application for two variances at the property known as the Foodbag at the intersection of Route 16 and Main St. Attorney Jezek explained his clients own three properties at that location: a convenience store & service station at the corner, east on Route 16 is a small ranch house, north

on main street has a brick building also known as the Strong House and a multifamily residential structure. Attorney Jezek discussed graph calculations on the site plan for coverages of the three properties. Attorney Jezek explained if variances are approved it would require applicants to go back to the Planning and Zoning Commission with a specific and detailed site plan. Attorney Jezek explained to Commission Members the existing site and proposed concept plans. Mr. Tuttle asked what the plans are for the historic Strong House. Attorney Jezek explained the building itself is only identified as a historic structure with respect to the entire neighborhood and further explained they had offered anyone to move the Strong House from the site and offered any entity to use it as it sits. Attorney Jezek explained a new plan has been designed around the structure and noted the building to the north of the property will remain. Attorney Jezek offered to the Commission to conduct a site walk similar to one the Planning and Zoning Commission did. Attorney Jezek stated the site has been a service station since at least WW2 and when East Hampton adopted its zoning regulations that intersection was identified as a commercial zone. Attorney Jezek explained when sewers came to town there were changes to density requirements of different zones and the property was changed from commercial to residential and noted that Section 8.2.H of zoning regulations allows the service station to continue. Mr. Tuttle asked when the two abutting properties were purchased. Attorney Jezek replied he did not know exact dates but will find out for next meeting. Commission Members briefly discussed proposed site changes. Mr. DeCarli explained he asked Town Attorney, Rich Carella to provide a basic summary regarding the variances because this is a nonstandard variance requested. Chairman Spack asked for clarification on the current zone. Mr. DeCarli replied it is currently zoned R2 Residential single-family zone and is a legal non-conforming use. Attorney Carella discussed the basis for approving variances on hardship or reduction of non-conformities. Attorney Jezek asked if Attorney Carella could explain his reasoning of canvassing of Commission Members. Attorney Carella discussed that Commission Members need to independently without bias decide on an application. Mr. Tuttle stated the Strong House roof is compromised if the Commission approves application can they approve a condition to replace roof. Attorney Carella replied he did not believe that condition could be placed and would have to be a condition of approval of a site plan or special exception only. Mr. Tuttle made a motion to set a Public Hearing for April 11, 2022 for Application ZBA-22-002: Atlantis Marketing, 1 Colchester Ave., 5 Colchester Ave., and 157 Main St. The motion was seconded by Mr. Reed. **Vote: 5-0**

B. Review of By-Laws: Commission Members briefly discussed By-laws and tabled the discussion to the next regularly scheduled meeting April 11, 2022.

8. Old Business: None

9. Adjournment: Mr. Tuttle made a motion to the adjourn the meeting at 7:42pm. Mr. Pfaffenbach Seconded the motion. **Vote: 5-0**

Respectfully Submitted,



Cheryl Guiliano
Recording Secretary