

EAST HAMPTON ZONING BOARD OF APPEALS
Regular Meeting
April 10, 2023

MINUTES

1. Call to Order: Chairman Spack called the meeting to order at 7:00 pm.

2. Seating of Alternates: Present: Chairman Spack, Vice-Chairman Reed Regular Members: John Tuttle, George Pfaffenbach, Margaret Jacobson, Alternates: Robert Hines, Bradford Cillizza, Cathy Ann Clark As well as: Zoning Official Jeremy DeCarli. Absent: None.

3. Legal Notice:

4. Approval of Minutes:

A. December 12, 2022 Regular Meeting. Mr. Tuttle made a motion to approve minutes as written. The motion was seconded by Ms. Jacobson. *Vote: 5-0*

B. March 13, 2023 Regular Meeting. Mr. Tuttle made a motion to approve minutes as written. The motion was seconded by Ms. Jacobson. *Vote: 5-0*

5. Public Hearings:

A. ZBA-23-001: Tommaso Prozano, 12 Terp Road, Reduce front setback from 50' to 15' and west side setback from 25' to 16.75' for Garage, Map 06/ Block 14/ Lot 5/6. Mr. DeCarli read letter to the Commission from the property owner. Mr. DeCarli explained he received a complaint about construction of a garage without permits. Mr. DeCarli noted work was stopped once violation letter was received by owner. Mr. DeCarli explained the 30' x 48' garage is encroaching on two setbacks. Chairman Spack asked when construction began and Mr. DeCarli provided timeline. Mr. Tuttle asked if approval were received for prior dog kennels. Mr. DeCarli replied he believed previous Town Staff had a meeting on site regarding kennels. Mr. DeCarli explained he did not have record of the kennel structure. Mr. Tuttle asked if large barn is still on the property in front of the house. Mr. DeCarli replied there is a permitted barn in the front of the house and did not know why it is not on map but does conform with setbacks. Mr. Tuttle asked if coverage was an issue and Mr. DeCarli replied there is no coverage issue. Vice-Chairman Reed asked if garage was built on concrete pad. Mr. DeCarli replied he believes new concrete pad was poured. Mr. Tuttle asked if garage had building code issues. Mr. DeCarli explained the Building Official is concerned with concrete slab thickness under structure. Vice-Chairman Tuttle asked if the property owner was willing to move the garage. Mr. DeCarli replied the owner is willing to do what is necessary. Mr. DeCarli noted he issued a cease and desist. Mr. Pfaffenbach asked what the hardship was and Mr. Tuttle replied the garage is already built. Mr. Pfaffenbach asked if neighbors were notified. Mr. DeCarli replied yes and two neighbors submitted a letter. Chairman Spack asked for public comments. Doreen Nablo, 43 Bay Road, expressed concern with hardship. Mr. Pfaffenbach asked how far along the project was and did a licensed contractor complete the work. Mr. DeCarli explained walls and roof are up and work was completed by a license contractor. Mr. Tuttle asked if permits were applied for and Mr. DeCarli replied no. Mr. Tuttle expressed concern with work without permits. Vice-Chairman Reed asked how long an applicant has to wait to apply again for variance if denied. Mr. DeCarli replied the applicant would need to wait one year and the Commission has the option to continue application and request the applicant attend meeting. Commission Members briefly discussed garage location. Mr. Pfaffenbach made a motion to deny ZBA-23-001: Tommaso Prozano, 12 Terp Road, Reduce front setback from 50' to 15' and west

side setback from 25' to 16.75' for Garage, Map 06/ Block 14/ Lot 5/6 for lack of hardship. The motion was seconded by Mr. Tuttle. *Vote: 5-0*

B. ZBA-23-002: Gunnar Anderson, 86 Spellman Point Road, Reduce front setback from 25' to 5.0', south side setback from 15' to 7.2', north side setback from 15' to 7' and rear setback from 25' to 7.9' for single family residence with garage, Map 09A/ Block 70/ Lot 1. Gunnar Anderson, 86 Spellman Point Road, presented proposed plan to demolish and rebuild house. Mr. Anderson explained his spouse uses a wheelchair and will need ADA complaint access and noted proposed plans. Eric Anderson further explained hardship due to dimension of lot and reasonable accommodation for ADA. Mr. Tuttle asked how long Mr. Anderson owned the home. Mr. Anderson replied his grandfather built it in 1928. Eric Anderson noted they are reducing nonpermeable surface from 42.5% to 39.5%. Mr. Tuttle asked for lot coverage. Mr. DeCarli replied the current coverage is 42.4% and proposed is 39.4%. Mr. DeCarli explained they are using permeable pavers and other measures to lower coverage. Eric Anderson explained changes to remove asphalt driveway to replace with permeable pavers and moving proposed home further away from lake. Commission Members briefly discussed lot size. Mr. Tuttle asked for additional information on ADA regulations. Mr. DeCarli discussed ADA accessibility as a reason to issue a variance and noted caselaw. Eric Anderson explained proposed deck, bathroom and garage were designed to be ADA compliant. Chairman Spack asked for public comments. Doreen Nablo, 84 Spellman Point Road, spoke in opposition and read a letter into the record. Eric Anderson noted 84 Spellman Point Road is used as a rental and not primary residence, believes proposed changes could bring in additional natural lighting and noted right to demolish and rebuild to exact footprint. Bob Yenknor, 83 Spellman Point Road, spoke in favor of application. Mr. Tuttle asked if shed will be removed and Mr. Anderson replied yes. Mr. Tuttle asked for current setbacks and Mr. DeCarli provided setbacks. Commission Members briefly discussed current and proposed setbacks. Eric Anderson noted proposed rain infiltration galleys. Chairman Spack asked if neighbors were notified and signage was verified. David Bengston, 82 Spellman Point Road, spoke in favor of the application. Charles Brock, 81 Spellman Point Road, spoke in favor of the application.

Mr. Pfaffenbach made a motion to approve Application ZBA-23-002: Gunnar Anderson, 86 Spellman Point Road, Reduce front setback from 25' to 5.0', south side setback from 15' to 7.2', north side setback from 15' to 7' and rear setback from 25' to 7.9' for single family residence with garage, Map 09A/ Block 70/ Lot 1. The motion was seconded by Mr. Tuttle. *Vote: 5-0*

C. ZBA-23-003: Global Self Storage, 1 Sinco Place, Reduce front setback for Lot 1 from 25' to 7.5' and rear setback from 50' to 10', increase lot coverage from 50% to 54.5% and Lot 2 reduce rear setback from 50' to 7.5', Map 6/ Block 14/ Lot 2007. Wayne Rand, representing Global Self Storage, presented proposed plans. Mr. Rand explained the daycare at the location is closed and a new tenant named MetriCal Laboratories will move into location. Mr. Rand explained previous setback variances on entire site. Mr. Rand explained new lot lines, proposed setbacks and lot coverages. Mr. Rand noted it will not increase square footage and noted wetlands. Joe Christian, Owner of MetriCal Laboratories, explained he has operated out of another building at 1 Sinco Place and briefly discussed his business. Mr. Christian explained this building is larger and Mr. Rand offered him the opportunity to purchase the building. Chairman Spack asked if neighbors were notified and signage. Mr. DeCarli replied the neighbors were informed. Mr. Tuttle asked if wetlands on site count as lot coverage. Mr. DeCarli briefly discussed coverage. Mr. Tuttle asked for parking space information. Mr. Rand provided parking location, four new parking and shared parking. Mr. Tuttle asked if new road is proposed. Mr. DeCarli noted PZC approval for an access entrance and noted on plans parking spaces. Mr. Tuttle asked if second story will be built. Mr. Christian briefly discussed reconstruction plan. Commission Members briefly discussed hardship. Chairman Spack asked if property is industrial zone and Mr. DeCarli replied yes and further explained proposed setbacks. Mr. DeCarli explained there is no structural changes, no pavement and further discussed proposed lot line revisions. Chairman Spack asked for public comments. There were no public comments. Mr. Pfaffenbach made a motion to approve Application ZBA-23-003: Global Self Storage, 1

Sinco Place, Reduce front setback for Lot 1 from 25' to 7.5' and rear setback from 50' to 10', increase lot coverage from 50% to 54.5% and Lot 2 reduce rear setback from 50' to 7.5', Map 6/ Block 14/ Lot 2007. The motion was seconded by Ms. Jacobson.

6. New Business:

A. Annual Review of Bylaws. Commission Members briefly discussed Bylaws and agreed to remove this item from the next agenda.

7. Old Business: None

8. Adjournment: Mr. Tuttle made a motion to adjourn the meeting at 7:56 pm. Vice-Chairman Reed seconded the motion. *Vote: 5-0*

Respectfully Submitted,



Cheryl Guiliano
Recording Secretary