

**EAST HAMPTON ZONING BOARD OF APPEALS**  
**Regular Meeting**  
**May 13, 2019**  
**Town Hall Meeting Room**

<b>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: Vincent Jacobson, George Pfaffenbach and Alternate Member: Margaret Jacobson.

Absent: Melinda Powell, Robert Hines and John Tuttle.

Mr. Pfaffenbach made a motion to seat Alternate Margaret Jacobson. The motion was unanimous in favor. ***Vote: 5-Yes; 0-No.***

**3. Legal Notice:**

Staff read the May 13, 2019 Legal Notice into the record.

**4. Approval of Minutes:**

- A.** April 8, 2019 Regular Meeting – Mr. Pfaffenbach made a motion to approve the April 8, 2019 minutes as written. The motion was seconded by Ms. Jacobson. ***Vote: 5-Yes; 0-No.***  
***The motion passed.***

**5. Applications:**

- A. Application ZBA-19-004, William Bengtson, 151 Bear Swamp Rd.,** for a variance to decrease the front setback from 50' to 13' to build a 30' x 50' garage. Map26/Block 85/Lot 1A-10. Mr. Bengtson stated that he is asking for a variance to decrease the front setback from 50' to 13' because that is the only area where he can build. There are wetlands, grade issues and septic leaching fields that prohibit him from building in those areas. Mr. Pfaffenbach stated that he saw the property and that he agrees with the topography issues and that the lot is restrictive. Mr. Bengtson stated that he will be adding gutters and a swale to divert any water runoff from the garage roof into the ground. Chairman Walton asked if there were any public comments at this time. There were none. Mr. Pfaffenbach made a motion to approve Application ZBA-19-004, William Bengtson, 151 Bear Swamp Rd., for a variance to decrease the front setback from 50' to 13' to build a 30' x 50' garage Map26/Block 85/Lot 1A-10 based on the hardships of the lot. Vice-Chairman Spack seconded the motion.  
***Vote: 5-Yes; 0-No. The motion passed.***

- B. Application ZBA-19-005, Michael & Nicole M. Rall, 76 Spellman Point Rd.,** for a variance to decrease the side setback from 15' to 9.2' to construct a 10' x 24' enclosed front porch and a 10' x 24' rear deck. Map 09A/Block 70/Lot 6. Mr. Rall explained that he is asking for a variance to decrease the side setback because of the parcel size, shape and layout which are peculiar and would not allow him to build an enclosed porch or rear deck. He added that the boundary lines are irregular as well. Chairman Walton asked if there were any public comments at this time. There were none. Ms. Jacobson made a motion to approve Application ZBA-19-005, Michael & Nicole M. Rall, 76 Spellman Point Rd., for a variance to decrease the side setback from 15' to 9.2' to construct a 10' x 24' enclosed front porch and a 10' x 24' rear deck. Map 09A/Block 70/Lot 6. The motion was seconded by Mr. Pfaffenbach.  
***Vote: 5-Yes; 0-No. The motion passed.***

- C. Application ZBA-19-006, Kevin Neary, 28 Hyde Farm Road,** for a variance to reduce the front setback from 25' to 18' to construct a new home. Map 02A/Block 48/Lot 1A-9. Commission member Mr. Pfaffenbach stated that he is an abutter to this property but

that he can provide a non-biased judgment of the application. Chairman Walton read aloud the “conflict of interest” section of the ZBA Bylaws and asked for comments or opinions from the other Commission members. Chairman Walton made a motion to have Mr. Pfaffenbach remain on the Commission for the hearing of Application IW-19-006. Ms. Jacobson seconded the motion. The vote was unanimous in favor.

Mr. Neary explained that only 13% of his property is buildable due to the restrictions of the land such as a conservation easement and the shape of the lot which is triangular. He wants to build a new home with a garage and construct a pool and deck in the future. Vice-Chairman Spack commented that the regulations state that he can build up to the conservation easement therefore in his opinion, he does not have a true hardship. Chairman Walton suggested rotating the proposed design so it’s perpendicular to the conservation line thereby giving him more land on the south side. Mr. Neary stated that if the design is altered as Chairman Walton suggested then the location of the pool will be in the shade. Chairman Walton stated that it appears to him that the proposed house was designed with the idea that the variance was already approved and the hardship is self-inflicted. Chairman Walton asked for public comments at this time. There were none. Chairman Walton asked the applicant if he would like to continue the application thereby giving him more time to alter the site plan (changing the location of proposed house).

The applicant did not want to continue the application and asked the Commission to vote.

Vice-Chairman Spack made a motion to deny Application ZBA-19-006, Kevin Neary, 28 Hyde Farm Road, for a variance to reduce the front setback from 25’ to 18’ to construct a new home. Map 02A/Block 48/Lot 1A-9 due to the fact that each property in that development was designed and approved to build within the setbacks and that the hardship presented is not accepted. Mr. Jacobson seconded the motion. Vice-Chairman Spack rescinded his motion and made a new motion to accept Application ZBA-19-006, Kevin Neary, 28 Hyde Farm Road, for a variance to reduce the front setback from 25’ to 18’ to construct a new home.

Map 02A/Block 48/Lot 1A-9. The motion was seconded by Ms. Jacobson. ***Vote: 0-Yes; 5-No. The motion was denied.***

**6. New Business:** None.

**7. Old Business:** None.

**8. Adjournment:** Ms. Jacobson made a motion to adjourn at 8:02 p.m., seconded by Mr. Pfaffenbach. The vote was unanimous in favor.

Respectfully Submitted,

Christine Castonguay  
Recording Secretary