

EAST HAMPTON ZONING BOARD OF APPEALS
Regular Meeting
May 8, 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 and George Pfaffenbach. Alternates: Robert Hines and Cathy Ann Clark As well as: Zoning Official Jeremy DeCarli. Absent: Margaret Jacobson and Bradford Cillizza. Chairman Spack seated Mr. Hines.

3. Legal Notice: Staff read the May 8, 2023 Legal Notice into the record.

4. Approval of Minutes:

A. April 10, 2023 Regular Meeting. Vice-Chairman Reed made a motion to approve minutes as written. The motion was seconded by Mr. Pfaffenbach. **Vote: 5-0**

5. Public Hearings:

A. ZBA-23-004: James Bansemer, 15 Tennyson Rd., Increase lot coverage from 20% to 39.3% for construction of a concrete driveway. Map 10A/ Block 81/ Lot 64. *This item was tabled to the next regularly scheduled meeting on June 12, 2023 due to errors in the required notification and the lack of presence by the applicant.*

B. ZBA-23-005: James Marino, 65 West High St., Reduce side setback from 25' to 10' for construction of a new residential duplex and associated improvements. Map 19/ Block 46/ Lot 14. Mark Reynolds, Professional Engineer, 63 Norwich Avenue, Colchester explained proposed plans for a duplex and are asking for variance at the request of IWWA due to wetlands. Mr. Reynolds noted wetlands on the property and provided septic location. Mr. Reynolds explained the current proposed location would be the least impactful to the wetlands. Mr. Reynolds explained the lot is undersized for the zone, has considerable wetlands, discussed topography, and stated there is one suitable location for septic system. Chairman Spack asked for wetlands locations. Mr. DeCarli and Mr. Reynolds discussed wetlands location and previous proposed duplex location. Vice-Chairman Reed asked what the distance is from the proposed duplex to the neighbor. Mr. Reynolds replied there is no direct neighbor. Commission Members briefly discussed abutting properties. Chairman Spack asked for IWWA feedback. Mr. DeCarli replied an application has been discussed at IWWA and the Commission did request the applicant request variance to move the duplex further from the wetlands. Mr. Pfaffenbach asked for dimensions of the duplex and Mr. Reynolds replied 32' x 50'. Mr. Pfaffenbach asked for dimension for a single-family home. Mr. Reynolds replied he has designed many single-family homes with the same dimensions. Mr. Pfaffenbach asked if a single-family home could be smaller than what is proposed and Mr. Reynolds replied yes. Mr. Pfaffenbach expressed concern with the size of the duplex. Mr. Reynolds replied the duplex is a permitted use in the zone. Mr. Reynolds stated he believes IWWA would want any structure moved further away from the wetlands. Mr. Pfaffenbach stated if the structure was a single-family home the size could be reduced from a duplex and further away from the side setback. Chairman Spack noted issue with proposed duplex orientation. Mr. Reynolds explained the proposed orientation is due to wetlands location, distance requirements for leaching fields and radius is required for any structure. Chairman Spack stated if structure was a single family the leaching fields would be smaller. Mr. Reynolds replied it would a fraction smaller and the current plan is for a four bedroom duplex and a single family, four-bedroom

house would have same septic size. Chairman Spack asked if he built a single-family home to fit that parcel how big would it be and how many rooms. Mr. Reynolds briefly discussed dimensions of duplex and previous proposed duplex location. Mr. Pfaffenbach asked if lot is nonconforming due to size. Mr. Reynolds replied it is existing nonconforming. Mr. DeCarli briefly discussed the zones minimum lot size. Chairman Spack asked if there were any public comments. Patrick Connors, 10 Whittier Road, asked what the different colors on presented map indicated and expressed concern with the wetlands. Mr. DeCarli clarified map presented. Frank Magnotta, Portland, expressed concern with wetlands and asked why didn't the applicant approach abutters to possibly obtain land as it would eliminate the need for a variance. Mr. Magnotta expressed concern with not receiving Chatham Health Department approval for proposed septic system and lack of perc testing. Mr. Magnotta noted discrepancies with report that is in application written by a soil scientist. Mr. Reynolds explained an application is under review by IWWA. Mr. Pfaffenbach asked how the lot could be approved without perc testing. Mr. DeCarli replied it is a legal nonconforming lot, it needs to be perc tested, it cannot receive a building permits until all approvals are received and briefly explained approval process. Commission Members briefly discussed perc testing and reasonable use of land. (*Audio was temporarily unavailable for one minute.*) Commission Members discussed dimensions of the proposed duplex, wetlands impact, and hardship. Mr. Reynolds briefly discussed lot size and setback variance would be required for a duplex or single-family home and septic location. Commission Members expressed concern with size of proposed duplex. Mr. Magnotta discussed previous perc testing noted on survey. Chairman Spack asked what happens if application is denied. MR. DeCarli explained a new application that is substantially different would not have to wait a year. Chairman Spack asked if they would like to table the application. Mr. Reynolds replied no and proposed plans represents his opinion of how the site layout could be. Mr. Paffenbach stated he could change from a duplex to a single-family. Mr. Pfaffenbach made a motion to deny application ZBA-23-005: James Marino, 65 West High St., Reduce side setback from 25' to 10' for construction of a new residential duplex and associated improvements. Map 19/ Block 46/ Lot 14 for the following reasons: proposed structure is too large for lot size and there are alternatives to proposed plan that have not been considered. The motion was seconded by Mr. Tuttle. **Vote: 5-0**

6. New Business: Mr. DeCarli provided Commission Members with a report regarding lot size in R1 zone. The Commission agreed to further discuss at the next regularly scheduled meeting.

7. Old Business: None.

8. Adjournment: Mr. Pfaffenbach made a motion to adjourn the meeting at 7:41 pm. Vice-Chairman Reed seconded the motion. **Vote: 5-0**

Respectfully Submitted,



Cheryl Guiliano
Recording Secretary