

**EAST HAMPTON ZONING BOARD OF APPEALS**  
**Regular Meeting**  
**August 8, 2022**

<b>MINUTES</b>
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**1. Call to Order:** Chairman Spack called the meeting to order at 7:01 pm.

**2. Seating of Alternates:**

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

**3. Legal Notice:** Staff read the August 8, 2022 Legal Notice into the record.

**4. Approval of Minutes:**

**A. June 13, 2022 Regular Meeting.** Mr. Tuttle made a motion to approve June 13, 2022 meeting minutes as written. The motion was seconded by Vice-Chairman Reed. **Vote: 5-0**

**5. Public Hearings:**

**A. Application ZBA-22-004: Christopher Burt, 21 & 23 Day Point Road., Lot line revision to add for reconstruction of existing home, includes setback variance and size variance. Map 10A/ Block 83/ Lot 30 & 31.** Chris Burt, 21 Day Point Road, presented proposed plans. Mr. Burt discussed issues with sewer line easement and lot nonconformities. Mr. Burt stated he currently lives at 21 Day Point Road and plans to rebuild and live at 23 Day Point Road. Mr. Burt briefly discussed proposed house plans and dimensions. Mr. DeCarli explained 21- and 23-Day Point Road lots are nonconforming in terms of size. Chairman Spack asked for description of proposed changes to lot 21. Mr. DeCarli explained the proposed lot line reconfiguration change. Vice-Chairman Reed asked if the lots have their own driveway and Mr. DeCarli replied yes there is an access easement for the three properties. Mr. Burt briefly discussed proposed house plans that include a basement. Chairman Spack if there were any public comments. Michael Nobile, 25 Day Point Road, stated he has no opposition to Mr. Burt building proposed house but has questions. Mr. Nobile expressed concern with proposed south side setback reduction and fire implications and would like the house further away from proposed setback. Mr. Tuttle asked for proposed home plans and Mr. Burt presented proposed home plans. Commission Members briefly discussed proposed plans. Chairman Spack asked if a new well would be drilled and Mr. Burt replied yes, he is abandoning shared well with 19- and 21-Day Point Road. Mr. Burt confirmed he intends on having a basement. Vice-Chairman Reed asked Mr. Burt if he was proposing a new foundation. Mr. Burt replied yes and stated he did not want to add a second floor and explained current house layout. Commission Members discussed shifting proposed house to the north side, the sewer line, and applicant's hardship. Mr. DeCarli explained the set back line to the north side maintains 15ft setback from new property line. Commission Members further explained they would like to see house shifted to the north side. Mr. Burt stated he wants to keep proposed site plan. Mr. DeCarli discussed readjusting proposed house size to 29' wide to maintain current 7.5' setback. Mr. Burt asked if change would be acceptable with Mr. Nobile and Mr. Nobile replied yes. Mr. Burt asked the Commission if he could withdraw application or could he make house size a condition of approval. Mr. DeCarli replied yes and 29.5' would bring setback to 7'.

Commission Members briefly discussed setbacks. Mr. Tuttle made a motion to approve Application ZBA-22-004: Christopher Burt, 21 & 23 Day Point Road., Lot line revision to for reconstruction of existing home, Map 10A/ Block 83/ Lot 30 & 31, home size, with the following condition: home size be no more than to 29' wide in order to retain a setback of no less than 7.5ft from southside property line. The Motion was seconded by Vice-Chairman Reed. **Vote: 5-0** Mr. Pfaffenbach made a motion to approve Application ZBA-22-004: Christopher Burt, 21 & 23 Day Point Road, Lot line revision as presented on plan, Map 10A/ Block 83/ Lot 30 & 31. The motion was seconded by Mr. Tuttle. **Vote: 5-0**

- B. Application ZBA-22-005: Benjamin Leitch, 12 Lakewood Road, Increase lot coverage from 23.24% to 25.03% for covered deck. Map 03A/ Block 44/ Lot C-73.** Benjamin Leitch, 12 Lakewood Road, explained he hired a contractor over the summer and part of his contract agreement included permits for a roof over a deck. Mr. Leitch stated after the contractor built the deck he was informed the contractor could not get permits as the deck with the roof increased lot coverage. Mr. Leitch discussed the previous deck and current deck design. Mr. Leitch provided current deck dimensions and location. Mr. Tuttle asked if previous porch went the full width of the house. Mr. Leitch explained the deck was shorten but a roof was added. Chairman Spack asked if any building permits were obtained for the deck and Mr. Leitch replied not until after the build. Mr. DeCarli further explained the contractor came to Town Hall to apply for permits and Mr. DeCarli denied the zoning permit due to coverage increase with roof and after meeting with homeowner discovered work was completed. Chairman Spack asked about building inspections. Mr. DeCarli replied there were no inspections as no permits were issued. Mr. Tuttle stated the deck is not visible from the street. Chairman Spack asked if covered deck is attached to house and Mr. Leitch replied yes. Commission Members discussed and expressed concern with work completed without permits. Mr. DeCarli briefly discussed building permit process. Mr. Pfaffenbach asked if the Commission could ask the applicant to provide a report from a licensed engineer. Mr. Leitch discussed footings for the deck and can provide pictures. Commission Members asked the applicant to provide a report from a licensed engineer and Mr. Leitch agreed. Mr. Tuttle made a motion to continue application ZBA-22-005: Benjamin Leitch, 12 Lakewood Road, Increase lot coverage from 23.24% to 25.03% for covered deck. Map 03A/ Block 44/ Lot C-73 to the next regular meeting on September 12, 2022. The motion was seconded by Mr. Pfaffenbach. **Vote: 5-0**
- C. Application ZBA-22-006: Tyler Thompson, 127 Tartia Road, Reduce the side setback from 25' to 22' for barn addition. Map 27/ Block 53/ Lot 18B.** Tyler Thompson, 127 Tartia Road, presented he built a 36' x 26' barn extension on existing structure and did not obtain permits. Mr. Thompson explained the lot was subdivided in 1984 and the existing structure he added to was non-conforming as it is 22' from setback. Mr. Thompson stated he can provide pictures and plans. Chairman Spack asked how big the existing barn was and Mr. Thompson replied 24' x 36' and he stayed the same size width and the addition is towards the house. Chairman Spack asked if the applicant received a cease and desist to stop working. Mr. Thompson replied he did not receive a formal one, was told he needed to stop, did receive a letter and started permit process once he received the letter. Mr. DeCarli explained he did send a letter and not a cease and desist. Mr. Thompson explained piers used for barn and provided pictures from cellphone for the Commission to review. Mr. DeCarli explained to the applicant he needed to provide pictures for the record and Mr. Thompson agreed. Vice Chairman Reed asked if there were letters against the application. Mr. DeCarli replied no and there is one letter in favor. Commission Members asked for an engineered letter and expressed concern with work completed without permits. Chairman Spack asked if there any public comments. There were no public comments. Mr. Thompson asked what he needed the engineer to look at. Vice-Chairman Reed asked what work didn't he do yet. Mr. Thompson replied the barn is not wired and it is framed with wood siding. Mr. DeCarli

discussed typical requirements from the Building Official. Chairman Spack asked for written report from a licensed engineer, additional pictures and stated no more building could continue. Mr. Tuttle made a motion to continue application ZBA-22-006: Tyler Thompson, 127 Tartia Road, Reduce the side setback from 25' to 22' for barn addition. Map 27/ Block 53/ Lot 18B to the next regular meeting on September 12, 2022. The motion was seconded by Mr. Pfaffenbach. **Vote: 5-0**

- D. Application ZBA-22-007: Appeal of Zoning Enforcement Officer, Rand Construction, 368 West Hight Street, Install 4 x 6 internally lit sign. Map 01C/ Block 7/ Lot 6C.** John Cellino. 60 Shore Drive, Niantic representing applicant presented the gas station sign was pre-existing and they wanted to replace it. Mr. Cellino noted there are no records confirming original size, location, internally lit but provided picture of previous internally lit sign. Mr. Cellino discussed proposed sign would be internally lit, at the same location and smaller in size. Mr. DeCarli explained the property file did not contain original sign details and explained current zoning regulations for signs. Mr. Tuttle asked for a description of the sign. Mr. Cellino explained the proposed sign would be a traditional sign. Commission Members briefly discussed digital and internally sign regulations. Commission Members agreed previous sign was internally lit. Mr. Pfaffenbach made a motion to overturn the decision of Zoning Enforcement Officer allowing the zoning approval to be issued based on the evidence presented proving legal non-conformity. The Motion was Seconded by Mr. Tuttle. **Vote: 5-0**

**6. New Business:** Commission Members discussed digital and internal lit signage.

**7. Old Business:** None.

**8. Adjournment:** Mr. Tuttle made a motion to adjourn the meeting at 8:17 pm. Mr. Pfaffenbach seconded the motion. **Vote: 5-0**

Respectfully Submitted,



Cheryl Guiliano  
Recording Secretary