

**East Hampton Zoning Board of Appeals
Regular Meeting
September 13, 2010
Town Hall Meeting Room
7:00 P.M.**

Approved Minutes

1. **Call to Order:** Chairman Nichols called the ZBA Meeting of September 13, 2010 to order at 7:00PM.

Members Present: Chairman Charles Nichols, Don Martin, and Vincent Jacobson

Alternate Members Present: Lori Wilcox, Robert Hines, and Tom Keegan

Absent: Linda Dart and Brendan Flannery

Staff Present: Planning, Zoning & Building Administrator James Carey.

2. **Seating of the Alternates:** Lori Wilcox and Robert Hines was seated
3. **Legal Notice:** Mr. Carey read the legal in for the record.
4. **Approval of Minutes.**

a. August 9, 2010 Regular Meeting:

The minutes of the September 13, 2010 meeting were approved. The motion carried unanimously.

5. **Appeal of the Decision of Zoning Enforcement Officer regarding a fence to remain at its current location per Section No. 6.1 of the East Hampton Zoning Regulations M04A/B45A/L20-CZone**

Mr. Angelo Tamaro was before the ZBA and stated his appeal is not to have the fence stay or not. Mr. Tamaro stated his appeal is because the fence was built without proper permission and before any permits were issued.

Mr. Carey stated that Mr. Tamaro was before the Planning and Zoning Commission regarding this particular matter and Planning and Zoning questioned whether the fence was or was not on a burm. The confusion came in with the height of the fence. The East Hampton Zoning Regulations for many years have stated that an 8' fence can be placed on a property line without any permit. The State has since changed the building code and when this information was found out, Mr. Angelico was then advised that he needed to come in to the office and complete a building permit application which he did. There still is not zoning approval required for a fence of 8' in height.

Mr. Tamaro stated that Planning and Zoning rejected this fence two times. Mr. Tamaro stated the fence is 11' from the ground. Mr. Tamaro also stated any structure above 6' that is not perforated should be engineered in designed and should be approved by the Planning and Zoning. Mr. Tamaro stated he would like to see this building permit revoked the fence should come down and the owner of the property should go before the proper agency and commissions to obtain proper approval.

Mr. Martin asked Mr. Carey if the property owner was ordered to take the fence down, and then apply for the proper permits would Mr. Carey approve the fence. Mr. Carey stated he would.

Mr. Carey stated to the members of the ZBA that he has is in receipt of a letter from Attorney Michael Dowley stating that he was not going to be able to attend this meeting

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and requested a postponement. Mr. Carey advised Mr. Dowleys office that their request would need to be accepted by Mr. Tammarro. The following day Mr. Carey received another letter from Attorney Dowleys office asking the ZBA leave this public hearing open until the next regular scheduled meeting in October to allow the opportunity for council to be present.

Paul Angelico, Angelico's Lakehouse, 81 N Main Street, stated the reason that Attorney Dowley was not available was due to a medical procedure that he needed to attend to in Boston. Attorney Dowley is the only attorney from the firm that has represented the restaurant in East Hampton.

Fran Klein, 12 Bellevue Street, stated that Mr. Dowley refused to attend a Planning and Zoning meeting, and she would assume that the ZBA at the request of Ray Zatorski, Planning and Zoning Chairman, have the documentation necessary.

Lori Wilcox moved to continue this to the next regular scheduled meeting in October. The motion was seconded by Robert Hines. The motion carried unanimously.

6. Old Business: None

7. Communications: None.

8. New Business: None

9. Adjournment

Mr. Martin moved to adjourn the ZBA meeting. The motion was seconded by Mr. Jacobson. The motion carried unanimously. Meeting Adjourned: 7:35PM

Respectfully Submitted

**Kamey Peterson
Recording Secretary**