

East Hampton Zoning Board of Appeals
Regular Meeting
September 9, 2013
Town Hall Meeting Room
7:00 P.M.
Approved Minutes

1. **Call to Order:** Chairman Nichols called the ZBA Meeting of September 9, 2013 to order at 7:00PM.

Members Present: Chairman Charles Nichols, Vincent Jacobson, Dennis Wall, and Robert Hines

Alternate Members Present: Lori Wilcox

Absent: Vice Chairman Brendan Flannery, Don Martin and Thomas Keegan

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

2. **Seating of the Alternates:** Lori Wilcox was seated for this application.

3. **Legal Notice:** Mr. Carey read the legal into the record.

Mr. Wall moved to approve the posted legal notice. Motion was seconded by Ms. Wilcox.

The motion carried unanimously.

4. **Approval of Minutes.**

- a. **August 12, 2013 Regular Meeting:**

Ms. Wilcox moved, and Mr. Jacobson seconded, to approve the minutes of the June 10, 2013 meeting.

The motion carried unanimously.

5. **Application of Fowler-Dix-Park VFW Post 5095, 20 North Maple Street, to reduce the side yard setback from 25' to 20' to construct a 12' X 20" single car garage. M01A/B39A/L44B;**

John Larensen representing the VFW was before the agency requesting permission to construct a garage. Due to the topography in the rear of the property they are not able to place in the rear of the property. The proposed location is approximately 80' off the road. The garage will be placed on crushed stone.

Chairman Nichols asked if anyone was present to speak in favor of this application. Chairman Nichols asked if anyone was present to speak against this application.

Mr. Wall moved to accept the application of Fowler-Dix-Park VFW Post 5095, 20 North Maple Street, to reduce the side yard setback from 25' to 20' to construct a 12' X 20" single car garage. M01A/B39A/L44B in an R2 zone, hardship stated as the topography of the lot. Motion was seconded by Mr. Jacobson.

The motion carried unanimously

6. **Appeal to the Zoning Enforcement Officers decision to require a map that delineates and clearly defines the right-of-way access from Laurel Trail to the Lake to be placed on the land records. M10A/B79A/L1**

Mr. Carey reported on an application that was before the ZBA in November 2011, for a side yard variance. During this hearing it was brought to the attention of the

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ZBA of an easement that was granted to another property owner to access the lake. At that time there was a recommendation by the board to have Mr. Bradway file a map showing where this easement is located. It has since been brought to the attention of the Building Department that this map was never filed. Mr. Carey contacted Mr. Bradway and explained one of the conditions of the variance was for the map to be filed. Mr. Bradway stated he was not going to file the map. Mr. Bradway stated he allows neighbors to access the lake thru his property and has never denied their access. Mr. Bradway doesn't want to file it on the map and make it seem that that entire association has right of this access way. Chairman Nichols suggested staff bring this application to the town attorney to review.

Chairman Nichols asked if anyone was present to speak in favor of this application. Russel Blow, 5 Brook Trail, stated this right of way has been in place since the 1970's which has been carried thru on lots 59 & 60. Mr. Blow does not feel this would need to be recorded on any other map than where it already exists.

Chairman Nichols asked if anyone was present to speak against this application. Craig Anderson, 20 Brook Trail, owners of lot 59 & 60 and recalled Mr. Flannery advising Mr. Bradway of recording this on the map. Mrs. Anderson stated when the property was sold the right of way was not included anywhere in town hall except for on her deed that there is an easement to the property, therefore she would like this to need to be recorded on the record.

Mr. Wall made a motion to table this application until the towns attorney has a chance to review. Motion was seconded by Mr. Jacobson.

The motion carried unanimously.

6. **Old Business:** Mr. Jacobson asked for an updated on 11-13 North Maple Street. Mr. Carey reported to the agency that the electrician has been in contact with the building department and permits have been issued. The work is schedule to begin.
7. **Communications: None**
8. **New Business: None**
9. **Adjournment**
Mr. Wall moved to adjourn the ZBA meeting. The motion was seconded by Mr. Jacobson. The motion carried unanimously. Meeting Adjourned 7:45PM.

Respectfully Submitted

Kamey Cavanaugh, Recording Secretary