

East Hampton Zoning Board of Appeals
Regular Meeting
October 10, 2013
Town Hall Meeting Room
7:00 P.M.
Approved Minutes

1. **Call to Order:** Chairman Nichols called the ZBA Meeting of October 10, 2013 to order at 7:00PM.
Members Present: Chairman Charles Nichols, Vincent Jacobson, Vice Chairman Brendan Flannery, and Don Martin
Alternate Members Present: Lori Wilcox, Thomas Keegan, and Robert Hines
Absent: Dennis Wall
Staff Present: James P. Carey, Administrator Planning, Zoning & Building

2. **Seating of the Alternates:** Thomas Keegan was seated for this application.

3. **Legal Notice:** Mr. Carey read the legal into the record.
Mr. Martin moved to approve the posted legal notice. Motion was seconded by Mr. Jacobson.

The motion carried unanimously.

4. **Approval of Minutes.**
 - a. **September 9, 2013 Regular Meeting:**
Mr. Flannery moved, and Mr. Keegan seconded, to approve the minutes of the September 9, 2013 meeting.

The motion carried unanimously.

5. **Application of Ralph Landino, 32 Pine Trail, to reduce the left side yard setback from 15' to 8' and right side yard setback from 15' to 10' to construct a single family home - M10A/B79A/L14.**

Attorney David Sherwood representing Mr. Landino was before the ZBA. The plan was provided by Mr. Dutch and was before the agency for review. The applicant is requesting a side yard setback to construct a single family home. The hardship listed is preexisting non-conforming lot. Mr. Flannery asked for an explaining of the site line easement per the deed. Attorney Sherwood showed the area that construction is not allowed per the easement. Mr. Carey reported on an active and approved permit that is now issued for this property that does comply with the building code that is represented to be 10' wide.

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. Luis Ortiz, 30 Pine Trail stated they are not opposed of this home because of their view being obstructed; the concern is the drainage and flooding off of this property onto 30 Pine Trail.

Russel Blow, 5 Brook Trail, asked for clarification of the association being notified for this meeting. Mr. Blow expressed his opposition to this variance.

East Hampton Zoning Board of Appeals
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Mark Hebert, 4 Laurel Trail, provided clarification to Mr. Flannery regarding the existing right of way that is filed on the deed.

Robert Parsons, 26 Pine Trail, provided clarification of the easement that was granted about 4 or 5 years ago.

Russel Blow, 5 Brook Trail, asked about the existing plan, or if this is approved is there a drainage plan?

Mrs. Ortiz, 30 Pine Trail was before the agency and expressed concerns with the lot that is before the commission has been filled in and it is beginning to sink and this will affect their property.

Mr. Davidson, 10 Mountain Trail, stated that not only is this application before the ZBA, it would also need to go before their association. Mr. Carey is not aware of any approval that is required to be heard before their board, however did state it is a completely separate matter than the town agency.

Mr. Sherwood provided a copy of the certificate of mailing that was sent to the association. Mr. Dutch, Dutch Associates, stated the drainage is an existing problem of a property that is located at the bottom of a hill.

Mr. Carey read a letter into the record that was received from Vincent Susco addressed to James Carey dated October 3, 2013, with approval for this property to connect into the public sewer system.

Mr. Flannery moved to close the public portion of this hearing. The motion was seconded by Mr. Martin.

The motion carried unanimously.

Mr. Flannery stated the owner of this property granted a restriction when the adjacent lot was sold; therefore he hindered the property when doing that. There is also another 10' wide easement on the other side that runs the entire length of the lot, therefore feels the justification of a hardship falls on the owner when allowing these easements relates in needing this variance.

Mr. Keegan moved to deny the application of Ralph Landino, 32 Pine Trail, to reduce the left side yard setback from 15' to 8' and right side yard setback from 15' to 10' to construct a single family home - M10A/B79A/L14t. Motion was seconded by Mr. Flannery.

The motion carried unanimously

East Hampton Zoning Board of Appeals
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6. **Application of Rebecca Hodge, 28 Old Middletown Road, to reduce the front yard setback from 50' to 35' and side yard setback from 25' to 10' to construct a detached garage – M01C/B5A/L2.**

Ms. Hodge was before the agency requesting a variance in order to construct a detached garage on a pre-existing non-conforming lot. The topography of the lot has many slopes therefore another place on the property would not be an option. Jim Carey stated the entrance of the garage would be clear from the street for additional safety. Mr. Flannery asked if the garage was going to be a single story; Ms. Hodge stated it would be ½ stories, with the 2nd story being used for storage, with no utilities.

Mr. Carey read a letter into the record from Linda Norton, a direct abutter stating she has no objections to the variance.

Chairman Nichols asked if there was anyone to speak in favor or against this application. Hearing none;

Mr. Flannery made a motion to close the public portion of the hearing. The motion was seconded by Mr. Martin.

The motion carried unanimously.

Mr. Wall made a motion to approve the application of Rebecca Hodge, 28 Old Middletown Road, to reduce the front yard setback from 50' to 35' and side yard setback from 25' to 10' to construct a detached garage – M01C/B5A/L2. Motion was seconded by Mr. Flannery; adding the hardship as stated in the application.

The motion carried unanimously.

7. **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 – Continued from the September 9, 2013 meeting.**

Mr. Carey reported on the legal opinion that was received stating that Mr. Ken Slater stated that Mr. Carey was in the proper scope of the regulation, however, after reviewing the file, there doesn't seem to be any explanation on why the map cannot be filed as is, and the board may move to modify the original variance to modify or amend the condition.

Mr. Carey recapped the original variance stating there were two lots across the way from Mr. Bradway that allowed an easement across his property. The location of the easement is not listed on the deed and Mr. Bradway felt that if he had depicted an easement in favor of these two lots on the property than everyone would feel they had the right of use. Mr. Flannery asked if there was a record in the town clerks office

**East Hampton Zoning Board of Appeals
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that states there is an easement on this property. Mr. Carey stated this is noted on both parties' deed and the land records.

Chairman Nichols asked if there was anyone to speak in favor or against this application. Hearing none;

*Mr. Flannery made a motion to remove the restriction on the original variance dated November 14, 2011 on the deed. Motion was seconded by Mr. Martin.
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. Flannery. The motion carried unanimously. Meeting Adjourned 8:13PM.

Respectfully Submitted

Kamey Cavanaugh, Recording Secretary