

East Hampton Zoning Board of Appeals
January 13, 2014
Town Hall Meeting Room
7:00 P.M.
Approved Minutes

Call to Order: Chairman Nichols called the ZBA Meeting of January 13, 2014 to order at 7:00PM.

Members Present: Chairman Charles Nichols, Vincent Jacobson, Vice Chairman Brendan Flannery, Dennis Wall and Don Martin

Alternate Members Present: Margaret Jacobson

Absent: Robert Hines & Melinda Powell

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

Seating of the Alternates: Not Required.

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

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

The motion carried unanimously.

Approval of Minutes.

a. December 16, 2013 Regular Meeting:

Mr. Martin moved, and Mr. Wall seconded, to approve the minutes of the December 16, 2013 meeting.

The motion carried unanimously.

Application of Lloyd & Laura Boutilier, 1 Day Point Road, Unit 1; Section 6.1 of the zoning regulations, to reduce the front yard setback from 25' to 7' to construct an addition. M10A/B83/L28, in a R1 zone.

Laura Boutilier was before the ZBA requesting a setback variance for her front yard to construct an addition. Mrs. Boutilier explained they have resided at the home during the summer months and would now like to make it a year round home for retirement. The variance would be to construct a garage addition to shorten the length of their current driveway and redirect the entrance off of Old Marlborough Road. Mrs. Boutilier has met with Mr. Susco, WPCA to see if they could construct the addition on the side of the home; however that would not work due to the location of the current sewer lines. They have also met with Phillip Sissck, Public Works Department, and he did not anticipate any problems, however the applicant is aware of a driveway bond and application that would need to be applied for before construction begins. The applicant has notified all of the immediate neighbors to this cottage in addition the board members in the association, obtaining an approve letter in writing that has been provided for the file at the Building Department, and finally, was before the Lake Conservation Commission at their last regular meeting and addressed their concerns. There are other driveways of this same size that are currently located on Old Marlborough Road and they do not believe that anything here before the agency impacts any neighbors directly.

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Mr. Carey read a letter into the record dated January 2, 2014, from the association President providing Mr. & Mrs. Boutilier approval for their proposed plan from the entire association.

Mr. Carey read a letter into the record dated January 13, 2014, from Lake Conservation Commission, Peter Zawisa, stating the commission has reviewed the plan and approved the scope of work proposed, however the commission asked the run off from the roof be directed into a rain garden or drywell.

Chairman Nichols asked if there was anyone from the public present to speak in favor of this application.

Art Laura, 229 Tartia Road, the builder for this plan stated he felt they addressed the concerns with the proposed design and has no objections to the building plan.

Chairman Nichols asked if there was anyone from the public present to speak against this application. Hearing none-

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

The motion passed unanimously.

Mr. Flannery asked for clarification of the front yard setback from 25' to 7', and noted Section 21.3, 200SF of parking that is not provided and is a concern.

Mr. Flannery stated the applicant proposes a reasonable addition, and he does not feel that double the size of the existing dwelling is a reasonable addition.

There was a discussion of the existing 19 cottages sharing the lot and existing lot coverage.

Mr. Flannery asked for the applicant to provide a hardship. When the applicant did not express the hardship to Mr. Flannery's satisfaction, Mr. Carey unsuccessfully attempted to assist them with their explanation of their hardship. Mr. Flannery indicated he was not satisfied with their presented hardship.

Mr. Martin made a motion to approve the application of Lloyd & Laura Boutilier, 1 Day Point Road, Unit 1; Section 6.1 of the zoning regulations, to reduce the front yard setback from 25' to 7' to construct an addition. M10A/B83/L28, in a R1 zone. The motion was seconded by Mr. Wall.

The motion 3-2-0 Yes, Dennis Wall, Don Martin, Charlie Nichols – No, Brendan Flannery, Vincent Jacobson.

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Mr. Martin made a motion to approve the application of Lloyd & Laura Boutilier, 1 Day Point Road, Unit 1; Section 6.1 of the zoning regulations, to reduce the front yard setback from 25' to 7' to construct an addition. M10A/B83/L28, in a R1 zone. The motion was seconded by Mr. Wall.

The motion 3-2-0 Yes, Dennis Wall, Don Martin, Charlie Nichols – No, Brendan Flannery, Vincent Jacobson. The application failed to receive 4 votes therefore it was denied.

Old Business: None

Communications: Mr. Carey apologized to the members of the Zoning Board Of Appeals for trying to point out the situation with the previous application, as it was not Mr. Careys intention to substitute his judgment for the board or any individual members, only to clarify information received. Second, Mr. Carey had is brought to his attention that since the last months previous denied application, the applicant indicated the desire to contact some of the members of the ZBA for direction of what they could do that would be received by the board, and Mr. Flannery pointed out to Mr. Carey that he felt this contact would be ex parte communication and should be discouraged. Mr. Carey does not know what the applicants' full intentions are; just that she was seeking some guidance.

New Business:

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 Cavanaugh, Recording Secretary