

**East Hampton Zoning Board of Appeals  
Special Meeting  
December 16, 2013  
Town Hall Meeting Room  
6:00 P.M.  
Approved Minutes**

1. **Call to Order:** Chairman Nichols called the ZBA Meeting of December 16, 2013 to order at 6:00PM.

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

**Alternate Members Present:** Robert Hines, Margaret Jacobson, & Melinda Powell

**Absent:**

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

2. **Seating of the Alternates:**

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. Wall.*

*The motion carried unanimously.*

4. **Approval of Minutes.**

- a. **October 10, 2013 Regular Meeting:**

*Mr. Martin moved, and Mr. Wall seconded, to approve the minutes of the October 10, 2013 meeting.*

*The motion carried unanimously.*

5. **Application of Barbra C. Doherty, 95 Young Street, section 6.4, to allow for more than one dwelling unit on one lot and section 6.1, to reduce the rear yard setback from 50' to 44' to add a deck to way of existing dwelling.**

**M13/B32/L11-B.**

Mrs. Barbra Doherty was before the ZBA to discuss her request to approve this variance. See attached.

Mr. Flannery asked for anyone from the public present to speak in favor of this application.

Ted Crow, 92 Young Street stated he felt it would be better to have this barn updated and 100% restoration rather than deteriorate.

Linda Wallace, 37 Depot Hill Road, stated as a member of DAR, and their mission for historical preservation, was in favor of this application and to keep the outside structure to remain the same as it has for many years.

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

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

*The motion passed unanimously.*

Mr. Martin asked for clarification on the zoning in this area of town. Mr. Carey reported this is located in the R2 zone, which does not allow for more than one dwelling on one lot.

Mr. Flannery asked if the board felt the applicant demonstrated a proper hardship that would allow for us to grant this variance that does not fit into the nature of R2 zoning. Mr. Flannery stated the applicant has made the argument that it needs to be preserved, however he feels preservation would not be turning this barn into a dwelling, and preservation would be restoring it back into the barn that existed. Mr. Flannery read into the record the 6.4 zoning regulation. Mr. Flannery also stated for the record, at the current time a septic system as not been approved for a second dwelling as the applicant stated; it has been noted that there could be a second system and that the existing system on the property is sufficient for what the current dwelling currently is. Mr. Flannery stated he felt that preservation is one thing, converting an old barn into a second dwelling does not present itself as a hardship. Preservation can be completed without adding an additional residence. Mr. Flannery feels there is other use for the barn other than a second residence.

Mr. Carey stated in order to make this a reasonable alternative, you could preserve the barn as something other than a single family home; however he questioned what motivation the applicant would have to do so. Mr. Flannery stated that the board is still faced with granting a second dwelling on a lot that currently doesn't meet the minimum R2 zoning requirements.

*Mr. Martin made a motion to deny the application of Barbra C. Doherty, 95 Young Street, section 6.4, to allow for more than one dwelling unit on one lot and section 6.1, to reduce the rear yard setback from 50' to 44' to add a deck to way of existing dwelling. M13/B32/L11-B as the lot exists is a non-conforming and adding this 2<sup>nd</sup> dwelling would make the lot more non-conforming. The motion was seconded by Mr. Wall.*

*The motion carried unanimously*

**6. Old Business: None**

**7. Communications: None**

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**8. New Business: 2014 Meeting Schedule- See attached**

**9. Adjournment**

*Mr. Martin moved to adjourn the ZBA meeting. The motion was seconded by Mr. Wall. The motion carried unanimously. Meeting Adjourned 6:43PM.*

**Respectfully Submitted**

**Kamey Cavanaugh, Recording Secretary**