

**East Hampton Zoning Board of Appeals**

**June 9, 2014**

**Town Hall Meeting Room**

**7:00 P.M.**

**Approved Minutes**

**Call to Order:** Chairman Nichols called the ZBA Meeting of June 9, 2014 to order at 7:00PM.

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

**Alternate Members Present:** Margaret Jacobson & Melinda Powell

**Absent:** Don Martin & Robert Hines

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

**Seating of the Alternates:** Margaret Jacobson was seated.

**Legal Notice:** Kamey Cavanaugh read the legal into the record.

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

*The motion carried unanimously.*

**Approval of Minutes.**

**a. February 10, 2014 Regular Meeting:**

*Mr. Flannery moved, and Ms. Jacobson seconded, to approve the minutes of the February 10, 2014 meeting.*

*The motion carried unanimously.*

**Application of Robert Hart/Susan U. Hart, Trustee, 71 Spellman Point Road; Article 4, Section 4.1E of the zoning regulations, to grant a front yard setback from 25' to 9.6' and a side yard setback from 15' to 10.5, for a year round carport. M09A/B70A/L39, in a R1S zone.**

Attorney Joseph Milardo was present representing the applicant. The applicant is asking for a variance to construct a carport. Photos of the current carport were shown in addition to what is being proposed.

Mr. Wall asked if the proposed roof line would be the same; Reported it would be the same.

Ms. Jacobson asked if the garages in the area are similarly situated. Mr. Hart responded they are typically close to the road, this garage is a little further back.

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

Doreen Nablo, 73 Spellman Point Road stated into the record when a car is parked in front of her existing garage it just barely is in enough off into the road. Ms. Nablo also stated she does not feel a variance should be granted for the reasons being a very large structure that is not in keeping with the rest of the architecture in the area. The roofing would create an impermeable surface; a drainage problem already exists.

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The storage space for snow removal in the winter is a concern. The new structure would block the view of Ms. Nablos road and the lake. Spellman Point is already congested. In closing, Ms. Nablo asked what the hardship is for this variance to be granted.

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

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

***The motion passed unanimously.***

Mr. Flannery stated to the board that lot coverage has not been considered with this application; the statement in the application stating this is in consistence with neighboring garages is inaccurate. Mr. Flannery thought the concern for the placement of snow was a valid point, and in closing there is no hardship listed for this application.

***Mr. Flannery made a motion to deny the variance application of Robert Hart/Susan U. Hart, Trustee, 71 Spellman Point Road; Article 4, Section 4.1E of the zoning regulations, to grant a front yard setback from 25' to 9.6' and a side yard setback from 15' to 10.5, for a year round carport. M09A/B70A/L39, in a RIS zone, for lack of a hardship, non-consistence with the neighborhood, and an overage of lot coverage. The motion was seconded by Ms. Jacobson.***

***The motion passed unanimously.***

**6. Application of Susan Alston, 11 Ray Lane; Article 4, Section 4.2E of the zoning regulations, to grant a rear yard setback from 15 to 5'(+/-), for a deck. M26/B87A/L4-45, in a R-2 zone.**

Mr. Alston was before the agency requesting a variance to construct a 16X29 foot deck. The rain water pools into the rear yard and is seasonally wet, therefore a deck is needed. The deck would sit approximately 4' off the ground.

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

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

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

***The motion passed unanimously.***

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*Mr. Flannery made a motion to grant the application of Susan Alston, 11 Ray Lane; Article 4, Section 4.2E of the zoning regulations, to grant a rear yard setback from 15 to 5'(+/-), for a deck. M26/B87A/L4-45, in a R-2 zone, with the hardship being the layout of the lot in addition the location of the Town of East Hamptons drainage easement. The motion was seconded by Mr. Wall.*

*The motion passed unanimously.*

**7. Application of Arkadiusz R Szwajger, 16 Julia Terrace; Section 4.2E of the zoning regulations, to grant a rear yard setback from 15' to 12.44' (+/-), for a deck. M26/L87A/B4-59, in a R-2S zone.**

Mr. Szwajger was before the agency requesting permission to construct a 26x12 deck and the water drainage is an issue, in addition the first floor is 6' from the ground.

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

Chairman Nichols asked if there was anyone from the public present to speak in favor of this application. Hearing none

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

*The motion passed unanimously.*

*Ms. Jacobson made a motion to grant the application of Arkadiusz R Szwajger, 16 Julia Terrace; Section 4.2E of the zoning regulations, to grant a rear yard setback from 15' to 12.44' (+/-), for a deck. M26/L87A/B4-59, in a R-2S zone, with the hardship being the layout of the lot. The motion was seconded by Mr. Flannery.*

*The motion passed unanimously.*

**New Business:** None

**Old Business:** None

**Adjournment**

*Mr. Flannery moved to adjourn the ZBA meeting. The motion was seconded by Mr. Wall. The motion carried unanimously. Meeting Adjourned 7:25PM.*

**Respectfully Submitted**

**Kamey Cavanaugh  
Recording Secretary**