

**EAST HAMPTON ZONING BOARD OF APPEALS**  
**Regular Meeting**  
**March 12, 2018**  
**Town Hall Meeting Room**

<b>UNAPPROVED MINUTES</b>
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- 1. Call to Order:** Mr. Walton called the meeting to order at 7:00 pm.

*Mr. Jacobson made a motion to appoint Mr. Walton as Chairman Pro Tem. The motion was seconded by Ms. Powell. Vote: 5-0.*

- 2. Seating of Alternates**

Present: Chairman Pro Tem Matthew Walton, Regular Members Mr. Jacobson and Melinda Powell and Alternates George Pfaffenbach and Robert Hines.

Absent: Charles Nichols

Chairman Pro Tem Walton seated Mr. Pfaffenbach and Mr. Hines at this time.

- 3. Election of Officers:**

Tabled until the next regularly scheduled meeting.

- 4. Legal Notice**

Staff read the Legal Notice into the record.

- 5. Approval of Minutes:**

A. August 14, 2017 Regular Meeting – Mr. Hines made a motion to approve the August 14, 2017 minutes as written. *Vote: 3-Yes; 2-Abstain (Mr. Pffafenbach and Ms. Powell). The motion passed.*

B. October 16, 2017 Regular Meeting – Mr. Hines made a motion to approve the October 16, 2017 minutes as written. *Vote: 4-Yes; 1-Abstain (Mr. Pffafenbach). The motion passed.*

C. December 11, 2017 Regular Meeting – Mr. Pffafenbach made a motion to approve the December 11, 2017 minutes as written. *Vote: 5-Yes; 0-No. The motion passed.*

- 6. Applications:**

**A. Application of ZBA-18-000, Sheryl Oken / Pizzuto Builders, 55 O’Neill Lane,** Variance to reduce the side setback from 15’ to 7.2’ and to increase the impervious coverage from 22.2’ to 22.7’ to expand the SE corner of kitchen. Map 10A/Block 83/Lot 21. Mario Pizzuto of Pizzuto Builders presented on behalf of the homeowner. He stated that the homeowner would like to make the cottage into a year round residence. There was an addition that was previously added to the side of the cottage which was made into a small kitchen and which is not functional due to the size. They would like to square off the south east corner of that addition so they can increase the size of the kitchen. There was confusion as to why a variance was required since they are not proposing going beyond the side or rear setback. Mr. DeCarli explained that per State Statute, the only portion of the building that is protected by law as a non-conforming use is the portion that is already built and that once you go outside the existing building a variance is required. There were no public comments. Mr. Pffafenbach made a motion to grant the variance for Application of ZBA-18-000, Sheryl Oken / Pizzuto Builders, 55 O’Neill Lane, Variance to reduce the side setback from 15’ to 7.2’ and to increase the impervious coverage from 22.2’ to 22.7’ to expand the SE corner of

kitchen. Map 10A/Block 83/Lot 21. The motion was seconded by Mr. Hines. ***Vote: 5-Yes; 0-No. The motion passed.***

**B. Application of ZBA-18-001, Paul Cerreta**, 39 Cobalt Road, to reduce front setback from 50' to 31' to construct an attached garage with a 2<sup>nd</sup> floor. Map 01A/Block 47/Lot 4-2. Paul Magnotta, P.E. presented. He clarified the variance request is to reduce the front setback from 50' to 31'. There was an existing house and garage on the property that were demolished (the garage was rebuilt on the existing slab); the owners would like to construct a home in the same location as previous but further back from the road. The elevation of the property is higher closer to the road and drops to the rear of the property. There are also wetlands in the rear of the property. Chatham Health did soil testing and found that the areas closest to the road were acceptable. The proposed house and garage could not be moved back to conform with the 50' setback due to the septic reserve area would then be within 100' of the wetlands area. He added that if they move the garage then it would put the house within the 50' setback. He stated that if the proposed house and garage were placed within the 50' setback then the suitable soil areas would have to be pumped from the septic to the leaching fields. The soil conditions and topography issues prevents them from placing the proposed house further back on the property. Chair Pro Tem Walton asked if the garage could be moved to the southside. Mr. Magnotta explained that if it were moved, it would infringe on the septic area. Chair Pro Tem Walton asked if there were any comments from the public. Mark Philhower of 212 White Birch spoke in favor of the application. Mr. Pfaffenbach made a motion to approve the variance for Application of ZBA-18-001, Paul Cerreta, 39 Cobalt Road, to reduce the front setback from 50' to 31' to construct an attached garage with a 2<sup>nd</sup> floor. Map 01A/Block 47/Lot 4-2. The motion was seconded by Mr. Hines. ***Vote: 5-Yes; 0-No. The motion passed.***

**C. Application of ZBA-18-002, RJM Builders**, 26 Mountain Trail, to reduce the side setback from 15' to 5.4' to construct a garage. Map 10A/Block 78/Lot 4. Robert Milton of RJM Builders presented. He stated that the owner would like to construct a garage to store his classic cars. The proposed property where they would like to build the garage is owned by Lake Pocotopaug Terrace Association and on the left side of the existing house is a retaining wall and well. They propose a north sideyard setback reduction from 15' to 5.4' to construct a 30' x 26' garage (the application and location plan both indicate 30' x 24'). George inquired as to whether or not they need authorization from the Association before they vote on this application. Mr. DeCarli explained that it is not required because the Association is a private one and that the zoning laws are not bound to private Associations although, it is a good idea to inform them of the application. Mr. Milton stated that he has been in contact with the President of the Association who was to attend this evening but did not. There were no public comments. Mr. Pfaffenbach made a motion to approve the variance for Application of ZBA-18-002, RJM Builders, 26 Mountain Trail, to reduce the side setback from 15' to 5.4' to construct a garage. Map 10A/Block 78/Lot 4. The motion was seconded by Mr. Hines. ***Vote: 5-Yes; 0-No. The motion passed.***

7. **New Business:** The members inquired about the status of Chairman Nichols and his lack of attendance. The bylaws were discussed. Mr. DeCarli stated that the Town Manager and Town Council are aware and he suggested that the members draft a letter describing their concerns and send it to the Town Council. Mr. Pfaffenbach said that he will not be attending the next ZBA meeting on April 9<sup>th</sup>.
8. **Old Business:** None.

**9. Adjournment:** Mr. Pfaffenbach made a motion to adjourn at 8:03 p.m. The vote was unanimous in favor. The meeting was adjourned.

Respectfully Submitted,

Christine Castonguay  
Recording Secretary