

EAST HAMPTON ZONING BOARD OF APPEALS

Regular Meeting

November 13 2023

Minutes

1. **Call to Order:** Chairman Spack called the meeting to order at 7:00 pm.
2. **Seating of Alternates:** Present: Chairman Spack, Vice-Chairman Reed, John Tuttle and George Pfaffenbach Regular Alternates: Robert Hines and Cathy Ann Clark. Building Official and Interim Zoning Enforcement Officer, Jim Prue. Office Technician for Land Use, Cheryl Guiliano. Absent: None.
Chairman Spack seated Mr. Hines.
3. **Legal Notice:** Staff read the November 13, 2023 Legal Notice into the record.
4. **Approval of Minutes:**
 - A. **August 14, 2023 Meeting Minutes:** Mr. Tuttle made a motion to approve minutes as written. The motion was seconded by Vice-Chairman Reed. *Voted 4-0*
5. **Public Hearings:**
 - A. **ZBA-23-007: Tommaso Progano, 12 Terp Road,** Reduce west-side setback from 25' to 16.75' for Garage. Map 06/ Block 14/ Lot 5/6. Wayne Rand attended the meeting on behalf of the applicant. Mr. Rand reviewed the plans for the applicant. The applicant wishes to reduce the setback to 16.75' on the side for the addition of a garage. The 50' setbacks in the front and back yards won't need to be changed. The applicant is looking for only the west-side yard setback to be reduced. There is a large shed off the garage that is in violation and will be torn down. Proposed six evergreens to be planted to shield the house. There is a structure already existing, which would make the member's decisions harder. The property is big, so there wouldn't be a case for owner hardship for the proposed plan. The neighbor to the west attended the meeting. The neighbor expressed his concerns over the visual impact and size of the garage. Mr. Rand stated that the evergreen plantings will shelter and hide that side of the house from view. The Town Building Official, Jim Prue, stated his initial concerns he had for the application. He stated he received the building application and engineer's letter for the project. When he performed his inspection on the property, his concerns went away. He stated that he was happy with what he saw for the 'building side' of the project. The Chairman asked Mr. Prue how he stops people from completing projects before obtaining permits and permission. The Building Official stated that when those cases come in he has the owners apply for permits and get the right trades people to inspect the work and deem it correct. Guy Glaude, of 94 Hog Hill Road, wanted to know if the shed has already been taken down or is still on the property. It was stated that the shed was actually a six by six pavilion. The original structure, a kennel, where the existing garage is built was approved when it was being built. The old concrete was removed and a new, bigger slab was put in for the garage. The land in back of the property is conservation land, so no trees are supposed to be cut down. The members stated that there is no hardship on the

property owner for the garage placement and setbacks of the property. The Chairman asked Mr. Prue what would happen to the garage if the board denies the application. The Building Official stated that the applicant might go to court instead of tearing down or taking care of the denied structure. The members discussed the possibility of the application making a precedent for future applications. For applications and owners that have already built the structure and just come before the board to apologize to get approval after-the-fact. The members stated that there needs to be action for building unapproved structures such as move it, remove it, or negotiate with the land owners or abutters. Mr. Rand asked the members that if the application is denied, if it could be without prejudice so the applicant can come back with another application. The members stated that the application could be withdrawn by the applicant, denied with or without prejudice by the board members, or could be tabled by the board members. Mr. Tuttle made a motion to deny ZBA-23-007: Tommaso Prozano, 12 Terp Road, Reduce west-side setback from 25' to 16.75' for Garage. Map 06/ Block 14/ Lot 5/6. The motion was seconded by Vice-Chairman Reed. *Vote: 4-0*

B. ZBA-23-008: Flanders Road Estates LLC, Flanders Road, Increase height size from 30' to 32' 7.5" for single family home. Map 26/ Block 87/ Lot 6. Wayne Rand presented to the board members for a new single family home. The lot has 50 acres and is 250 linear feet into the woods. Mr. Rand's proposal is to increase the house roof height from 30' to 32' 7.5". Mr. Rand stated that a home on Main Street was recently approved for a 33' high roofline. The standard regulation for a single family home construction for roof line height is 35 feet. The surrounding towns have a regulation of 35 feet for roof height. Mr. Rand stated that it could be cut back to be a ten cut roof. Mr. Tuttle made a motion to approve ZBA-23-008: Flanders Road Estates LLC, Flanders Road, Increase height size from 30' to 32' 7.5" for single family home. Map 26/ Block 87/ Lot 6 as presented. The motion was seconded by Chairman Spack. *Vote: 4-0*

6. New Business:

A. Approval of 2024 Meeting Calendar: Mr. Tuttle made a motion to approve of the 2024 meeting calendar as submitted. The motion was seconded by Chairman Spack. *Vote: 4-0*

7. Old Business: The board members briefly discussed the proposed text amendment for R1 Zone. The members spoke against proposed text amendment regarding required setbacks on non-conforming lots in the R1 Zone.

8. Adjournment: Mr. Tuttle made a motion to adjourn the meeting at 7:46 pm. Mr. Hines seconded the motion. *Vote: 4-0*

Respectfully Submitted,

Katrina Aligata

Recording Clerk