

East Hampton Planning and Zoning Commission
Regular Meeting
August 5, 2009
Town Hall Meeting Room

Unapproved Minutes

1. **Call to Order and Seating of Alternates:** Chairman Zatorski called the meeting to order at 7:00 p.m.

Present: Chairman Ray Zatorski, Vice-Chairman Rowland Rux, Members Peter Aarrestad, Roy Gauthier, Richard Gosselin, Mark Philhower, and James Sennett were present. Planning, Zoning and Building Administrator, James Carey, was also present.

Absent: Alternate Members Michael Brogan and Darin Hurne were absent.

No Alternates were seated at this time.

2. **Approval of Minutes:**
A. **July 1, 2009 Regular Meeting Minutes:**

Mr. Philhower moved, and Mr. Rux seconded, to approve the minutes of the July 1, 2009 regular meeting. The motion carried 5-0-2. (Yes votes: Gosselin, Philhower, Sennett, Zatorski, and Rux. No votes: None. Abstentions: Aarrestad and Gauthier.)

3. **Communications, Liaison Reports, and Public Comments:**

Communications: Mr. Carey reported that the Salmon River study report is being reviewed by the staff of various member towns. After all final comments are received the report will be revised and forwarded to this Commission.

Liaison Reports:

Mr. Zatorski reported that he had nothing to report on the IWWA.

Mr. Aarrestad reported that the Public Water Task Force held a joint meeting with the Town Council for the purposes of discussing the recommended agreements that the Task Force has reached with two property owners for key pieces of the proposed water plan. These items are on the Agenda for this meeting under New Business. The first is the proposed agreement for the well field at the base of Oakum Dock Road. The second is the Greer property on Middle Haddam Road for the proposed water treatment plant.

Mr. Gauthier had nothing to report for EDC.

Mr. Philhower reported that the Midstate Regional Planning Agency did not have a meeting.

Mr. Sennett reported that the ZBA did not hold a meeting in July and would not be holding a meeting in August.

Public Comments: The Chairman opened the meeting to the public for comments at this time. There were no comments made by the public at this time.

4. **Read Legal Notice:** None.

5. **Set Public Hearing for August 5, 2009:**

A. **Amendment to Section 20** of the East Hampton Zoning Regulations, Accessory Buildings and Uses; and

B. **David and Jean Jordan**, 173 Lake Drive, for a 2 Lot Subdivision – Map 31/Block 69/Lot 5.

Mr. Philhower moved to set the public hearing for these applications for the September 2, 2009 Regular Meeting. Mr. Rux seconded the motion. The motion carried unanimously.

6. **Public Hearing for July 1, 2009:** None.

7. **Old Business:**

A. Application of Tunji Somma, Chatham Medical Offices, for a Commercial Site Plan Modification – Map 32/Block 71/Lot 1-1: Mr. Carey reported on the application and explained that the application for the site plan was approved at the meeting in May. The Commission requested to see the architecture for the project prior to proceeding. That information as well as the favorable commentary from the Design Review Board and the Economic Development Commission is available this evening. The final plans were distributed to the Commission. Mr. Carey read the comments, dated August 5, 2009, of the Design Review Board into the record. He then read the comments, received June 29, 2009, of the Economic Development Commission into the record. Finally, he read the latest communication from CLA Engineering, dated July 22, 2009, into the record. This communication indicated that all their concern and comments have been satisfactorily addressed by the applicant.

Mr. Zatorski questioned the sufficiency of the parking spaces and handicapped parking spaces. He discussed the landscaping present in the parking lot and its configuration.

Mr. Somma was present to discuss his application and told the Commission that there is a YouTube video of a simulation of the site rendering available for viewing. The Commission discussed the application with Mr. Somma.

Mr. Philhower moved to approve the Application of Tunji Somma, Chatham Medical Offices, for a Commercial Site Plan Modification, Map 32/Block 71/Lot 1-1, site plan received on June 26, 2009 with positive communications from EDC, DRB, and the Town Engineer. Mr. Rux seconded the motion.

Mr. Aarrestad questioned the loss of trees on the property. Mr. Somma reported that he plans on keeping the mature trees, including an 18” maple tree. He also indicated that large arborvitaes would be planted, staggered, along all the property lines. There being no further questions,

The Chairman called for the vote. The motion carried unanimously.

B. **Discussion – POCD Subcommittee:** Town staff reported that the various boards have included the request for feedback on their agendas but no one has responded

as of this time. Mr. Gosselin distributed a request of the Lake Commission for future updates to the POCD for their consideration. ***Attachment 1***

- C. Update – Incentive Housing Grant:** Chairman Zatorski reported that Mr. Carey and he met with Planimetrics and he went on a walking tour of the Village Center because there was concern that not all of the features of that area were being included in the study. He explained that a proposal for an IHZ overlay for the Village Center was still in the planning stage. A preliminary ranking of the types of housing to be proposed for the area was also being discussed.

Mr. Carey reported that Planimetrics met this week with the Chairman of the Redevelopment Agency to compare the direction Planimetrics was moving into with the direction of the Redevelopment Agency. The result is that both groups appear to be moving forward in a similar manner relative to infrastructure, transportation, amenities, etc.

Mr. Carey further reported on the research he conducted on the concept of “exemption” from 8-30g for properties in an IHZ. After much research by himself and others, it has been determined that the IHZ is an alternative for developers and towns to use to incorporate compliant affordable housing into their communities. It is a floating zone with an underlying regulatory matrix. While the IHZ process is being explored the developer or land owner cannot bring an 8-30g application before the Commission. The intent is that the IHZ will be a much more attractive option for the property owner, developer, and town. If the IHZ application fails for whatever reason, nothing will prevent the applicant from returning later with an 8-30g application. Also, if an area is overlaid with an IHZ the underlying zone would simply be augmented by the IHZ. All parties indicate that they would opt for an IHZ application as opposed to an 8-30g application and thereby circumvent the hostile nature of an 8-30g application.

- 8. New Business:** Mr. Zatorski explained that tonight’s reviews were for the sole purpose of determining if the PZC will recommend that the Town Council consider the following property transactions: ***Attachment 2***

- A. 8-24 Review: Permanent Easement, 49 Oakum Dock Road** Regarding Water System - Map 02/Block 9A/Lot 4: Mr. Carey discussed the statute requiring the review. He further explained that the development of a town water system that addressed the various water concerns of residents in East Hampton is one of the primary infrastructure goals in our POCD.

Chairman Zatorski clarified that any action taken this evening would not include approving a water system, recommending a particular system, or type of system. The only thing the Commission would be doing is to recommend obtaining property that may be the future location of various parts of a future water system.

Mr. Carey explained that this property would be the location where the well fields would be placed if in fact that ever happens. The Commission discussed the methodology being used to obtain, and transfer, this property and the Department of Public Health requirements for a water system. The question was posed as to whether the easement may be sold by the Town to

another water company. Staff will research this question. The Commission discussed that a secured water supply would allow the Town to focus on an actual system in the future. The Town has received a diversion permit from the State. The State will limit how much water is available to be drawn on a daily basis and therefore the size of the system that will ultimately be available to the Town.

Chairman Zatorski read the Resolution. ***Attachment 3***

Mr. Philhower moved to approve the Resolution as read by the Chairman.

Mr. Rux seconded the motion. The motion carried unanimously.

B. 8-24 Review: Potential Acquisition, Greer Property, Middle Haddam Road, for Water Treatment Facility – Map 01C/Block 10/Lot 3:

Chairman Zatorski read the Resolution. ***Attachment 4***

Mr. Carey explained that this property would be the location for the potential construction of a water treatment facility. The engineers who conducted the study determined that this would be the most appropriate for both the location and cost of delivering water to the facility for treatment and from the facility once treated to a potential transmission system.

The Commission discussed the planning component here regarding preparation for the future. Costs of obtaining property will continue to rise. This system may never be built; however, if it does become a necessity obtaining the land will be more expensive as time goes by. If the water system does not come to pass the function of this property can be reviewed at a later date. Mr. Carey clarified that the purpose of this review is to ensure that this purchase is in keeping with the POCD.

Mr. Philhower moved to approve the Resolution as read by the Chairman.

Mr. Rux seconded the motion. The motion carried unanimously.

C. 8-24 Review: Potential Acquisition of 2 Easements to Accommodate Phase 2 – Reconstruction of Flanders Road – Map 26/Block 87/Lots 10 & 10A:

Mr. Carey explained that the first easement is for sloping rights and the second is a drainage easement. The Town has negotiated with the **property** owner to reach an agreement to allow the easements to be granted. The road improvement and reconstruction of Flanders Road is much needed and consistent with the POCD, in which Section 5 calls for the need to provide a safe and passable road infrastructure.

The Commission discussed the need for improvements to this road and praised the work that has already been completed.

Keith Hayden, Public Works Director, was present and discussed the project with the Commission. He explained that the existing horizontal and vertical alignments would stay much the same as they are. In order to bring that roadway up to current standards the character of the area would be destroyed. It would require that property, trees, and stone walls would be destroyed. The

rehabilitation of the pavement and minor improvements to road width will provide a uniform 24' roadway. In the areas of the easement the bank will be sloped to improve the sightline.

Chairman Zatorski read the Resolution. ***Attachment 5***

Mr. Philhower moved to approve the Resolution as read by the Chairman.

Mr. Rux seconded the motion. The motion carried unanimously.

9. **Adjournment:** *Mr. Rux moved to adjourn the meeting. Mr. Philhower seconded the motion. The motion carried unanimously.*

The meeting adjourned at 7:55 p.m.

Respectfully submitted,

Daphne C. Schaub
Recording Secretary