

East Hampton Planning and Zoning Commission
Regular Meeting
October 7, 2009
Town Hall Meeting Room

Approved 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, Members Peter Aarrestad, Roy Gauthier, Richard Gosselin, Mark Philhower, James Sennett, Alternate Members Michael Brogan and Kevin Kuhr were present. Planning, Zoning and Building Administrator, James Carey, was also present.

Absent: Vice-Chairman Rowland Rux and Alternate Member Darin Hurne were absent.

Alternate Kevin Kuhr was seated at this time.

2. **Approval of Minutes:**

A. September 2, 2009 Regular Meeting Minutes:

Mr. Philhower moved, and Mr. Aarrestad seconded, to approve the minutes of the September 2, 2009 regular meeting as written. The motion carried 6-0-1. (Yes votes: Aarrestad, Gosselin, Kuhr, Philhower, Sennett, Zatorski. No votes: None. Abstentions: Gauthier.)

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

Communications: Mr. Carey reported that information on a seminar for the 2010 Census and the current issue of the Connecticut Town & Country Magazine have been forwarded to the members.

Mr. Carey explained that the agenda item pertaining to the Design Review Board has been eliminated from the Agenda due to the need to finalize a panel of individuals to complete the restructuring of this Board.

Liaison Reports:

Mr. Gauthier reported that the EDC spent a lot of time during their last meeting discussing how to promote and encourage the businesses in the Village Center. They are very interested in bring the issue of Home Based Business back to this Commission and mentioned that they have been in contact with the PZC Chairman.

Mr. Sennett reported that he attended the ZBA meeting on September 14th. They heard one application, which was denied. The minutes of this meeting are on file and may be reviewed in the Town Clerk's Office and on the Town's Website.

Mr. Aarrestad reported that the Salmon River Watershed Taskforce has not met recently; however, the consultant Horsely Whitten is continuing to revise the land use audit for the ten basin towns. That report will be unveiled to all the participating communities later this fall. He also reported that the lease agreement for the well field at Oakum Dock Road was approved at a Town Meeting, as was the acquisition

of land for a future water treatment facility on Middle Haddam Road. Finally, he attended a meeting on September 28th co-sponsored by the Town Council and Conservation/Lake Commission. Dr. Ken Wagner, of AECOM, presented a comprehensive analysis of nutrient loading coming off the Lake Pocotopaug watershed. The presentation is available on the Town's website. He reported that the analysis is very thorough and discussed concerns about failures of measures that have been taken to protect the watershed.

Mr. Philhower reported that the Midstate Regional Planning Agency regular monthly meeting was rescheduled until October 20th.

Mr. Zatorski reported that he would cover IWWA comments during the Public Hearing and Old Business.

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

4. **Read Legal Notice:** Mr. Carey read the legal notice into the record.
5. **Special Presentation: Planimetrics** – Incentive Housing Zone Study Report: Mr. Glen Chalder, Planimetrics, made his first presentation and status report to the Commission on the results of the Housing for Economic Growth Program. He explained that this program began in 2007 when the State Legislature passed a law providing financial incentives for communities to research how to provide affordable housing. East Hampton applied for and received a technical assistance grant that has funded this study. If the PZC and the community elect to proceed with the grant after the study is complete there is the opportunity for financial incentives in the future through adoption of the program. Mr. Chalder proceeded to discuss the six booklets he has prepared and made available this evening. (Attachment 1)

The Commission scheduled a walking tour of the Village Center with Mr. Chalder to review the areas discussed. This tour will take place at 9 A.M. on Saturday, October 24, 2009. All those interested in attending will meet in the Village Parking Area on Main Street, immediately next to Main Street Pizza.

Mary Ann Dostaler, 56 William Drive, member of the Brownfield/Redevelopment Agency (Agency) would like to suggest as much collaboration and cooperation between the Agency and the PZC through this process as possible. One of the objectives and responsibilities of the Agency is to develop a redevelopment plan. If they could be a central partner with the PZC and help to do that part of the work so that they can then do part of the work that the PZC would do, which is the regulation. She requested that the Brownfields/Redevelopment Agency Chairman Scott Bristol be notified of the walking tour.

The Chairman scheduled a workshop just prior to the next regularly scheduled meeting at 6 P.M. on Wednesday, November 4th to continue this discussion.

The Chairman recessed the meeting for five minutes at this time.

The meeting reconvened at 8:12 P.M.

6. **Set Public Hearing for November 4, 2009:** None.

7. Public Hearing for October 7, 2009:

- A. David and Jean Jordan**, 173 Lake Drive, for a 2-Lot Subdivision & Waiver Request to Accommodate Lot Width – Map 31/Block 69/Lot 5: Commissioner Aarrestad stated that he is an abutting property owner and that he is recusing himself from this application.

The Chairman seated Alternate Commissioner Michael Brogan at this time.

Charles Dutch, Colchester, was present to discuss the application with the Commission. The applicant has met all of the health requirements and has been approved by IWWA. He explained that meeting the 100' frontage requirement has been achieved; however in saving the garage for the existing home on this parcel it would be necessary to move the front setback, which is also the building line, back 113' from the road from 50'.

Mr. Carey reported that the IWWA has approved the application with conditions. He also reported that the Chatham Health District has approved the application with conditions.

Mr. Carey explained that the Regulation reads that lot width is defined at the minimum front setback. In this case it is requested that the front setback be moved backward to accommodate this design. All other requirements for this subdivision have been met or exceeded.

The Chairman opened the Public Hearing at this time. There being no public comment, *Mr. Philhower moved to close the Public Hearing at this time. Mr. Brogan seconded the motion. The motion carried unanimously.*

Mr. Philhower moved to approve the application of David and Jean Jordan, 173 Lake Drive, for a 2 Lot Subdivision & Waiver Request to Accommodate Lot Width, Map 31/Block 69/Lot 5, with the condition that town staff be notified. The approval is granted for the reason that this application meets or exceeds all the requirements of the zoning regulations with the exception of lot width and is appropriate for the area. Mr. Sennett seconded the motion. The motion carried unanimously.

Mr. Philhower moved to grant the waiver request for the lot width on the application of David and Jean Jordan, 173 Lake Drive, for a 2 Lot Subdivision & Waiver Request to Accommodate Lot Width, Map 31/Block 69/Lot 5. Mr. Brogan seconded the motion. The motion carried unanimously.

- B. Paul J. Angelico**, 81-83 North Main Street, for a Commercial Site Plan Modification – Map 04A/Block 45A/Lot 21/20:

The Chairman unseated Mr. Brogan and reseated Mr. Aarrestad at this time.

Mr. Carey read a letter from the applicant into the record. (Attachment 2)

Mr. Carey reported that he has retained Marc Cote, a consultant in acoustics, who has prepared and submitted a report on this application. Mr. Carey further reported that, based on Mr. Cote's report, which has been distributed to the Commission he cannot recommend approval at this time.

The Commission discussed the information available and the reasons for the application. Mr. Carey discussed the suggestions made by the acoustical consultant. Mr. Carey read a letter from the applicant regarding the amount of impervious surface both before and after the requested modification. Mr. Aarrestad stated it would appear that the impervious surface would be more non-conforming than it currently is.

The Chairman opened the Public Hearing at this time.

Scott Sanicki, 102 Quiet Woods Road, suggested that the recommendations of the Town's Engineer were accurate and agrees that the proposal will make the noise more disturbing on the lake side.

Susan Wielgosh, 79 North Main Street, discussed her concerns for the proposal and explained that the barrier walls are being configured to direct sound to the lake and her home. She stated that the whole neighborhood is affected and nothing is being designed to help the south side deal with the noise. The banquet hall should have been approved for this facility and then all the noise would have been contained inside.

Fran Klein, 12 Bellevue Street, discussed the noise that the neighbors in the proximity of Angelico's have to endure. She explained that she and 30 of her neighbors have signed a request that was presented to the Town Council. This request is representative of the 16 families that live in proximity to Angelico's. Their initial request was to the Town Council for a town wide noise ordinance. She explained that she has not been able to sit on her deck in two years. A town wide noise ordinance would protect the whole town from this type of noise. She provided a history of the problem to the Agency.

Joe Carbonell, 5 Bauer Road, reported that a couple of years ago he could sit outside and listen to the music. He reported that it wasn't offensive but it was loud. Today, with the relocation of the bands that play there, he hardly hears the music. He also stated that when at the location depending on where you are seated you do not hear the music. He suggested that there may be certain bands that are heard more than others.

Irene Curtis, 13 Wangonk Trail, reported that she lives on the opposite side of the lake and that she doesn't hear the music. She does hear the "boom, boom, boom".

Paul Peszynski, 29 Day Point Road, discussed his concern for the neighbors and their request for an ordinance which would affect everyone in the Town.

The Chairman explained that the public hearing tonight is to discuss the site plan modification that is before the P&Z not to discuss a noise ordinance.

Bonnie Sweet Reilly, 41 Lake Boulevard, discussed the ridiculous levels of noise and stated that she was concerned that apparently the application does not meet the conditions that would abate the noise in the neighborhood; and therefore, it should not be considered any further.

Ann Garwood, 2 Barbara Avenue, discussed the stage that is 50' from her home and the noise she is forced to endure.

The Chairman suggested that she discuss her concerns regarding the stage with the Town's Zoning Enforcement Officer.

Leslie Delpot, Florida resident, suggested that the only modification that would resolve this problem is an enclosed room.

Phil Wielgosh, 79 North Main Street, requested that they just tone down the music.

Paul Peszynski, 29 Day Point Road, questioned whether the existing site plan had been approved. The Chairman explained that it was. Mr. Peszynski believes that with the opinions of the consultant and Town Staff it would be a waste of time to go any further with the application.

Fran Klein, 12 Bellevue Street, explained that she has reviewed all the information and consulted with an engineer. Everyone is in agreement that this modification will not attenuate the noise.

Mr. Philhower moved to close the Public Hearing. Mr. Gauthier seconded the motion. Motion carried unanimously.

The Commission discussed the best and most effective way to convey the suggestions made in Mr. Cote's letter to the applicant. Mr. Carey reported that the letter has already been transmitted to the applicant and that they would be discussing it in the future as well.

Mr. Philhower moved to deny without prejudice the application of Paul J. Angelico, 81-83 North Main Street, for a Commercial Site Plan Modification, Map 04A/Block 45A/Lot 21/20. This motion to deny is made based on the fact that this modification will make the lot more non-conforming and does not accomplish the intent of noise attenuation. Mr. Gauthier seconded the motion. The motion carried unanimously.

8. Old Business:

- A. Extension for Mylar Filing of Christopher Jordan, Gregory Jordan & Jean-Marie Lapiene, Jordan Family Subdivision, for a 3-Lot Subdivision – Map 18/Block 44/Lot 10-1:** Mr. Carey explained that this subdivision has been recently approved by this Commission. The East Hampton Zoning Regulations call for filing the mylars within 90 days of the approval. Mr. Carey requested that the Commission grant a 90-day extension due to timing concerns that the family has encountered.

Mr. Aarrestad moved to extend the mylar filing of Christopher Jordan, Gregory Jordan & Jean-Marie Lapiene, Jordan Family Subdivision, for a 3-Lot Subdivision, Map 18/Block 44/Lot 10-1. Mr. Philhower seconded the motion. The motion carried unanimously.

- B. Update: P.O.C.D Subcommittee:** Department heads and chairmen have been requested to provide feedback on potential considerations for revisions to the P.O.C.D. The deadline for responses was today. The only response received was from Judie Bobbi, Director of the Housing Authority. Also Chairman Zawisza, Conservation/Lake Commission, is in receipt of a letter regarding the former Lake Commission's request of this Commission to make a revision to the P.O.C.D.

This letter, included a copy of the original request, and suggested that the new Commission review the request and respond accordingly. No response has been received.

- C. Discussion: Home Based Businesses:** Mr. Gauthier reported that at the last EDC meeting the Chairman reported having been in contact with the Chairman of the P&Z Commission to begin discussion on a home based business regulation again. Chairman Zatorski explained that he did not have a thorough discussion with the Chairman of the EDC and that for the next meeting of the P&Z he will do so.

Mr. Philhower discussed his concerns over bringing up the issue again after the Commission and Town Staff spent a considerable amount of time on it. The outcome was by an informed vote of the Commission and it shouldn't be forced back on the table because someone did not like the way the Commission voted.

Chairman Zatorski explained that he was of the impression that there was additional information to be conveyed to this Commission. The Commission discussed their opinions on bringing this back up now. The Chairman will discuss these concerns with the EDC Chairman.

- 9. New Business:** None.

- 10. Adjournment:** *Mr. Philhower moved to adjourn the meeting. Mr. Kuhr seconded the motion. The motion carried unanimously.*

The meeting adjourned at 9:14 P.M.

Respectfully submitted,

Daphne C. Schaub
Recording Secretary