

East Hampton Planning and Zoning Commission
Special Meeting/Workshop
January 19, 2011
East Hampton Middle School Media Center

Unapproved Minutes

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

Present: Chairman Ray Zatorski, Vice-Chairman Mark Philhower, Members Roy Gauthier, Richard Gosselin, Rowland Rux, James Sennett, Alternate Members Kevin Kuhr, Meg Wright were present.

Absent: Regular Member Peter Aarrestad and Alternate Member Darin Hurne were absent.

No alternates were seated at this time.

2. **Presentation:** Village Center Housing and Revitalization Program - Incentive Housing Zone.

Chairman Zatorski explained that in 2008 James Carey, Planning, Zoning & Building Administrator, applied for and received a \$50,000 technical assistance grant to fund research on how to provide Affordable housing in East Hampton that would be acceptable to the community, developers, and State mandates . Upon careful review of the State's Incentive Housing Program, it was determined that while this program would be too rigid for East Hampton, other aspects of the study will be beneficial in developing a program that will enable property owners and businesses to revitalize and profit in the Village Center. The intention being to research, develop, and enact regulations that would enable property owners to rehabilitate, renovate, and rebuild their property and thereby attract residents, businesses, and consumers into the Village Center.

Mr. Zatorski further explained that the Incentive Housing Program requires a minimum number of housing units per acre. East Hampton is comfortable working with a maximum number of housing units per acre. Having made that decision East Hampton would not be eligible for compensation from the State based on the number of Affordable housing starts. The Commission chose not to be swayed by the compensation, as it is awarded based on availability and there have not been funds made available for this on the State level. They proceeded with this alternative.

Finally, Mr. Zatorski explained that he has been in touch with the Town's Assessor who indicated that this study has had no effect on the re-evaluation conducted in Town this year. Additionally, as this program will be by special permit it will have no effect on the re-evaluation scheduled for 2015. Mr. Zatorski introduced Glenn Chalder of Planimetrics who will provide the presentation this evening.

Glenn Chalder of Planimetrics in Avon, Connecticut, explained that he has been working with the PZC in looking at the possibilities for establishing an Incentive Housing Zone Program. The State calls this program the Housing for Economic Growth and Incentive Housing. The function of this study was to look at the program and its applicability for East Hampton. The State program was created in 2007 with

the intent of encouraging communities to look at ways to create Affordable housing in locations where the community thinks it is appropriate and to support economic growth in that community. This meeting is intended to report where in the process we are and receive feedback from the community.

Mr. Chalder proceeded with a PowerPoint Presentation. Attachment 1

Ralph Nesci, 12 Summit Street, expressed his belief that this is a pipe dream. Cost, water, and contamination of the properties are his concern.

Mr. Chalder explained that the Commission is aware that water is a concern for future development in this area. The current capacity for the water system might allow another one or two properties to increase consumption but that is all. It is clear that the types and extents of development envisioned in this plan could not happen today. This plan also recognizes that there are properties in the Village Center that will require remediation. Under the current zoning the economic return may not support the remediation. These conditions create a situation where nothing happens to correct the conditions in the Village Center. With the opportunities that exist through a program such as this one, it may be possible to support housing choices, options, and remediation of the properties in the area. It is not the Town's intention to build any of this. The Town's intention is to modify the rules that are currently in place which prevent things like this from happening and give the property owners options if they elect to participate.

Alison Bliss, 12 Arden Drive, questioned programs that may be in place to help Village Center property owners with the funds to remediate contaminated properties.

Chairman Zatorski discussed programs for remediating contaminated properties and eco-friendly development and rehabilitation. The Town will further research these possibilities.

Cindy Rooth, Economic Development Commission (EDC), questioned the ability of the Brownfields/Redevelopment Agency to work with property owners to remediate properties in this area.

Todd Schrage, 66 Main Street, discussed his understanding of the program.

Chairman Zatorski explained that the intent of this program would be to enable the property owners, as opposed to limit them. He stated that no one wants to force anything. The hope is to be able to provide options that will simultaneously address housing needs, economic growth, and revitalization of the area.

Bill Carlevale, 10 Summit Street, questioned whether there was a demand for more housing in East Hampton. He cited vacant real estate and closed businesses. He also requested additional information on the Affordable housing requirement mandated by the State.

Mr. Chalder responded that there is clearly a need for more housing in town and clearly a need for more Affordable housing in town. There is normal turnover in the rental market. Some of the housing choices in the Village Center are not the types of housing choices that people are seeking. An interesting thing is also happening in the housing market. Baby Boomers are aging and seeking different choices than those seen in the past. In addition to providing an opportunity for redevelopment of

property, there is the opportunity to provide more Affordable housing, smaller housing, and different housing than has been sought historically. The goal is not to dictate but remove constraints and create opportunities in ways that will respond to what the market is doing. The market today could be very different from the market in five or ten years from now. This is the first step in a long process.

Chairman Zatorski explained that each municipality in Connecticut is required to meet a minimum goal of 10% of the total housing stock categorized as "Affordable". Affordable housing is defined by the State as having a restriction on the deed that has certain standards, including income limits on buyers for resale of the property. These deed restrictions are in place for forty years. Any municipality that does not meet the 10% requirement is subject to development of large Affordable housing complexes by mandate. East Hampton has been subjected to this mandate four times already. By designing a program in an area acceptable to the community, with access to infrastructure, where development, or redevelopment, will not change the character of the area, East Hampton may be able to resolve some of these issues facing our community.

Mr. Zatorski further explained that the Incentive Housing Zone (IHZ) that the Commission is considering would consist of an "overlay" zone that will not change the existing zoning but will allow for additional possibilities by special permit in the subject area. This overlay zone being considered will also have a requirement of 20% Affordable housing. These new Affordable units will then be applied to the required 10% of total housing stock; thereby, alleviating the burden on the Town and eliminating the ability of developers to force the Town's approval of additional developments.

Mr. Chalder explained that if the Town proceeded with the State's IHZ program, looking for State dollars, the affordability restrictions that would be in place would have to be 20% of all housing units created in the zone deed restricted for 40 years. What the Commission is considering is to propose a different program that will provide opportunities for property owners without the constraints of the State program. No State dollars will be available to the Town for each housing start because the Commission feels that the State's required density is excessive for East Hampton; however, the Commission is still proposing that 20% of the units be Affordable for 40 years.

Mr. Chalder further explained that to be Affordable a unit must be priced to be affordable to a household earning 80% of the area median income. The housing unit would either have to sell or rent, and be deed restricted to sell or rent, at that level for a minimum of 40 years. By including this requirement the Town is attempting to make headway toward the State's required threshold for available Affordable housing and simultaneously provide multiple benefits for the Town and the property owners in the Village Center.

An 8-30.g development must have 30% of the units designated as Affordable and deed restricted for 40 years. Of those units half must be affordable to people earning 80% of the area median income and the other half must be affordable to people earning 60% of the area median income. The Commission is attempting to create a program that would be right for East Hampton; an environment where landowners

can redevelop their properties and simultaneously revitalize the Village Center adding to the Affordable housing stock without the pressures that an 8-30.g development brings to the Town. A significant increase in density will be available to a property owner for building housing; however, that increased density comes with an Affordability restriction. If the property owner would like to build housing but would not like to be involved with the Affordability restrictions, the zoning regulations would not support the increased density.

Alison Bliss, 12 Arden Drive, questioned whether there would be funds in place for the property owner if the Commission went with the more strict program.

Mr. Chalder responded that the higher densities will support units at a lower price and therefore they will be affordable to households with less income. The Commission is attempting to allow each property owner to determine what will work for that property.

Cindy Rooth, EDC, questioned how the 20% would be allotted on a property suitable for 4 units and would like to see some incentive for the owner to participate.

Chairman Zatorski responded that one unit would be sold at an Affordable rate and the other three would be sold at the market rate.

Mr. Chalder brought up the possibility of entertaining a "fee in lieu" policy which would allow a property owner to pay into a fund that will be used to support Affordable housing in a location more suited for higher density or other types of housing initiatives.

Lionel Valluzzo, 8 Summit Street, thanked the Commissioners for taking an interest in the community. He questioned how the study was conducted and the conclusions were made. He is concerned that his home was non-existent in the visual concept and is fearful that eminent domain is a consideration here.

Mr. Philhower explained that the concept Mr. Valluzzo is referring to is strictly a visual concept and that he owns property in the Village Center as well. His property has a road drawn through the middle of it on the visual presented with this program. He assured Mr. Valluzzo that the only way his property would be divided by a road or Mr. Valluzzo's home would be removed would be for cash considerations. At no point in time would the Commission ever support anyone ever taking anyone's property.

Mr. Valluzzo is also concerned by the design proposed in the proximity to the old brook bed. He is concerned about the environmental effect this plan will have on the area and the necessary remediations.

Chairman Zatorski explained that the visual being presented here is merely an example of what may come to pass if the overlay zone is created.

Mr. Chalder explained that not every property line is being illustrated in the visual. There are neighboring property owners who may choose to cooperate with one another and those who will choose not to. The visual is meant to be an illustration of things that could happen. Many things, including Brownfield remediation and water, will be necessary before these the images depicted can happen. The Commission is

attempting to express opportunities rather than dictate plans. The graphics present are not intended to be site plans.

Bill Carlevale, 10 Summit Street, expressed his overall approval of the proposal. He believes providing flexibility to the current zoning regulation will be beneficial to property owners. The options made available will create a catalyst for new development in the Village Center.

Jane Bisantz, 91 Main Street, questioned how the design guidelines would work and what is to protect the town from developers coming into town and ignoring the guidelines.

Chairman Zatorski explained the function of the guidelines in the planning process and explained that the PZC and the Building Department would have control over the design.

George Coshow, 26 Shipyard Road, discussed the Middle Haddam Historic Districts history with design guidelines.

Marc Lorah, 26 Champion Hill Road, discussed his interest in the environment, conservation, and alternative energy use.

Sal Nucifora, 147 Colchester Avenue, questioned financial incentives that could be offered to the property owners. He recommended groupings of property owners be brought together.

Irene Curtis, 13 Wangonk Trail, expressed admiration for the plan and thinks this is what has been missing from the plans for the Village Center for all these years. The success of this plan will be found in its short, medium, and long view of the possibilities for the Village Center.

Sandra Nesci, 12 Summit Street, questioned whether the Town would be providing any technical support for participants in the program.

Mr. Chalder responded that there may be ways to investigate possibilities on an individual property but until the water situation is really clarified do not spend large amounts of money.

Mary Ann Dostaler, 56 William Drive, questioned whether adopting this type of zone would strengthen the Town's position if a developer proposed a development under 8-30.g in an area of town that was not in an area that the Town had designated.

Mr. Chalder explained that there is no shield for a town to stop an 8-30.g development except attaining 10% of all housing stock in the town as deed restricted for Affordable housing for 40 years or increasing the percentage of deed restricted Affordable housing by 1% which will exempt the town from the mandates of 8-30.g for a one year period.

Mr. Gauthier stated that the property owners' opportunities will be enhanced by this program. The zoning that is in place currently has many restrictions. This program will provide an opportunity for the property owner to improve their own properties with support from the Town. The effect of the improvements to the individual properties will bring people into the Village Center which is the only way to revitalize it.

Mr. Philhower discussed the study released on the Village Center in the 1980s. He explained that the difference between this study and its predecessor is that the earlier study called for a major influx of tax payer money. This study will encourage private money to revitalize the Village Center with the Town helping by creating more useful regulations.

Mr. Philhower moved to continue the workshop to the Commission's next regularly scheduled meeting. Mr. Rux seconded the motion. The motion carried unanimously.

3. **Adjournment:** *The Chairman adjourned the Special Meeting/Workshop at 8:11 pm.*

Respectfully submitted,

Daphne C. Schaub
Recording Secretary