

**East Hampton Planning and Zoning Commission
Regular Meeting
January 2, 2013
Town Hall Meeting Room**

Unapproved Minutes

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

Present: Chairman Mark Philhower, Vice-Chairman Ray Zatorski, Members Peter Aarrestad, Roy Gauthier, Richard Gosselin, Rowland Rux, James Sennett, Alternate Members Paul Hoffman (7:03), Scott Sanicki, Meg Wright, and Planning, Zoning & Building Administrator James Carey were present.

Absent: All members were present.

2. **Election of Officers:**

Mr. Sennett nominated Mark Philhower for the Chairman seat in 2013. Mr. Zatorski seconded the nomination.

Mr. Rux moved to close the nominations for the seat of 2013 Chairman. Mr. Zatorski seconded the motion. The motion carried unanimously.

The Chairman called for the vote on the 2013 Chairman. Mr. Philhower was elected unanimously to the seat of Chairman for 2013.

Mr. Rux nominated Raymond Zatorski for the Vice-Chairman seat in 2013. Mr. Gosselin seconded the nomination.

Mr. Sennett moved to close the nominations for the seat of 2013 Vice-Chairman. Mr. Rux seconded the motion. The motion carried unanimously.

The Chairman called for the vote on the 2013 Vice-Chairman. Mr. Zatorski was elected unanimously to the seat of Vice-Chairman for 2013.

3. **Approval of Minutes:**

A. December 5, 2012 Regular Meeting:

Mr. Zatorski moved to approve the Minutes of the December 5, 2013 meeting as written.

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

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

Communications:

Mr. Carey reported that the draft of the revised definition section of the Regulations should be available for the next regular meeting. On a related topic, he has been approached by the Animal Control Officer regarding a Right to Farm declaration to be included in our Section 17, Livestock and Agriculture. Information regarding this declaration will be emailed to the Commission for discussion at a later date.

The Town has chosen Anchor Engineering Services, Inc to replace CLA Engineers as the Town's engineer. This change will be effective February 1, 2013.

The four members of the Planning, Zoning & Building Department will, or have, attended the CCM training session regarding Customer Service Excellence.

Rowland Rux's term expired on 12/31/2012. He has applied to be reappointed. The Town Council has 90 days to fill this position. The Appointments Subcommittee has not yet met to address this opening.

Chairman Philhower requested that Jim prepare a letter to Town Council for his signature including the value of Mr. Rux's tenure on both the IWWA and the Building Committee to the Planning & Zoning Commission.

Mr. Carey reported the Messrs. Rux and Zatorski have been on the Planning & Zoning Commission for 12 consecutive years. Mr. Philhower will be on the Commission for 12 consecutive years later this year. All three will be nominated for the CT Federation of Planning and Zoning Agencies' Length of Service Award. Mr. Carey both congratulated and thanked the Commissioners for their service.

Liaison Reports:

Mr. Zatorski requested Staff to update the Commission on the IWWA Cease and Correct action taking place at Island No. 3, Scraggy Island. Mr. Carey briefly reported on this item as it was discussed during the IWWA meeting of 12/19/2012. The Minutes of this meeting are available for viewing in the Town Clerk's Office and online.

Ms. Wright reported that she attended the Conservation-Lake Commission meeting on December 13, 2012. She reported that the Commission did hear three plan reviews and agreed that all three were appropriate. The Minutes of this meeting are available for viewing in the Town Clerk's Office and online.

Mr. Gauthier reported that since the last P&Z meeting the Building Committee has retained Downs Construction as the construction manager for the High School building project. The project team is working on bringing a preliminary conceptual plan to an informational meeting on January 15, 2013 (snow date of January 17, 2013). The architects have spent a lot of time with the High School staff and will be bringing a presentation to that informational meeting based on the data collected. The target date for the referendum is late March. The project team will be ready to present the Town Council, Board of Education, and Board of Finance with a conceptual plan and cost estimates in adequate time to schedule that referendum. If the Town approves the project at referendum, the project will be submitted to the State before the deadline of June 30th. The State will take approximately a year to approve the funding. The expected approval from the State for the bonding will be approximately May or June of 2014. Once the bonding has been approved, the project will begin almost immediately.

Mr. Rux questioned, and staff confirmed, that the High School Building Project would come to P&Z for an 8-24 Review. (Note: Since this meeting it has been confirmed that the 8-24 Review must be held prior to the Town Council setting a date for the referendum.)

Mr. Gosselin reported that there was no EDC meeting in December.

Mr. Sennett reported that he attended the ZBA meeting of December 10th. At that meeting they heard and acted on two applications. The variances requested were granted. The Minutes of this meeting are available for viewing in the Town Clerk's Office and online.

Mr. Philhower reported that Midstate Regional Planning Agency has not met since the last P&Z meeting.

Public Comments: The Chairman opened the meeting up to the public at this time. There was no one present to make comments.

5. Set Public Hearing for February 6, 2013:

- A. Application of James & Priscilla Himmelwright, 74 Champion Hill Road, for a 3-Lot Sub-Division – Map 11/Block 39/Lot 27B.

Mr. Zatorski moved, and Mr. Arrestad seconded, to schedule the application of James & Priscilla Himmelwright, 74 Champion Hill Road, for a 3-Lot Sub-Division, Map 11/Block 39/Lot 27B, for public hearing at the February 6, 2013 regular meeting of the Planning & Zoning Commission. The motion carried unanimously.

6. Read Legal Notice: Mr. Carey read the legal notice into the record.

7. Public Hearing for January 2, 2013:

- A. Application of Joan Youngs, 134 West High Street, for a 2-Lot Subdivision - Map 12/Block 38/Lot 7:

Joel fuller was present to represent the applicant. He reported that the applicant has 4.19 acres in the R-2 Zone between West High Street and Abbey Road with frontage on both streets. Currently there are two structures on this property, the main house and a smaller house that has been rented in the past. The proposal is to subdivide the western portion of the property with the smaller house and associated well and septic. Chatham Health has deemed the subdivision to be code compliant. The access driveway to this lot (Lot No. 2) will be off of Abbey Road. The plan contains notes which require that upon the development of a new structure on Lot No. 2, as proposed, the existing structure must be demolished. There will never be two structures on Lot No. 2.

Mr. Carey pointed out that the subdivision plans to move the driveway to Abbey Road will provide an increased level of safety for the traffic on Route 66.

Mr. Carey read the comments of the Chatham Health District into the record.

The Chairman opened the meeting to the public.

John Lambert, 142 West High Street was present to discuss whether the plan was to build a new house, keep the existing house, or add to the existing house. The different scenarios were discussed.

Mr. Zatorski moved, and Mr. Rux seconded, to close the public hearing. The motion carried unanimously.

Mr. Zatorski moved, and Mr. Sennett seconded, to approve the application of Joan Youngs, 134 West High Street, for a 2-Lot Subdivision, Map 12/Block 38/Lot 7, for the reason that it meets the zoning requirements of the Town of East Hampton and eliminates a curb cut on Route 66. The approval includes the following conditions:

- *Town Staff must be notified prior to commencement and after completion of construction;*
- *The existing structure on Lot No. 2 must be abandoned in a condition acceptable to Town Staff if and when new construction occurs on Lot No. 2; and*

- *All sedimentation and erosion controls must be in place, inspected, and approved by Town Staff prior to the commencement of construction.*

The motion carried unanimously.

B. Application of MazzCor LLC, MazzCor Subdivision Phase 1, 105 Colchester Avenue, for a 4-Lot Subdivision – Map 27/Block 87A/Lot 12A:

Mr. Carey reported to the Commission that at the time that the applicant withdrew its last application, the applicant requested that the application fee for this application be waived. The Commission discussed the fees and the circumstances surrounding the application and determined that the State Fee would be required and the Town has incurred additional expenses; therefore, the fees would not be waived.

Mr. Carey also reported that the subject property's taxes are in arrears and a lien has been placed by the Town on the subject piece. The Collector of Revenue has been in touch with the applicant, the applicant's attorney, and Mr. Carey in an attempt to collect these taxes and has proposed that perhaps it would be appropriate for the subdivision to be denied until such time as the taxes are paid. Whether the Town is able to reject this application for this reason is unclear at this time. Mr. Carey requested that no approval action be taken this evening and the hearing be continued to the next regularly scheduled meeting to allow for this concern to be addressed. The Commission discussed this concern and agreed that they would open the public hearing and continue it to the next regular meeting.

Chris Bell, Professional Engineer, was present to represent the applicant. He explained that the applicant proposes that the 20+ acre parcel just west of Tartia Road be subdivided to create 4 lots. Three lots will be on Route 16 and the fourth lot will be in the rear of the piece. Site line issues are being addressed with the DOT and the Chatham Health District is reviewing the proposal. There is an existing house that will be demolished. The existing well for that house will remain.

The four new lots will meet the R-2 and R-4 Zone requirements. If a Phase 2 will be developed it will be addressed in the future. It is not being proposed at this time.

Mr. Carey restated that the issues remaining to be resolved are the tax lien on the property, receipt of the outstanding fees, Chatham Health District's review of the project, and final acceptance of the plan by the State DOT. The Commission requested the applicant to extend the period required to close the public hearing to the maximum allowed. The applicant agreed and will send the extension request in writing to the Planning and Zoning Office.

The Chairman opened the meeting to the public at this time.

Keith Haessly, 114 Colchester Avenue, was present to discuss his concerns regarding the proposed new driveways on Route 16.

Mr. Carey reported that the IWWA has issued a permit for this application with conditions.

Mr. Zatorski moved, and Mr. Rux seconded, to continue the public hearing for the application of MazzCor LLC, MazzCor Subdivision Phase 1, 105 Colchester Avenue, for a 4-Lot Subdivision, Map 27/Block 87A/Lot 12A, to the next regularly scheduled meeting of February 6, 2013. The motion carried unanimously.

Mr. Zatorski moved, and Mr. Rux seconded, to continue the application of MazzCor LLC, MazzCor Subdivision Phase 1, 105 Colchester Avenue, for a 4-Lot Subdivision, Map

27/Block 87A/Lot 12A, to the next regularly scheduled meeting of February 6, 2013. The motion carried unanimously.

8. **New Business:** None

9. **Old Business:**

A. **Update – State Conservation & Development Plan:** Mr. Carey announced that the Office of Policy and Management has reviewed our request for changes to the Future Sewer Use Area and has accepted all requested changes which will be incorporated into the State Conservation & Development Plan.

B. **Update – Midstate Regional Metropolitan Planning Organization (MPO):** Mr. Philhower explained that as there has not yet been a meeting since the last meeting of this Commission. There is no update at this time.

10. **Adjournment:** *Mr. Zatorski moved to adjourn the meeting. Ms. Rux seconded the motion. The motion carried unanimously.*

The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Daphne C. Schaub
Recording Secretary