

Town of East Hampton
Planning and Zoning Commission
Regular Meeting
August 3, 2016 – 7:00 P.M.
East Hampton Town Hall Meeting Room

MINUTES

1. Call to Order and Seating of Alternates: The meeting was called to order at 7:00 P.M. by Chairman Ray Zatorski.

Present: Chairman Zatorski, Vice Chairman Kevin Kuhr, Regular Members James Sennett, Meg Wright, Rowland Rux, Gary Hall, Alternate Members Angelus Tammaro, Michael Kowalczyk, Jason Jozefiak and Planning and Zoning Official Jeremy DeCarli.

Absent: Regular Member Roy Gauthier

Alternate Member Angelus Tammaro was seated at this time. Chairman Zatorski thanked those present for attending the meeting, and Mr. DeCarli in particular for pursuing details related to agenda items.

2. Approval of Minutes:

A) July 6, 2016 Regular Meeting: *Mr. Rux moved, and Ms. Wright seconded, to approve the minutes of the July 6, 2016 regular meeting as written. Voted 7-0.*

3. Communications, Liaison Reports, and Public Comments:

Communications:

Mr. DeCarli thanked Mr. Kuhr for seven years of service and Mr. Kowalczyk for one year of service to the Commission. He reported a meeting of the Central Region Water & Utility Board Committee will be held August 17, 2016 at 1:30 P.M., location to be determined. The CT Federation of Planning & Zoning Agency's quarterly newsletter was emailed and notification of the CT **Siting** Council regarding modification to an existing telecommunications tower at 94 East High St. was also emailed.

Liaison Reports:

Mr. Sennett reported that the Zoning Board of Appeals approved an application for a side yard variance (from 15' to 7.5') for construction of a deck for James Gworek on Wangonk.

Mr. Rux reported that the Economic Development Commission and Brownfields Redevelopment Agency are planning to set up workshops going forward. At the EDC meeting he learned that the Rand building on Rt. 66 will house three businesses, Po's is

going to be the business of the month, with Lucky Goat and AirLine Cycles following. He mentioned that the EDC talked about the bridge construction on Rt. 66 and that the Water Task Force will meet on August 18, 2016.

Ms. Wright reported that the Lower CT River Valley Regional Planning Committee meeting on July 25 had no referrals but a draft for the regional housing portion of the regional POCD was handed out. A questionnaire was emailed for input from the towns. They also discussed that on June 27, the US Dept. of Transportation decided that they didn't like the current Metropolitan Planning Organizations (MPOs) and they are going to re-do them. The new ones do not take into consideration state or county lines, they may be TMA based. If they do this, then the 9 town transit is no longer funded as it will become an urban transit system.

Chairman Zatorksi opened the meeting to public comments. There were none at this time.

4. Set Public Hearing(s) for September 7, 2016:

A) Amendments to Regulation: Section 8.3.1 – Accessory Buildings and Zoning Fee Table:

Mr. Kuhr moved, and Mr. Rux seconded, to set the public hearing for September 7, 2016 for amendments to regulation section 8.3.1 – Accessory Buildings and Zoning Fee Table. Voted 7-0.

Mr. Rux asked if anything added tonight should be held in the public hearing arena to which Chairman Zatorski replied the information tonight is just background material and will be discussed under new business.

5. Reading of the Legal Notice: The legal notice was read into the record by Mr. DeCarli.

6. Public Hearings for August 3, 2016:

A) Continued: Application of Stephen Acerbo, 000 Rear Old Young Street (AKA: Sexton Hill Road), for a 4-Lot Subdivision – Map 4/Block 31A/Lot 9:

Mr. Hall recused himself from this topic. Chairman Zatorski sat Mr. Josefiak in his place.

Joel Fuller, Land Surveyor for the applicant reiterated changes that were talked about at prior meetings. Zoning charts were added per the Town Engineer/Mr. DeCarli; silt fences around the stockpile were added, road names on the map were revised per town staff. He noted that the engineer had asked for drainage calculations on the driveway; he is putting 2) 6" pipes so he didn't feel drainage comps were necessary and that they were hard to calculate because they are so small.

Stephen Acerbo, applicant, mentioned documents between town staff regarding meetings that occurred on use and improvement of the roads. Chairman Zatorski read the letter from Stephen Acerbo into the record ([Appendix A](#)). It was agreed that Mr. Acerbo will provide tree clearing, grading and gravel base for the improvement of Old Young. The town doesn't currently have the finances to do their portion; as soon as finances become available they will do the project. He also mentioned that Fire Chief Voelker stated that the current access between Young and Old Young is sufficient.

There was detailed discussion and clarification on the details of the roads involved including widths, which portion will be paved, what is considered a town road, etc. There was also discussion on the timeline of the town paving the portion of the road they plan to. Mr. DeCarli noted that it will be no sooner than the next fiscal year, but a commitment has been made by the Town Manager and Public Works that they intend to do so. The improvement to Pine Brook Road will most likely be done by the fall as this is the access to Mr. Acerbo's property that he plans to live on.

The gravel base Mr. Acerbo puts down will be 18' wide. Mr. Sennett noted that town standards for paved roads are either 26' or 28' wide. Mr. DeCarli explained that the 18' width was because this is an existing road with widths already between 14' and 16'. If the road were new, the 26' standard would apply. Further discussion occurred on easement access and possible speed limit and signage.

Public Comments:

Brian Avery, 61 Sexton Hill Rd., stated that with the existing road being a smaller gravel road, people don't drive up it, look around, or get lost there, therefore making it safer. The wider it is, the faster people will go on the road.

Peter Koskinen, 61 Old Young St., stated that he graded and put down stone two years ago at a cost of \$800. He has asked the Public Works Director to plow it and they say they cannot, so he plows the road.

Ted Shumbo of 261 Young St. stated that the current road conditions are such that if two cars meet up, one has to stop to let the other pass. Adding more houses adds more traffic. He stated a concern [as to the](#) liability of the easement and had asked for an opinion from the lawyer, and is wondering if it has been answered. Chairman Zatorski replied that it had, but they were not sure of the answer.

Attorney Deborah Barbi of Attorney Scott Jezek's office, representing Mr. & Mrs. Smith, stated that her clients have concerns about safety. They would like a stop sign at the bottom of the hill (Mr. DeCarli agreed that this is acceptable). She reiterated Attny. Jezek's concerns from a previous meeting, which were in a memo read into the record by Chairman Zatorski ([Appendix B](#)).

There was further discussion in the Commission regarding width of roads, maintaining the roads and what the town has done in the past on development roads as far as paving/maintaining. There was clarification of the easement and access to the road.

Chairman Zatorski stated (as an individual, not as Chair of the Commission) that his personal opinion is that the road situation is now poor at best and regardless of the development being there or not, access will worsen over time, and this proposal gives them the chance to get an incremental improvement. He knows the Town Manager is looking to move away from accessing town roads on private property and if this can be cleaned up here, it should be.

Ted Shumbo, 261 Young St., asked about the timeline for paving.

Mr. Tammaro asked the cost of the work to be done before paving, to which Mr. Acerbo replied that it will depend on how flaky the ledge is. Most likely between \$8,000 - \$12,000 unless there is a need for hydraulic feathering then it would be more like \$20-\$25,000 for a 500' section.

Mike Logan of 259 Young St. wondered if they do pave the road, what happens to the easement. Chairman Zatorski stated that only the property owners that have the easement in their deeds can access it. He then asked if he could gain access to his property off Old Young St., to which the answer is yes, if he obtains a driveway permit from Public Works.

Mr. Rux moved, Mr. Kuhr seconded, to close the public hearing for the application of Stephen Acerbo, 000 Rear Old Young Street, for a 4-Lot Subdivision – Map 4/Block 31A/Lot 9 at 8:10 P.M.. Voted 8-0.

Chairman Zatorski made a motion, seconded by Mr. Rux, to approve the application of Stephen Acerbo, 000 Rear Old Young Street (AKA Sexton Hill Road), for a 4-Lot Subdivision – Map 4/Block 31A/Lot 9 for the following reasons: the application meets the town requirements, it is an improvement to existing roads and situation in that area, it will improve access to town road, with the following conditions: that bonding is in place prior to development, that the concerns of the abutting property owners concerning the stop sign and road improvements be considered by town staff and incorporated at their judgment; that the items stated in the letters of July 25, 2016 from Jeremy DeCarli and August 3, 2016 from Stephen Acerbo, be required as part of this application. As part of the record, there are comments from Public Works, the Town Engineer, the Fire Department and Town Attorneys. The Police Department did not respond; they were notified and if they had any concerns they were requested to make them to the Commission and Town Staff. Voted 6-1, with Mr. Sennett opposed because the road does not meet town standards.

Discussion included who will set the bonding: Chairman Zatorski stated that it would be town staff, with consultation.

Chairman Zatorski unseated Mr. Josefiak at this time and re-seated Mr. Hall.

B) Application of Carmela Lashenka Revocable Trust, 152 Chestnut Hill Road, 2-Lot Subdivision – Map 13/Block 32/Lot 17:

Frank Magnotta, representative of Colleen Duffy, Trustee (also applicant and owner), presented a detail map for a 2-lot subdivision of an 18 acre parcel. The wetlands run through the back of the lots and they plan a conservation easement. He stated that that the plan has been reviewed by the Health District staff, the planning department, and the Inlands Wetlands Agency. Mr. Magnotta brought up language that would be included (or not included) in the conservation easement that would not prohibit a future owner from crossing the easement to access the back of their property. There was thorough discussion of this topic. There was clarification of who grants access to an easement, the fact that this would not be done ahead of time, and the fact that an easement is not required on this property. It was noted that typically the applicant would provide language on the easement, which would then be granted or not, by a commission in the future.

Public Comments:

Benjamin Hill, 145 Chestnut Hill Rd., stated the he lives across the street from Lot 2 and asked for clarification on the map.

Shelby Threlloff, 145 Chestnut Hill Rd., stated that the proposed driveway for Lot 2 is across the street from their house. This would add traffic and a driveway across the street is concerning to her in light of the possibility of future subdividing of Lot 2. Chairman Zatorski stated that future subdividing is not on the table now and the Commission will only look at the application before them at this time. Mr. Rux stated that the driveway is now only a proposal and that its location could change.

Chairman Zatorski asked if the comments from the Chatham Health District had been addressed and Mr. DeCarli stated that to the best of his knowledge they had.

Mr. Kuhr moved and Mr. Rux seconded to close the public hearing for the application of Carmela Lashenka Revocable Trust, 152 Chestnut Hill Road, 2-Lot Subdivision – Map 13/Block 32/Lot 17 at 8:45 P.M. Voted 7-0.

Chairman Zatorski moved, and Mr. Rux seconded, to approve the application of the Carmela Lashenka Revocable Trust, 152 Chestnut Hill Road, 2-Lot Subdivision – Map 13/Block 32/Lot 17 for the following reasons: it meets our regulations, there has been Wetlands approval, a favorable commentary with condition from the Conservation-Lake Commission and the

opinion of town staff that Chatham Health District comments were addressed and there were no comments from Public Works, with the following conditions: that prior to improvement or construction that the written comments from the Chatham Health District be received and approved as we understand them this evening and that town staff be notified prior to the start of any improvements and at the end of any improvements. Voted 7-0 in favor.

7. New Business:

A) Discussion: Permit Fees:

Mr. DeCarli stated that according to State Statute 22A 27J, the state will collect a \$60 fee on all permits issued under chapters 124, 126, 440 & 444. Currently the town issues zoning permits for anything on the land, like small sheds, and we should be collecting the \$60 fee on top of regular fees. There is a concern with enforcement, that people will not acquire the permit for a small shed if the fee is too high. In his research he's found that some other towns don't issue a permit, but a zoning certificate of compliance (no fee). He is now not sure if this is a regulatory change or something that can be done administratively. When the state discovers that the town is not charging this fee, there will be a penalty of \$1,000 per quarter that we are not in compliance. He hasn't yet consulted with the town's attorney but will. If something can be done administratively, they can cancel the public hearing.

8. Old Business

A) Discussion: Review Final Design Review Board Guidelines:

They have not received the guidelines and it is currently not clear who is responsible for this.

12. Adjournment:

Mr. Sennett made a motion, seconded by Mr. Hall, to adjourn at 8:55 P.M. Voted 7-0.

Respectfully submitted,

Eliza LoPresti
Recording Clerk