

Town of East Hampton
Planning and Zoning Commission
Regular Meeting
January 4, 2017 – 7:00 P.M.
East Hampton Town Hall Meeting Room

APPROVED 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 Ray Zatorski, Vice Chairman Kevin Kuhr, Regular Members, James Sennett, Roy Gauthier, Meg Wright, Gary Hall and Rowland Rux. Alternate Members Michael Kowalski and Jason Jozefiak were present as well as Planning and Zoning Official Jeremy DeCarli. Chairman Zatorski stated there was a full commission so there was no need to seat the Alternates.

Chairman Zatorski began by wishing everyone a happy new year and stated that this is the last meeting for his position of Chairman and thanked the other members and town staff for the past 3 years of service.

2. Election of Officers: Chairman Zatorski opened the floor to nominations for Chairman of the Planning & Zoning Commission. Mr. Sennett nominated Mr. Kuhr for Chairman of the Planning & Zoning Commission. The nomination was seconded by Chairman Zatorski with the comment that Mr. Kuhr has done an outstanding job of being informed of all the issues as well as the law and procedures of the Planning and Zoning Commission. He asked if there were any other nominations at this time. There were none. Mr. Rux made a motion to close the nominations. The motion was seconded by Mr. Gauthier. **Vote: 7-Yes; 0-No. Motion passed.**

Mr. Rux made a motion that Mr. Kuhr is elected as Chairman of the Planning & Zoning Commission. The motion was seconded by Mr. Gauthier. **Vote: 7-Yes; 0-No. Motion passed.**

Chairman Kuhr took over the meeting and thanked the other members for his nomination and election. Chairman Kuhr asked for nominations for Vice-Chairman. Mr. Sennett nominated Mr. Zatorski for Vice-Chairman. The nomination was seconded by Mr. Rux. Chairman Kuhr asked if there were any other nominations at this time. There were none. Mr. Rux made a motion to close the nominations. The motion was seconded by Mr. Gauthier. **Vote: 7-Yes; 0-No. Motion passed.**

Mr. Rux made a motion that Mr. Zatorski is elected as Vice-Chairman of the Planning & Zoning Commission. The motion was seconded by Mr. Sennett. **Vote: 7-Yes; 0-No. Motion passed.**

3. Approval of Minutes:

A) November 2, 2016 Regular Meeting: Vice-Chairman Zatorski made a motion to approve and accept the November 2, 2016 Regular Meeting Minutes. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No. Motion passed.**

4. Communications, Liaison Reports, and Public Comments:

Communications:

Mr. DeCarli thanked Mr. Rux for his 15 years of service on the Commission and thanked Mr. Sennett for his 34 years of service. He presented the members with letters from the Siting Council regarding the new tower at Eversource as well as an upcoming meeting of the Central Region Water Utility Coordination Committee on January 18th at 1:30 p.m. at the MDC Training Center in Hartford. Mr. Rux made a comment that Lake Pocotopaug is a legal landing strip for sea planes and inquired about any requirements for beacon lights on the Eversource tower.

Liaison Reports:

Mr. Gauthier stated that the EHHS Building Committee continues to oversee the High School project which is still on schedule for completion in May of 2017. There are no major issues and the majority of the work is interior. He went on to voice his concerns regarding the State of CT's financial participation in the project.

Mr. Hall stated that the Design Review Board has not met since the last PZC meeting.

Mr. Kowalczyk stated that he was not able to attend the last meeting of the RiverCOG.

Mr. Sennett stated that he attended the ZBA on meeting on December 12 and reported they had one application for Marina Cottage, LLC., 40 Oakum Dock Rd., East Hampton, CT. to reduce the front yard setback from 50' to 30' to construct a 20' x 17' sunroom. He reported that the application was granted.

Vice-Chairman Zatorski stated that for IWWA, there were no applications that concern PZC. Mr. Rux stated that he did not attend the last EDC or Water Development Task Force meetings.

Ms. Wright stated that she attended the Water Development Task Force meeting on December 15 and reported that there were 5 engineer groups who responded to the request for proposal. The proposals were distributed among the members to review and to comment on at the next scheduled meeting. She stated that she also attended the Lower Connecticut River Valley Regional Planning Committee on December 19 and reported there were no referrals at that time but that the MPO Reform was approved and that it will take effect in 2024.

Mr. Jozefiak had no report this evening.

Chairman Kuhr attended the Conservation-Lake Commission meeting on November 10 and stated that they discussed their concerns about the Inland Wetland Commission not checking on the development in the Inland Wetland watershed areas. He also attended the December 8 meeting and reported that they had an application for new home construction at 18 West Point Rd. The applicant was not present and the members had more questions than answers so the application was rejected until more information is received. Chuck Lee was impressed with the watershed proposal and forwarded it to the EPA which would ultimately allow the Town to apply for the Federal 319 Funds. The Chatham Health

Department is working with Dr. Knoecklein and his team in testing the lake water and are in communication with each other.

Chairman Kuhr opened the meeting up to public comments.

Sue Weintraub of 25 Knowles Rd. in Middle Haddam referred to Section 8.4.M, Special Regulations for Accessory Dwelling Units. The topic she referred to is on the agenda this evening (Item #6A) so Chairman Kuhr told her she would have an opportunity to speak when Item #6A is addressed. Ms. Weintraub made a suggestion that the audio tapes from the meetings be made available on the website. Chairman Kuhr asked for any other public comments, there were none.

5. Read Legal Notice for January 4, 2017: The legal notice was read into the record by Mr. DeCarli.

6. Public Hearings for January 4, 2017:

A. Continued: Amendments to East Hampton Zoning Regulations- Section 8.4.M, Special Regulations, Standards For Specific Uses, Accessory Dwelling Units.

Mr. DeCarli explained that the Amendments to the Zoning Regulations started with a discussion about Portable Medical Cottages and Granny Pods and the lack of regulations we currently have for Temporary Units and Accessory Apartments. He informed the members that Legislation was passed in June that there is an Exploratory Committee at the Capital to create legislation to circumvent the zoning process for temporary medical cottage structures. The members reviewed and discussed the draft. Some of the comments, suggestions and recommendations pertained to topics such as zone restrictions, clear and specific definitions, age group restrictions, “special needs” clarification, defined intention for the amendments and overall consistency. Chairman Kuhr opened the discussion to the public. Sue Weintraub of 25 Knowles Rd. in Middle Haddam referred to the Amendment Draft and suggested changing the wording under Section #A (Detached Accessory Dwelling Units) under #2 to state: “Not to exceed percentage”. She also suggested adding the R2 zone in the amended regulations to allow the taxpayers and homeowners in that zone to utilize the regulations. She stated that the R2 zone covers 40% (approximately 5300 acres) of the town and should not be excluded. She provided the members with various examples within the amendments where the R2 Zone is excluded. She asked the members to consider adding the R2 Zone to the amended regulations. Mark Philhower of 212 White Birch Road voiced his concerns regarding the cost of enforcing the regulations, the excessive burden on the town, legal fees, septic issues, Chatham Health Department involvement and questioned the need for with these regulations. A brief discussion followed regarding the accessory dwelling units that are known to exist in East Hampton and the need to draft regulations to capture the increase in these types of units. Vice-Chairman Zatorski made a motion to continue the discussion of Amendments to East Hampton Zoning Regulations- Section 8.4.M, Special Regulations, Standards For Specific Uses, Accessory Dwelling Units to the next scheduled PZC meeting. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No. Motion passed.**

7. New Business:

A. Application of Theater Square for a Commercial Sign. Map 01A/ Block 39A/ Lot 28A

Vice-Chairman Zatorski made a motion to continue the Application of Theater Square for a Commercial Sign to the next scheduled PZC meeting due to the absence of the applicant. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No. Motion passed.**

B. Pre-Application Conference for Pelletier Development Co., LLC, Conservation Subdivision, 37 South Main St – Map 20/ Block 51/ Lot 27
Mat Pelletier of Pelletier Homes presented his application for a conservation subdivision. Mr. Pelletier made a comment that his business is Pelletier Homes, LLC. And that the agenda is worded incorrectly. Chairman Kuhr reminded the members that this is a pre-application for initial discussions and not the actual application. Mr. Pelletier informed the members that this was previously approved in 2009 for a 127 unit affordable housing project with a municipal water system and wells in place. He stated that he is proposing a conservation subdivision (a single family subdivision) which will tie into the sewer system and not utilize the municipal water system. The proposed site is approximately 878,000 sq. ft. in total and they are proposing 55% open space. He furthered that this will be a 22 lot, single family subdivision with sewer and individual wells. There will be no age restrictions or affordability components. Mr. Dutton of Dutton Associates referred to the site plans and indicated that there are no direct Inland Wetland impacts with this revised plan and there is minimal encroachment of the upland review. A brief discussion followed about the previous approval for an HOD Zone for 127 units and whether it would fall under our regulations based on the fact that the newly proposed plan is for a conservation/single family subdivision with no affordability components. Vice-Chairman Zatorski stated that as a single Commissioner, he likes the concept of a conservation subdivision. He inquired as to whether any of the proposed homes/properties are within 100' of the wetlands which Mr. Dutton indicated on the plan: the edge of unit #7, the corner of units #8, #10 and #17 as being within 100'. Mr. Pelletier stated that this proposed project will directly mirror Chatham Forest. The members offered suggestions and comments regarding storm water run-off, having a deeper gravity main, a single pump station and subbase. Mr. Pelletier stated that he would consider the suggestions and will reach out to Town Staff to get some direction to move forward.

C. Application of Text Amendment, Active Adult Congregate and Senior Housing, Sections 4.2.D.1; 8.5.B; 8.5.C.1; 8.5.D.1; 8.5.E; 8.5.G
Dan Loos of 61 Wangonk Trail presented to the board. He stated that he is requesting the following text amendments (indicated in italics, bold and underlined):

- Section 4.2. R-2 Zone - Single Family Residential
D. Uses Permitted with Special Permit
h. Active Adult, Congregate and Senior Housing
- Section 8.5. Active Adult, Congregate And Senior Housing
B. Definitions-
ASSISTED LIVING FOR THE ELDERLY-Dwelling units for elderly occupancy in **one**, two or three story structures, which provide three

meals per day, personal care services, transportation and housekeeping services.

- Section 8.5 Active Adult, Congregate And Senior Housing
C. Approach
Active Adult, Congregate and Senior Housing and Assisted Living for the Elderly may be permitted in the R-1, **R-2**, C, and DD zones and shall conform to the requirements of these regulations, except that the following requirements are designed for special housing needs for the elderly.
- Section 8.5 Active Adult, Congregate And Senior Housing
D. Permitted Uses
The entire site shall be devoted to elderly housing and related accessory uses in the R-1, **R-2**, C and DD Zones.
- Section 8.5 Active Adult, Congregate And Senior Housing
Section E. Bulk Table Requirements
This table shall supersede the bulk table in the R-1, **R-2**, C & VC zones for elderly housing requirements.
- Section 8.5. Active Adult, Congregate And Senior Housing
G. Utilities
All developments shall be served by public sewer **or be located within a future sewer service area and have adequate area for subsurface sewage disposal.** All appropriate approvals must be obtained from the East Hampton Water Pollution Control Authority **or Chatham Health District.**

He referred to 9 Middle Haddam Rd. having 17 acres that would be an ideal location for an Assisted Living Facility or activities at the St. Clement's Marina but that such endeavors cannot be obtained due to the restrictions of the current regulations and asked the members to consider the Text Amendment. Vice-Chairman Zatorski stated that he was not aware of any future plans to expand the sewer service area and that his concerns are sewer issues and what the ramifications would be to the R-2 zones if the text amendments are granted. Vice-Chairman Zatorski made a motion to continue the Application of Text Amendment for Active Adult Congregate and Senior Housing Sections 4.2.D.1; 8.5.B; 8.5.C.1; 8.5.D.1; 8.5.E; 8.5.G to the next scheduled meeting. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No. Motion passed.**

- D. Application of T&O Enterprises** East High Street for New Commercial Construction (13,850 sq. ft.) Map 26/ Block 85/ Lot 14
Chairman Kuhr recused himself from this Application and asked Vice-Chairman Zatorski to act as Chairman for this Application. Acting Chairman Zatorski seated Alternate Jason Jozefiak. Tony Flannery of T&O Enterprises presented the application to the board. He stated that they would like to move the existing NAPA store that is on his property to a frontage location on Rte. 66 which would give them better access. He would like to construct a commercial building on his property. Mr. Mihock (Civil Engineer) stated that there are 14 acres in total with a great deal of wetlands but that the wetlands drain to the rear of the property and they will be utilizing the dry land. There will be a paved parking area in front with an access driveway on Rte. 66. He added that there is a 2' deep

detention/retention pond on the property and that they will have a 6” outlet pipe to a level spreader. There will be a private well on the property and will be serviced by municipal sewer. He indicated that the site plans that he is referring to this evening are altered from the original by way of the location of the proposed building and wetland retentions. Acting Chairman Zatorski reminded the members that PZC will not be acting on this application until IWWA approval. Acting Chairman Zatorski made a motion to continue the application of T&O Enterprises East High Street for New Commercial Construction (13,850 sq. ft.) Map 26/ Block 85/ Lot 14 to the next scheduled PZC meeting. The motion was seconded by Mr. Sennett. Vote: 7-Yes; 0-No. Motion passed. Acting Chairman Zatorski unseated Mr. Jozefiak.

E. Application of Clark Hill Estates, 109 Clark Hill for a re-subdivision. Map 11/ Block 39/ Lot 2-4

Mr. DeCarli spoke on behalf of the absent applicant. He stated that the applicant is proposing a re-subdivision of previously PZC approved lot #4 which is a 75 acre lot in the rear. The proposed subdivision is to create 3 additional lots which would create a total of 7 lots instead of the 4 lots that was previously proposed. Vice-Chairman Zatorski made a motion to continue the Application of Clark Hill Estates, 109 Clark Hill (Map 11/ Block 39/ Lot 2-4) for a re-subdivision at the regularly scheduled meeting on February 1, 2017. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No. Motion passed.**

Vice-Chairman made a motion to set a public hearing for Application of Clark Hill Estates, 109 Clark Hill for a re-subdivision. Map 11/ Block 39/ Lot 2-4. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No. Motion passed.**

F. Bond Reduction Request, Skyline Estates, Phase 1B – Mr. Rux recused himself from this request. Chairman Kuhr seated Alternate Michael Kowalski. Mr. DeCarli provided a brief history of the Skyline Estate project. He stated that the applicant is requesting a bond reduction because a binder course has been put in place on phase 1B. The applicant requests that the current bond of \$170,000 be reduced to \$139,747. Mr. DeCarli stated that he has not yet received a review from Anchor Engineering regarding Phase 1B. The members reviewed the invoice and written request that the applicant submitted and asked for clarification of the numbers. Vice-Chairman Zatorski made a motion to continue the Bond Reduction Request for Skyline Estates, Phase 1B to the next scheduled PZC meeting pending review by Anchor Engineering and Town Staff as well as a revised request in writing with the exact request and exact numbers for clarification. The motion was seconded by Mr. Sennett. Chairman Kuhr voiced his concerns about the significant run-off into the lake from phase 1A & 1B. **Vote: 7-Yes; 0-No. Motion passed. Chairman Kuhr unseated Mr. Kowalski and re-seated Mr. Rux.**

G. Approval of 2017 PZC Meeting Dates – Vice-Chairman Zatorski made a motion to accept the 2017 PZC Meeting Dates as presented. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No. Motion passed.**

8. Old Business:

A. Planners Report: Mr. DeCarli stated that he and Chief Cox met with the owners of the Fat Orange Cat Brewery to discuss the parking issue. There were 2 neighbors at this meeting as well who offered a portion of their properties for potential parking for customers of the Brewery. Mr. DeCarli advised the owners of the Brewery to return to PZC with a revised site plan to solve the parking issue. He also advised the owners to have an erosion plan in place, one access point and to have the customer's park on private property and not in the right of way. He stated that the owners are working on the issue. A brief discussion followed regarding concerns about zoning, road maintenance, safety and term for right of use.

9. Set Public Hearing(s) for February 1, 2017 – Vice-Chairman Zatorski stated that the Commission previously approved to set a Public Hearing for February 1, 2017 for Application of Clark Hill Estates, 109 Clark Hill for a re-subdivision. Map 11/ Block 39/ Lot 2-4.

10. Adjournment: Vice-Chairman Zatorski made a motion to adjourn at 9:15 p.m. The motion was seconded by Mr. Rux. The vote was unanimous in favor. The meeting was adjourned.

Respectfully submitted,

Christine Castonguay
Recording Clerk