

**East Hampton Planning and Zoning Commission  
Regular Meeting  
October 5, 2011  
Town Hall Meeting Room**

<b>Unapproved Minutes</b>
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1. **Call to Order and Seating of Alternates:** Vice Chairman Philhower called the meeting to order at 7:00 p.m.

Present: Chairman Ray Zatorski (7:02), Vice-Chairman Mark Philhower, Members Peter Aarrestad, Richard Gosselin, Rowland Rux, James Sennett, Alternate Members Darin Hurne (7:03), Kevin Kuhr (7:05), Meg Wright, and Planning, Zoning & Building Administrator James Carey, Recording Secretary Kamey Peterson were present.

Absent: Roy Gauthier was not present.

Alternate Member Meg Wright was seated at this time.

2. **Approval of Minutes:**

**A. September 7, 2011 Regular Meeting:**

*Mr. Aarrestad moved, and Mr. Rux seconded, to approve the Minutes of the September 7, 2011 meeting as amended. The motion carried unanimously.*

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

**Communications:**

Mr. Carey explained that he has provided updated estimates for the Pavement Preservation Project to Mr. Philhower for last night's Midstate Regional Planning meeting.

Mr. Carey reported that he has looked into the Public Act 11-79 and explained that he has been unable to obtain any conclusive information on the Act. At this point it appears that the Town's conventional subdivision roads are still subject to the Planning Statutes which require that lots may not be sold or offered to be sold in a subdivision unless they are bonded or the road is complete. The concern remains regarding site plans that do not involve subdivision. It appears that planners will need to find a way to work within the statute and obtain the appropriate bonding.

The Vice Chairman turned the meeting over to the Chairman at this time.

**Liaison Reports:**

Mr. Zatorski reported that the IWWA did not have any commentary or information regarding this month's Agenda items. The minutes for the regular meeting of the IWWA is available for viewing online and in the Town Clerk's Office.

Mr. Philhower reported that Midstate Regional Planning Agency met on October 4, 2011 and has scheduled a special meeting for Tuesday, October 11, 2011 to determine the prioritization of the Pavement Preservation Project. They also heard two zoning referrals. The Portland referral was deemed to have no regional significance. The second referral was from Haddam and it was postponed until the special meeting on the 11<sup>th</sup>.

Mr. Sennett reported that the ZBA did not meet last month and they will not be meeting this month.

Mr. Kuhr reported that he attended the Conservation-Lake Commission meeting last month. He reported that there was nothing pertinent for the PZC. The minutes for the regular meeting of the Conservation-Lake Commission is available for viewing online and in the Town Clerk's Office.

**Public Comments:** There were no comments at this time.

**4. Set Public Hearing(s) for November 2, 2011:**

**Application of Hubert E. Butler Construction Company, LLC, 9 Young Street, for a Special Permit Renewal of Excavation Plan - Map 12/Block 33/Lot 7A:**

Mr. Philhower moved to schedule the public hearing for the next regularly scheduled meeting to be held on October 5, 2011 for the Application of Hubert E. Butler Construction Company, LLC, 9 Young Street, for a Special Permit Renewal of Excavation Plan, Map 12/Block 33/Lot 7A. Mr. Rux seconded the motion. The motion carried unanimously.

**5. Read Legal Notice: None.**

**6. Public Hearing for October 5, 2011: None**

**7. Old Business:**

**A. Application of LCS Properties, LLC, for an Amendment to Zoning Regulations Section 7.11, Continued from July 6, 2011:**

The Chairman explained that the public hearing for this application was closed at the last regularly scheduled meeting on September 7, 2011. The Commission will deliberate this application this evening. The Commission may continue this application for one more month, if necessary, before they must take action. He further explained that this application is for a mixed-use residential, retail, commercial floating zone. It is not a use by right.

Mr. Carey explained that the Commission is in receipt of a black-line version of the final draft as well as a clean version of the final draft. They have both been reviewed for consistency with the agreements made during the last PZC meeting. In response to the Commission's concerns regarding regulation of the water supply, Mr. Carey discussed the abilities of the Town when the Town has the Exclusive Service Area (ESA). The Commission has a very limited capacity to directly regulate water systems. The Commission may require that an applicant must prove that the water is available and sustainable. If it is not possible for an applicant to prove the availability and sustainability of the water, the Commission shall not consider the application because the infrastructure does not support the development. If the water system is not in the Town's ESA, the water company with the ESA will apply to the State for a permit and all other requisite approvals. This proposed regulation will require the burden of proof to be on the applicant for not only water but also sewer and utility availability. The Chatham Health district will actually have the first tier review of the water availability.

The Commission discussed the appropriate minimum size for this type of application, which zones are appropriate, density, third-party review, parking, signage, and the economic development component.

*Mr. Philhower moved, and Mr. Gosselin seconded, to approve the application of LCS Properties, LLC, for an Amendment to Zoning Regulations, Section 7.11, for the reason that it will provide the PZC another tool to help to enhance the Town of East Hampton and it is consistent with the East Hampton Plan of Conservation and Development. The motion carried (6-1-0). (Yes votes: Aarrestad, Gosselin, Philhower, Rux, Wright, Zatorski. No votes: Sennett. Abstentions: none.)*

**8. New Business:**

- A. 8-24 Review – Land Acquisition - Young Street Cemetery:** Mr. Carey reported that the Town has been pursuing this acquisition for a number of months. The Town is responsible for burying indigent persons upon their passing when necessary. When it was brought to the Town's attention that additional space would be necessary in the not too distant future, the Town began negotiations with Mr. Lee W. Taylor for property he owns adjacent to the Young Street Cemetery. Mr. Carey recommended that the PZC grant favorable commentary to the Town Council regarding this acquisition considering its proximity to the Young Street Cemetery and the reasonable price negotiated to double the size of the existing cemetery.

*Mr. Philhower moved, and Mr. Rux seconded, to send to the Town Council favorable commentary regarding the acquisition of a certain property on Young Street in East Hampton known as Assessor's Map 14 Block 31 Lot 10E, now owned by Lee W. Taylor, for the municipal purposes of expanding the Young Street Cemetery known as Assessor's Map 14 Block 31 Lot 11, for the reason that it is sound judgment to expand cemeteries whenever possible. The motion carried unanimously.*

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

The meeting adjourned at 8:16 p.m.

Respectfully submitted,

Daphne C. Schaub  
Recording Secretary