

Town of East Hampton
Planning and Zoning Commission
Regular Meeting
October 3, 2018 – 7:00 P.M.
East Hampton Town Hall Meeting Room

MINUTES

1. Call to Order and Seating of Alternates:

Chairman Kuhr called the meeting to order at 7:00 p.m.

Present: Chairman Kuhr, Vice-Chairman Ray Zatorski, Regular Members James Sennett, Meg Wright, Rowland Rux, Roy Gauthier and Angelus Tammaro. Alternate Members Michael Kowalczyk and Tim Puglielli were present as well as Planning and Zoning Official Jeremy DeCarli.

2. Approval of Minutes:

A. August 15, 2018 Special Meeting – Vice-Chairman Zatorski made a motion to approve the August 15, 2018 Special Meeting minutes as written. The motion was seconded by Mr. Rux. *Vote: 4-Yes; 0-No, 3-Abstentions (Chairman Kuhr, Ms. Wright and Mr. Kowalczyk). The motion passed.*

B. September 5, 2018 Regular Meeting – Vice-Chairman Zatorski made a motion to approve the September 5, 2018 Regular Meeting. The motion was seconded by Mr. Rux. Chairman Kuhr made the following 2 corrections: under agenda item #5C, omit the sentence: “Approximately 8,000 cubic yards of that will be used as cut and fill and 6,000 cubic yards will be transported from the Dollar General site to this site.” The second correction is to add the discussion about the trailer on Rte. 151 under agenda item#8. Vice-Chairman Zatorski amended his motion to include the suggested changes. The vote was seconded by Mr. Rux. *Vote: 4-Yes; 0-No; 3-Abstentions (Mr. Gauthier, Mr. Tammaro and Vice-Chairman Zatorski). The motion passed.*

3. Communications, Liaison Reports, and Public Comments:

Communications: Mr. DeCarli presented the agenda for the upcoming meeting of the Central Region Water Utility Coordinating Committee on October 17, 2018 at the MDC Training Center in Hartford, CT. He also provided the members with a copy of an email from Mr. Noir requesting the withdrawal of his application for Formula Business Text Amendment (PZC-18-011). The email was received on 9/24/2018.

Liaison Reports:

Mr. Gauthier stated there were no updates from the High School Building Committee.

Mr. Kowalczyk stated that the Lower CT River Valley Regional Planning Commission met. There were no referrals. There was an update on the progress of the River COG MPO (Municipal Planning Organization). They are working on the 2019 transportation improvement plan.

Mr. Tammaro had nothing to report.

Mr. Sennett attended the August 13, 2018 ZBA meeting and reported the following: they had one application: Application ZBA-18-006, Sabrina Pools, Inc., 36 Charles Mary Drive, for a variance to increase the lot coverage from 10% to 10.89% to erect a 20' x 45' in ground pool. Map 06/Block 12/Lot 11. The application was approved. He reported the following from the ZBA meeting on September 10, 2018: Application ZBA-18-007, Brian Riley, 5 Sears Lane, for a variance to reduce the rear yard setback from 25' to 1' and the north side yard setback from 15' to 4' to install a gazebo. The application was continued to the next regularly scheduled meeting on October 15, 2018.

Vice-Chairman Zatorski stated that there was nothing addressed at the Inland Wetlands and Watercourse Agency that concerns the Planning and Zoning Commission.

Mr. Rux had nothing to report from the Economic Development Commission.

Ms. Wright did not have anything to report but asked if the Lower CT River Valley Regional Planning Commission is still working on the Regional Plan. Mr. Kowalczyk stated that they are working on the Regional Plan and that they will have a new Chapter drafted and ready for review by next month.

Mr. Puglielli had nothing to report.

Chairman Kuhr stated that he did not attend the Lake Commission meeting. He stated that he is aware of the elevated algae counts and stated that he emailed The Town Manager asking him to inform the public of the issue by way of a posted sign at Sears Park as well as via the Emergency line system. He stated that he is not aware if the issue was addressed at the Town Council meeting and stated that he did not receive a response from Mr. Maniscalco. Clark Hill was part of the 9 point plan study because of the excess run off. He said an engineer will be trying to determine what needs to be done on that hill as far as retention basins. The Edgemere project has started and there were comments about silt fencing. Mr. DeCarli provided clarification on that. He stated that the contractor did not contact the Building, Planning and Zoning Department before starting the work. He met the contractor on site and said that there was no stockpile and because the contractor excavated the trench and removed the material from the site, he created a ditch. He advised the contractor to add a silt sack on the existing catch basin and stated that he is keeping an eye on the project. Chairman Kuhr explained to the Commission that the project consists of adding bio swales to retain the water before it gets to the lake and catch basins. They will be added from North Main Street to the entrance of Edgemere. They will also be adding rain barrels where the gutters are therefore creating rain barrel catch basins. Mr. Gauthier asked if the Conservation Lake Commission had any discussions about invasive species in the lake. Chairman Kuhr stated that they have discussed it and that invasive species have been spotted but that he is not aware of where around the lake it was found and that our limnologist, hired by the Town, George Knoecklein, has record of the invasive species. There were no members of the public present therefore there were no public comments at this time.

4. Read Legal Notice for October 3, 2018: None.

5. Public Hearings for October 3, 2018: None.

6. New Business:

- A. **PZC-18-019 – Skyline Estates, LLC** – Reduce road width from 26’ to 24’ Skyline Estates, Phase II, Highland Terrace. Mr. DeCarli informed the members that he received an email from the applicant requesting to table the application until the next regularly scheduled meeting on November 7, 2018.
- B. **PZC-18-020: Skyline Estates, LLC** – Remove sidewalks from station 28-40 to remove impervious areas Skyline Estates, Phase II, Highland Terrace. The applicant sent an email requesting to table this application until the next regularly scheduled meeting on November 7, 2018.

At this time, Mr. Rux asked the members to consider making new construction projects that are on Commercial properties an automatic public hearing and asked Town Staff to formulate verbiage for it. Chairman Kuhr suggested that Town Staff compile a list of pros and cons for making it an automatic public hearing and to provide examples and to add it to the next agenda under “New Business”.

7. Old Business:

- A. **Alcohol Regulations – Proposed amendments to Zoning Regulations Sec. 8.4.B Alcoholic Beverages.** Mr. DeCarli explained that the amendment is to add an exception into the current regulations to allow the Commission to grant a Special Permit within the current 500’ radius rule and with the goal of allowing flexibility in the Village Center and Edgewater Hills. Mr. Gauthier asked for clarification of “on site”. Mr. Tamaro pointed out the word “morals” that appears on the memo dated Oct. 3, 2018 and was told by Mr. DeCarli that it was a clerical error and that the word “morals” was removed on the draft and replaced with “welfare”. Chairman Kuhr and Mr. Sennett agreed that the schools, churches, daycares and the Board of Education would have to be notified in the event of a public hearing because the proposed amendment could potentially affect them. Mr. Kowalczyk asked if agenda item #7a could be combined with 7b and 7c. Chairman Kuhr agreed with the suggestion.
- B. **Sign regulations – Proposed amendments to Zoning Regulations Sec. 7.2 Outdoor Signs.** Mr. DeCarli explained that the proposed amendments were drafted in lieu of the Reed vs. Gilbert case in Arizona. Mr. DeCarli asked the Town Attorney to review our current sign regulations which he did as well as providing us with a draft of regulations that comply with the First Amendment. Mr. DeCarli went on to explain that the Commission can regulate the size, color and location of a sign but they cannot regulate the content.

- C. **Clerical updates to Zoning Regulations; various sections.**

Chairman Kuhr referred to page 110 of the draft of revised regulations and asked if the deleted items for Sec. 7.2.C were a result of the Reed vs. Wade case which

they were. He asked Mr. DeCarli for clarification on page 116 item #6B regarding lighting detail which was explained in detail. Mr. Sennett felt that the following items in the current sub-division regulations need clarification: “open spaces” and “cul-de-sac”. A brief discussion followed.

Vice-Chairman Zatorski made a motion to set a public hearing for the next regularly scheduled meeting on November 7, 2018 for the following applications:

7a. Alcohol Regulations – Proposed amendments to Zoning Regulations Sec. 8.4.B Alcoholic Beverages to read: Section 7.2.C “Sale of alcohol for on-site consumption in the C, VC, or MUDD Zones may be approved within 500 feet of the uses described in Section 8.4.B.1.b above when the Commission determines that such sale will not adversely affect the health, safety, or welfare of persons attending said facility” (per the verbiage from Jeremy DeCarli’s memo dated 5/2/2018).

7b. Sign regulations – Proposed amendments to Zoning Regulations Sec. 7.2 Outdoor Signs as presented to the Planning and Zoning Commission on October 3, 2018 in response to the Reed vs. Gilbert decision so that our regulations are in concurrence and meet the legal requirements of Reed vs. Gilbert as outlined by our Town Attorney Richard D. Carella.

7c. Clerical updates to Zoning Regulations; various sections as outlined by Town Staff be read and approved. The motion was seconded by Mr. Rux. ***Vote: 7-Yes; 0-No. The motion passed.***

8. Planner’s Report – Mr. DeCarli reported that the Dollar General project is moving along. They have drainage ponds that are effective. They have started Phase III of the Salmon Run project (Deer Meadow Run). There was a meeting that took place in April with the contractor, developer and regulatory departments in which they discussed a list of requirements that need to be addressed before construction begins. The contractor began construction without notifying the Building, Planning and Zoning Department and some of the requirements were not addressed. The recent heavy rains washed out the drainage swale and a cease and desist order was issued. Mr. DeCarli said that he was notified 2 days ago about an upcoming event to be held in the parking area at Sports on 66. The “East Hampton Public Market Palooza” begins Friday October 5, 2018 and will be held every Friday until November 9, 2018 from 3:30-6:30. It states that there will be specialty goods, gourmet offerings and food trucks. Mr. DeCarli reached out to the organizer Shauna Lee Lange via email requesting information about the event and notifying her that a Special Permit may be required. Chairman Kuhr suggested sending a letter to the organizer explaining that no action will be initiated at this time but that if the event goes more than one day then action will be taken. Chairman Kuhr inquired about the status of the septic at 207 West High Street. Mr. DeCarli informed him that Chatham Health is still reviewing the plans and have not approved anything yet. He stated that there has been tree cutting at the site but that the Mylars and Special Permit have not been filed yet. Chairman Kuhr inquired about the trailer on Rte. 196. Mr. DeCarli explained that the judge instructed the conservator to merge the parcels and to get the temporary building in place so items can be moved. He

went on to explain that the blight and storage facility issues are being handled through the courts and that there is a State ordered conservator assigned to the case.

9. Set Public Hearing(s) for November 7, 2018 – Public hearings were set under agenda items# 7a, 7b and 7c.

10. Adjournment: Vice-Chairman Zatorski made a motion to adjourn at 8:23 p.m. The motion was seconded by Mr. Sennett. The vote was unanimous in favor.

Respectfully submitted,

Christine Castonguay
Recording Clerk