

Town of East Hampton

**Planning and Zoning**

**Commission**

Regular Meeting January 3, 2024

Town Hall and Virtual Meeting

**MINUTES**

**1. Call to Order and Seating of Alternates:**

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

Present: Chairman Kevin Kuhr, Vice-Chairman Ray Zatorski, Angelus Tamaro, Jim Sennett, Rowland Rux. Roy Gauthier. Alternates: Michael Kowalczyk, and Mattie Walton. Interim Planner John Guskowski Office Staff, Cheryl Guiliano. Absent: Ted Hintz, Jr.

Michael Kowalczyk was seated for Ted Hintz, Jr.

**2. Election of Officers:**

*Ray Zatorski made a motion to nominate Kevin Kuhr as Chairman. Rowland Rux seconded the motion. There were no other nominations for Chairman. Roy Gauthier made a motion to close nominations and Ray Zatorski seconded the motion. **Vote: 8-0 in favor.***

*Rowland Rux made a motion to nominate Ray Zatorski as Vice-Chairman. Roy Gauthier Seconded the motion. There were no other nominations for Vice-Chairman. Roy Gauthier made a motion to close nominations. **Vote: 8-0 in favor***

**3. Approval of Minutes:**

**A. December 6, 2023 Regular Meeting:** *Ray Zatorski made a motion to approve the minutes as presented. Jim Sennett seconded the motion. **Vote: 8-0 in favor.***

**4. Communications, Liaison Reports, and Public Comments:** None

**5. Reading of Legal Notice:** Town Staff read the legal notice aloud for the record.

**6. Public Hearings:**

**A. PZC-23-015: Text Amendment regarding Accessory Uses to Agriculture per Sec.**

**8.4.C:** The members reviewed and discussed the text amendment regarding accessory uses to agriculture from section 8.4 C. Nicole Palazzo of 365 Moodus Road presented the topic to the members. The new regulations and changes would make it section 8.4.O. Ms. Palazzo read through the amendment changes for the members. Noted a zoning permit would be required to have accessory uses of agriculture aspects on the homeowner's property. Must have ten or more acres of land. Ms. Palazo and Mr. Guskowski looked at the regulations from surrounding towns of Colchester and Marlborough. The amendment is to diversify activity in agricultural land in town which would help support and grow the agriculture within the town. John Guskowski suggested that the Planning and Zoning Commission needs to be concerned with the impacts of the increased activity and engagement. The commission members would need to look at the type of accessory and

the impacts it would have on the town and the neighborhood itself. Any properties under the ten acres could possibly apply for a special use permit under the proposed amendment to the regulations.

*Ray Zatorski made a motion to continue the public hearing to the next regular scheduled meeting of February 7, 2024. Rowland Rux seconded the motion. **Vote: 8-0 in favor.***

*Ray Zatorski made a motion to continue the application to the next regular scheduled meeting of February 7, 2024. Rowland Rux seconded the motion. **Vote: 8-0 in favor.***

- B. PZC-23-017: Salt Pond Apartments, LLC, Edgewater Circle, Re-subdivision approval** for the creation of 2 lots. Map 10A/Block 85/Lot 5C: Harry Heller, from Heller, Heller, & McCoy at 736 Norwich New London Turnpike Uncasville, attended the meeting as a representative of the applicant. The two lots would have two and three buildings with apartments inside. With some financial obstacles occurring, the two lots need to be separate so the buildings can be financed and built for apartments. The division line of the two lots would be the center line of the road in between the two properties. Three of the buildings have been constructed and received their Certificate of Occupancy. The frost walls are constructed for the last two buildings. Chuck Yenknor, 65 Spellman Point Road, wants to urge the commission members to move the application along to get the construction finished as this should minimize the run-off from the exposed land during construction from going into the lake.

*Ray Zatorski made a motion to close the public hearing for the application. Rowland Rux seconded the motion. **Vote: 8-0 in favor.***

*Ray Zatorski made a motion to approve the application with the following modifications: Town Staff review and approve documents prior to filing of the re-subdivision; all conditions of IWWA permit are met prior to filing of documents for re-subdivision. Rowland Rux seconded the motion. **Vote: 8-0 in favor.***

- C. Text Amendment Regarding Required Setbacks on Non-Conforming Lots in the R 1 Zone: Section 8.2 of the East Hampton Zoning Regulations:**

*Ray Zatorski made a motion to continue the public hearing to the next regular scheduled meeting of February 7, 2024. Rowland Rux seconded the motion. **Vote: 8-0 in favor.***

*Ray Zatorski made a motion to continue the application to the next regular scheduled meeting of February 7, 2024. Rowland Rux seconded the motion. **Vote: 8-0 in favor.***

## **7. New Business:**

- A. PZC-24-001: Jessica's Designed Landscapes, LLC, 87 Main Street, Site Plan** Modification in VC Zone – Section 5.1.B, Retail to Restaurant. Map 06A/ Block 61/ Lot 7: The application was introduced to the commission members. Matthew Carroll, 6 Viola Road, attended the meeting to present to the commission members and answer any questions. Re-open Main Street Pizza to Pizza on Main and to renovate the adjoining consignment shop into a Mexican restaurant. Applicant is looking for change of use to let the restaurant be opened in the renovated consignment shop area. Mr. Carroll noted the two restaurants will utilize one kitchen for both. Change of use would involve a site plan change for the application in order for the applicant to obtain a permit. Commission Members asked Town Staff to research if the location should be grandfathered into the

liquor within 500 feet from a church regulation in town. Commission members additionally asked to additionally research history and approvals of the property itself. Commission Members noted the consignment shop was a pizza and bar and before that it was a grocery shop. The regulations of the property will need to be reviewed and researched before any other discussion and/or vote will be held for the application. The previous liquor licenses needs to be investigated as well.

*Ray Zatorski made a motion to continue the application to the next regular scheduled meeting of February 7, 2024. Rowland Rux seconded the motion. Vote: 8-0 in favor.*

## **8. Old Business:**

- B. PZC-23-016: David & Melissa Baribault**, 33 High Point, Gravel Path, Shed and Stairs in Conservation Easement. Map 02C/Block 9/Lot 12/8: David and Melissa Baribault, 33 High Point Drive, and Kathy Warzecha, 47 Emmet Lane in Norwich, attended the meeting to present and answer questions from the commission members. Ms. Warzecha is the town planner in Preston and she attended the meeting to help her brother with the application. Ms. Warzecha made the following assertions: Property owners went ahead and performed the work without regard to the conservation easement. The applicant handed out updated pictures of the property. They removed three trees to regain the view from the property. There were no erosion problems from the tree removals since the stumps were left in the ground. There was a path already on the property and was eroding over the years. The applicant used gravel to surface the path to curb or stop the erosion of the path into the river. The path was very steep as well, so the gravel would help with footing on the path for those traversing along the property. Adding the gravel to the path was keeping up maintenance of the path by the property owner. The stairs were already existing on the property and were falling apart causing a hazard. The stairs were built all as one piece, so they can easily be removed. They could be removed during flooding or during the freeze in the winter. The shed is under 200 square feet so it wouldn't need a building or zoning permit, but it needed approval from the Planning and Zoning Commission. Removing the shed would be very difficult taking into consideration its location on the property. The property is 2 acres and is on the river. The conservation easement was done with the original property owner, Elliot Stone, back in 1980. Mr. Stone bought the house in 1979 and the easement was part of a tax abatement deal for the property. The property owners will be willing to take out the gravel, the shed, and the stairs if made mandatory by the commission members. But they ask for forgiveness for not getting approval and to ask to keep the work done as is. The applicant needs to go before the Inland Wetlands commission as well. Both the gravel path and the stairs leading to the river can be construed as maintenance items and necessary for the property. The shed and removing the trees were not considered in that aspect. The shed is being used as storage for equipment like boating and fishing and such activities. Commission Members discussed wording of the easement documents. Commission Members discussed activity that occurred.

*The application was continued to the next regular scheduled meeting of February 7, 2024.*

- C. Follow up discussion regarding vegetated buffer at 265 West High:** The commission members discussed this topic, but made no motions on the item. There should have been

evergreen plantings to separate the two properties and give more privacy for the residential property. Eight evergreen trees would be planted to fill out the buffer zone more. It will be tracked and monitored. The interim town planner has contacted the property owner about the plantings and shared emails to show the conversation. Should wait until spring to plant trees since the ground is frozen and not suitable to plant new trees. The commission members want to go back and look at the original agreement with the developer and property owner. Town staff will look into the original agreement and hold a conversation with Mr. Rand about planting more trees in the buffer zone.

**9. Planner's Report:** The affordable housing subdivision at 37 South Main and the Home Acres Estate on Flanders Road were both brought before the commission. Working with both developers to finalize paperwork. The mylars should be ready for the commission members and town staff to sign within the next month.

**10. Set Public Hearing(s) for February 7, 2024:** No motion made.

**11. Adjournment:** *Vice-Chairman Zatorski made a motion to adjourn the meeting at 9:40pm. Rowland Rux seconded the motion. Vote: 8-0 in favor.*

Respectfully Submitted,

Katrina Aligata

Recording Clerk