

Town of East Hampton

Planning and Zoning

Commission

Regular Meeting February 7, 2024

Town Hall and Virtual Meeting

MINUTES

1. Call to Order and Seating of Alternates:

Chairman Kuhr called the meeting to order at 7:17 p.m *due to technical difficulties*.

Present: Chairman Kevin Kuhr, Vice-Chairman Ray Zatorski, Angelus Tammaro, Jim Sennett (Via ZOOM, *arrived late*), Rowland Rux, Roy Gauthier and Michael Kowalczyk Alternate: Mattie Walton. Interim Planner John Guskowski. Office Staff, Cheryl Guiliano. Alternate, Ted Hintz, Jr. was in attendance as an applicant.

Mattie Walton was seated for Jim Sennett.

2. Approval of Minutes:

- A. January 3, 2024 Regular Meeting:** *Vice- Chairman Zatorski made a motion to approve the minutes as presented. Mr. Rux seconded the motion. Vote: 7-0 in favor.*

3. Communications, Liaison Reports, and Public Comments: Chairman Kuhr explained an application was submitted, but is not on agenda. Ted Hintz Jr., the applicant for 46 Keighley Pond Road, briefly discussed the application. Chairman Kuhr asked for public comments. Karen Wanat, 35 Long Hill Road, expressed concern with application PZC-24-002 as there are extensive wetlands on the lot.

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

5. 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. Ms. Palazzo updated how many properties are classified as farm land with the Assessor's office. She also noted the Town Attorney reviewed and recommended adding health district approval requirement. Commission Members discussed properties over 10 acres are designated as farm land. Mr. Guskowski explained the proposed regulation is a good first step to increase accessory uses to agriculture and anticipates needing to update regulation in the future. Mr. Guskowski further discussed flexibility with the proposed special permit requirement. Mr. Tammaro discussed as or right use to agriculture and East Haddam's regulation. Mr. Guskowski explained the zoning official would determine what is an administrative permit versus complex uses that would require a special permit. Commission Members further discussed zoning permit versus special permit. Ted Hintz expressed concern with proposed 10-acre requirement. The Commission discussed horse lessons and farm-based

businesses. Vice-Chairman Zatorski asked if proposed 10-plus acres should be changed. Mr. Guskowski replied the Commission could lower proposed 10-plus acres or remove minimum acre requirement. Members discussed commercial stable regulation and farm uses. Chairman Kuhr asked for public comments. There were no public comments. Chairman Kuhr asked Town Staff to clarify text amendment language and have the Town Attorney review. Mr. Tammaro asked Town Staff to distribute word document of Text Amendment to add comments.

*Vice-Chairman Zatorski made a motion to continue the public hearing to the next regular scheduled meeting of March 6, 2024. Members discussed meeting timelines. Ms. Palazzo requested the application be continued the next regularly scheduled meeting of March 6, 2024. Mr. Tammaro seconded the motion. **Vote: 7-0 in favor.***

*Vice-Chairman Zatorski made a motion to continue the application to the next regular scheduled meeting of March 6, 2024 at the request of the applicant. Rowland Rux seconded the motion. **Vote: 7-0 in favor.***

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

Vice-Chairman Zatorski proposed a motion to continue the application to the next regularly scheduled meeting. The proposed motion was seconded by Mr. Rux. Chairman Kuhr stated the application has been on the agenda for a while and comments received from ZBA indicated they were in opposition. The minutes also reflect the ZBA wanted to hear abutting properties comments. Chairman Kuhr asked to remove application from agenda and possibly revisit at a later time. Mr. Tammaro asked for the public hearing to be continued. Vice-Chairman Zatorski also agreed and would like guidance from ZBA. Chairman Kuhr responded Jim Sennett reported that he attended ZBA meeting and minutes discuss opposition. Mr. Guskowski encouraged the Commission to extend the public hearing and noted this Commission sets the rules for ZBA to follow. Mr. Walton discussed being on ZBA Commission and requests for setback variances. Mr. Tammaro briefly discussed non-conforming lots in the R1 Zone. Members discussed ZBA comments and would like ZBA members to attend the public hearing for their comments. Chairman Kuhr asked for public comments. There were no public comments.

Vice-Chairman Zatorski made a motion to continue the public hearing to the regular scheduled meeting of June 5, 2024. Rowland Rux seconded the motion.

Vote: 7-0 in favor.

Vice-Chairman Zatorski made a motion to continue the application to the next regular scheduled meeting of June 5, 2024. Rowland Rux seconded the motion.

Vote: 7-0 in favor.

Mr. Rux asked for Town Staff to have at June 5, 2024 meeting all ZBA meeting Minutes and related documents. Chairman Kuhr asked Town Staff to invite ZBA members to that meeting.

Jim Sennett arrived to the meeting via ZOOM and was seated in place of Mattie Walton.

6. New Business:

A. PZC-24-002: West High Enterprises, 195 West High Street, Site Plan Review for Construction of a Commercial Building in C Zone. Map 12/ Block 36/ Lot 3. Rob

Baltramaitis, Engineer, presented application. He noted the existing single-family home was demolished and the property is zoned commercial. Mr. Tammaro asked about earlier public comments regarding wetlands. Mrs. Guiliano replied the applicant is scheduled to discuss project at IWWA next regularly scheduled meeting. Mr. Baltramaitis discussed two proposed underground infiltration systems for stormwater controls. He noted when 201 West High was developed in 2012 the design of stormwater detention basin accommodated future use of this site. He expects to have less peak flows from the site after development. He mentioned erosion and sedimentation controls. Vice-Chairman Zatorski asked for current peak flow calculations. Mr. Baltramaitis replied he does not have them but will provide report for the next meeting. Mr. Tammaro asked for design of the building. Mr. Baltramaitis replied they do not have a tenant currently but will be soliciting a low intensity retail tenant. Commission Members discussed if they should set a public hearing. Mr. Guskowski explained the property is a commercial property and the proposed use appropriate per our zoning regulations. Commission Members discussed adjacent properties. Chairman Kuhr asked if public comments could be received for the site plan. Mr. Guskowski replied they can submit but it is not a formal proceeding for this application and the use is appropriate per zoning regulations.

Application was accepted and will be discussed at the next regularly scheduled meeting of March 6, 2024.

- B. Pre-Application Discussion: Lake Drive, Open Space Subdivision.** Rob Baltramaitis, Engineer, spoke on behalf of applicant. Mr. Baltramaitis explained the site is in 38-acre parcel located in lake watershed district. Mr. Baltramaitis provided two concepts options for phase one. He asked Commission Members to advise if they prefer the subdivision be conventional or open space. Mr. Sennett stated the first lot in open space subdivision does not meet Town zoning regulation for distance requirement. Mr. Baltramaitis replied he will review regulation and update plans accordingly. Mr. Sennett discussed proposed conventional subdivision driveway disturbance. Mr. Baltramaitis replied he believes the open-space would have less impacts then conventional. Members further discussed zoning regulation for 100' distance requirement for first lot from property line. Commission Members discussed open space areas. Mr. Tammaro asked if conservation easements could be limited to one lot rather than on multiple lots. Chairman Kuhr asked for sidewalks to be incorporated in plans. Mr. Baltramaitis noted there are no wetlands on properties, an application will be submitted to Conservation Lake Commission. He will additionally verify the property is outside 200' upland review area.
- C. Request an extension of filing Mylars for Hampton Village, 37 South Main St. Subdivision.** Mr. Guskowski explained the applicant asked for extension to file mylars. *Vice-Chairman Zatorski made a motion to extend the filing of Mylars for Hampton Village, 37 South Main St. Subdivision for 90 days per applicant's request. Mr. Rux seconded the motion. Vote: 8-0 in favor.*
- D. Application PZC-24-003** Ted Hintz, 46 Keighley Pond Rd., Special Permit for Lighting of an outdoor athletic facility for an existing horse ring in R2 Zone. Map 01C/ Block 10/ Lot 11. Ted Hintz, explained a special permit is required for exterior lighting on poles over 12' high. Mr. Hintz explained the proposed lighting is for horses. Mr. Kowalczyk

asked what is the proposed pole height for the lights. Mr. Hintz replied it is recommended the height of poles be 20' but the lowest height they could do in 15'. Mr. Guskowski noted the application would require a special permit and a public hearing should be set. Chairman Kuhr discussed a similar application for lighting at a soft ball field was previously reviewed by the Commission and would need a variance with ZBA. Mr. Guskowski replied a variance would not be required as the regulation allows them to approve by special permit. Mr. Tammaro asked if lights would need to be shielded. Mr. Hintz replied the lights would not over flow to adjacent properties. Mr. Hintz stated he has applied to Middle Haddam Historic District. *Vice-Chairman Zatorski made a motion to schedule a public hearing for Application PZC-24-003 Ted Hintz, 46 Keighley Pond Rd., Special Permit for Lighting for horse rink in R2 Zone. Map 01C/ Block 10/ Lot 11 at the next regularly scheduled meeting of March 6, 2024. Mr. Kowalczyk seconded the motion. Vote: 8-0 in favor.*

Vice-Chairman Zatorski asked if application 7B. could be discussed then 7A and Chairman Kuhr agreed.

7. Old Business:

- B. 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.** Matthew Carroll, 87 Main Street, reported Town Staff researched the history of property and the use of a restaurant always remained. Mr. Carroll discussed liquor permit zoning requirement. Mr. Guskowski explained after researching records a change of use site plan is not required but the Commission needs to determine if a liquor permit is appropriate. Mr. Carroll discussed adjacent properties with liquor permits. Mr. Tammaro noted historically liquor has been served at the property. Chairman Kuhr asked how far the property is from the nearby church and school. Mrs. Guiliano replied it is within 500'. Commission Members briefly discussed sale of liquor regulation in Village Center zone. *Ray Zatorski made a motion to approve application 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 and liquor permit within 500' of school and church, for the following reasons: it is consistent with zoning regulations and allows business in Village Center to thrive and adjacent business have liquor permits. Mr. Tammaro seconded the motion. Vote: 8-0 in favor.*

*Commission took a recess at 9:27pm and readjoined at 9:38pm.
Roy Gauthier left and Mattie Walton was seated in his place.*

- A. 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, attended the meeting to present and answer questions. Mrs. Baribault explained at the request from the Commission she worked with the Town Planner for a remediation proposal. Mrs. Baribault apologized and did not know the activity was in violation. Mrs. Baribault proposed adding four oak trees and native noninvasive shrubs. The Commission discussed proposed vegetation. Mrs. and Mr. Baribault explained the road was always there but gravel was placed to assist in

controlling erosion. Chairman Kuhr asked applicants to provide documents received from prior Town Planner. Mr. Baribault explained the prior Town Planner visited the site and invited the Commission to come to the property to view the topography of the site. Ms. Warzecha further described the steep topography of site causing erosion and the gravel was placed to stabilize the area. Commission Members briefly discussed the gravel way. Mr. Rux proposed adding a vegetated buffer at riverfront to shield shed from view. Ms. Baribault explained they replaced existing stairs. Mr. Walton asked if there is a list of all violations. Mrs. Baribault replied the previous Town Planner, Jeremy DeCarli did provide a list of violations. Commission Members briefly discussed Mr. DeCarli's violation letter. Mrs. Baribault noted IWWA and MHHD will also review application. Vice-Chairman Zatorski asked for a site plan and would like to visit the site. The conservation easement was briefly discussed by the property owners and Commission Members. Mr. Tammaro asked for clarification on what authority the Commission has. Mr. Guskowski discussed the challenge is the easement documents do not provide standards for violations. Mr. Tammaro asked how many trees were removed and Mrs. Baribault replied four large trees. The applicants stated they are willing to add more plantings. Commission Members would like to see a site plan providing proposed vegetated plantings, and summary and evidence of preexisting stairway. The applicants asked the Commission to visit the property.

The application was continued to the next regular scheduled meeting of March 6, 2024.

8. Planner's Report: Chairman Kuhr noted Mr. Kowalczyk has been appointed to a regular Commission Member. Interim Planner, John Guskowski explained a notice was received from CT Siting Council for a telecommunications tower at 65 Midwood Farms to receive additional antennas. He also noted a home-based business permit was issued for a hair salon. Mr. Guskowski also provided training opportunities and provided statutory requirements for Commission training.

9. Set Public Hearing(s) for March 6, 2024

10. Adjournment: *Vice-Chairman Zatorski made a motion to adjourn the meeting at 10:32pm. Rowland Rux seconded the motion. Vote: 7-0 in favor.*

Respectfully Submitted,

Cheryl Guiliano

Recording Clerk