

Town of East Hampton

**Planning and Zoning**

**Commission**

Regular Meeting March 6<sup>th</sup>, 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 (Zoom), Jim Sennett, Rowland Rux. Roy Gauthier (Zoom). Alternates: Michael Kowalczyk, and Ted Hintz, Jr. Interim Planner John Guskowski and Office Staff Cheryl Guiliano.

Absent: Angelus Tammaro and Mattie Walton.

Ted Hintz, Jr. was seated for Angelus Tammaro.

**2. Approval of Minutes:**

A. **February 7, 2024 Regular Meeting:** *Mr. Hintz 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:** Mr. Guskowski reported Nelson's Campground sent a report to the town announcing when they will be opening. This year they will be open April 12<sup>th</sup> and closing October 14<sup>th</sup>. Mr. Sennett reported ZBA didn't hold a meeting last month, but they did have a January meeting. During that meeting, the setbacks for 7 Oakum Dock Road were reduced for an addition to the house. The changes were for the front setback was 50 feet to 12 feet and the rear setback was 50 feet to 40 feet. The application was approved/ granted. Chairman Kuhr asked for public comment.

Doug Mackeown, 47 Keighley Pond Road asked the Members whether they have past experience in conservation easements and land trusts. Mr. Mackeown wanted to understand their background and possible experience in the topics. The Members provided their experience and explained town staff assists them.

**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:** Nicole Palazzo reported the town attorney has approved the latest edits of the text amendments. The adjustments were read aloud by Ms. Palazzao to remind the Members of what changes have been made. The members discussed the changes made to the text for the accessory uses. Chairman Kuhr asked for public comments. There were no public comments. *Mr. Hintz made a motion to close the public hearing for application PZC-23-015: Text Amendment regarding Accessory Uses to Agriculture per Sec. 8.4.C.: Mr. Sennett seconded the motion. Vote: 7-0 in favor.* Mr. Hintz made a motion to close the

public hearing for *Application PZC-23-015: Text Amendment regarding Accessory Uses to Agriculture per Sec. 8.4.C*. Vice-Chairman Zatorski seconded the motion. **Vote: 7-0 in favor** Mr. Hintz made a motion to approve *PZC-23-015: Text Amendment regarding Accessory Uses to Agriculture per Sec. 8.4.C as presented effective April 1, 2024*. Chairman Kuhr noted approval is based on recommendations from Town Attorney Mr. Rux seconded the motion. Mr. Kowalczyk added it is consistent with the POCD and promotes agriculture development. **Vote: 7-0 in favor.**

**B. PZC-24-003 Theodore Hintz Jr., 46 Keighley Pond Rd., Special Permit for Lighting of Outdoor Athletic facility for existing horse ring in R2 Zone. Map 01C/ Block 10/ Lot 11: Ted Hintz Jr. Recused himself as he is applicant for 5B.**

Mr. Hintz presented to the Members for his plan to install lighting for an existing outside horse ring in an R2 zone. The lights would be pointed towards the horse ring only with no extra light exposure or overflow. The applicant is requesting a 20-foot light pole instead of a 17-foot pole. The lights would cast less shadow at the max height than at a lower height. The applicant provided a picture of balloons to depict where the lights would be on the property and how they would look from the road. There are woods bordering three sides of the property that would cover some of the light exposure. The woods could also act as a buffer or barrier for the lights with the neighbors. There is an existing drain easement on the property. Zoning regulations for residential lighting state maximum height is 12' for light poles, but can apply for a special permit for higher. Mr. Hintz stated the lights would turn off by 10pm. The Members discussed the different use of lighting for arenas and properties. Chairman Kuhr asked for public comments.

Deb Battit, 38 Keighley Pond Road, wrote and submitted a letter about the application. Ms. Battit's property abuts the horse ring. Most of the arena is visible from her yard and since she is downhill of the arena she will still see the lights. She also pointed out that the height of the lights, the wattage and the use of the lights do not coincide with the residential properties. She explained this would negatively impact the neighbors abutting the property. Ms. Battit urges the Members to vote against the light poles being installed for the horse ring. Mr. Hintz discussed locations of horse ring and Ms. Battit's property. Chairman Kuhr noted the horse ring looks like it is on both of his properties and can he do this from a zoning standpoint. Mr. Guszowski replied the application should be modified to include both properties 46 Keighley Pond Road and lot 11A on West High Street. Chairman Kuhr asked if it would be better to merge lots. Mr. Hintz replied his intent is to place the light poles on the 46 Keighley Pond parcel and not on 11A. He does not want to merge the lots together. A survey will be provided showing the horse ring location at the next meeting. Commission Members asked the applicant to provide the following information at the next meeting: light shielding, fixtures, lighting analysis including photometric plan, cut sheet and Dark Sky Compliance. Mr. Hintz explained light poles too low in height could potentially spook the horses. Mr. Mackeown asked about setbacks. Mrs. Guiliano provided zoning setbacks requirements for R2 zone. Mr. Hintz replied he is within setbacks. Michael Pepin, 56 Keighley Pond Road, spoke in favor of the application. Mr. Rux asked if the horse ring will be run as a business. Mr. Hintz replied no, but does have friends ride there. Chuck Roberts, 119 Middle Haddam Road, recommended providing temporary lighting to see what it will look like before the Commission decides. Peter Pach, 59 Middle Haddam Road, spoke in favor of getting an

opinion by a lighting expert. Kathy Megan. 59 Middle Haddam Road, expressed concern with lighting affecting the abutting neighbor Ms. Battite. Members would like to see an example of the proposed lighting at 20' high. Mr. Mackeown explained he submitted into the record a picture providing height of proposed lighting pole. Ms. Battite noted her properties elevation in relation to proposed pole. Mr. Hintz provided pictures and explained to Members where the poles would go on his property.

*The pictures Mr. Hintz provided were submitted into the record.*

Commission Members asked the applicant for the following: updated photometric providing light shed on arena, distances, updated site plan showing horse ring location, and cut off, and specifications from manufacturers. *Mr. Rux made a motion to continue the public hearing for application PZC-24-003 Theodore Hintz Jr., 46 Keighley Pond Rd., Special Permit for Lighting of Outdoor Athletic facility for existing horse ring in R2 Zone. Map 01C/ Block 10/ Lot 11 to the regular scheduled meeting of April 3, 2024. Mr. Sennett seconded the motion. **Vote: 6-0 in favor.** Mr. Rux made a motion to continue the application PZC-24-003 Theodore Hintz Jr., 46 Keighley Pond Rd., Special Permit for Lighting of Outdoor Athletic facility for existing horse ring in R2 Zone. Map 01C/ Block 10/ Lot 11 to the regular scheduled meeting of April 3, 2024. Mr. Sennett seconded the motion. **Vote: 6-0 in favor.***

*Mr. Hintz was reseated for Angelus Tammaro*

## **6. New Business:** None.

## **7. Old Business**

- 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.** Chairman Kuhr discussed the previous Town Planner's enforcement letter to property owners. Applicant Melissa Baribault explained on February 28, 2024 IWWA agreed to help them with a replanting plan. She provided Members with a proposed planting plan. Chairman Kuhr asked if the applicant has attended a meeting at IWWA and Ms. Baribault replied no. Chairman Kuhr asked if IWWA should review application and then come back to PZC. Mr. Guskowski explained IWWA would like to review replanting plan and provide comments to PZC. Mr. Rux discussed the presented replanting plan and recommended approving the application and recommend applicant's work with Town Staff. Chairman Kuhr expressed concern with receiving documents from the applicant at the meeting, and not having an electronic copy for Members on ZOOM to review. Mr. Hintz asked how many properties have conservation easements in Town. He expressed concern with setting precedence and Members further discussed. Mr. Baribault explained the reason the shed is by the river is items have been stolen from his property. Mrs. Baribault discussed planting plan and would like to keep the stairs for access to river and shed. Mr. Kowalczyk stated he believes shed is compatible with conservation easement. Mr. Hintz spoke in opposition to Mr. Kowalczyk and noted easement language. Mr. Kowalczyk replied he has reviewed easement documents and believes the language gives the Commission the authority to allow the shed. Mr. Hintz recommended getting Town Attorney opinion. Mr. Guskowski further explained the easement document language. Members discussed if the shed should remain. Mr. Rux explained he is satisfied with the replanting plan and the site plan the applicants provided. Members discussed

conservation easement language and PZC has the authority to approve or deny each activity separately. Chairman Kuhr asked if special permit is required. Mr. Guskowski replied no, it's not in the Town's regulations. Chairman Kuhr asked if the Members should have a text amendment for conservation easement as a guide. Mr. Kowalczyk stated he agrees there should be a text amendment to be used as framework for easement reviews but does not think it needs to be done before this application. Members briefly discussed possible text amendment for easements. Mr. Guskowski explained a regulation is not required for the Commission to decide in this case as they have the authority over the easement. Chairman Kuhr replied the Commission uses the Town's zoning regulations as a guide. Mr. Guskowski recommended providing a set of questions and findings to assist the Commission on a decision. Members discussed the inability for Town Staff and Commission Members on ZOOM to review the documents the applicant provided at the meeting. Members discussed if they should decide tonight or continue to the next regularly scheduled meeting. Mr. Rux asked IWWA to review plans and provide comments. Commission Members discussed voting on each item separately. *Mr. Kowalczyk made a motion to continue PZC-23-016 to the next regularly scheduled meeting of April 3, 2024. Mr. Sennett seconded the motion. Vote: 7-0 in favor.*

- B. 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:** Robert Baltramaitis, Project Engineer for the applicant provided a brief overview for proposed construction. He discussed wetland area, paved driveway, and curbs cuts shared with 201 West High. Mr. Baltramaitis explained recent updates. They received IWWA approval, discussed stormwater report, and provided water runoff mitigation measures. Mr. Baltramaitis stated Chatham Health provided a report that afternoon. Mrs. Guiliano stated she received the information right before the meeting, included information in packets and would share electronically for ZOOM Members. Mr. Baltramaitis discussed the report. He further explained a lot line adjustment to accommodate the development. The current septic system for 201 West High street needs to be modified to accommodate the proposed lot line revision. He explained when the septic system at 201 West High street was designed it was oversized and can be reduced and still meet regulation. Mr. Baltramaitis briefly discussed proposed septic revisions and comments from Chatham Health. He proposed a condition of approval for the lot line revision. Mr. Guskowski clarified the current plan does not comply and a lot line adjustment is required. He stated the project could not move forward without lot line and Chatham Health approval. Members further discussed suggested condition of approval and proposed building location.

*Ted Hintz left the meeting at 9:50pm*

Mr. Baltramaitis further discussed revisions to the septic system and lot line. Members discussed site plans, septic design, and Chatham Health requirements. Mr. Guskowski provided application timeline. Mr. Guskowski stated different department approvals are required. Members discussed the current septic system size Mr. Baltramaitis noted if in the future the leaching fields could be expanded in a different location. Mr. Rux asked for suggested condition of approval be read. Mr. Baltramaitis read, "that prior to issuance of a building permit for #195 West High Street, the applicant must revise the existing septic system serving 201 West High Street Building 'A' and formalize a lot line revision in

accordance with CT Public Health Code Section 19-13-B100a”. Chairman Kuhr recommend providing the lot line revision dimension. Commission Members discussed proposed well. Chairman Kuhr requested updated site plans and comments from Chatham Health for the next meeting

*Mr. Rux made a motion to continue application 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 to the next regularly scheduled meeting of April 3, 2024. Mr. Sennett seconded the motion. **Vote: 6-0 in favor.***

**8. Planner’s Report:** Mr. Guskowski referred to his written report.

**9. Set Public Hearing(s) for April 3, 2024:**

**10. Adjournment:** *Mr. Rux made a motion to adjourn the meeting at 10:40pm. Mr. Sennett seconded the motion. **Vote: 6-0 in favor.***

Respectfully Submitted,

Katrina Aligata & Cheryl Guiliano

Recording Clerks