

Town of East Hampton

**Planning and Zoning**

**Commission**

Regular Meeting April 4<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. Regular Members: Jim Sennett, Rowland Rux. Roy Gauthier, Angelus Tammaro and Michael Kowalczyk. Alternates: Mattie Walton, Ted Hintz, Jr., and Robert Perrault. Also in attendance: Interim Planner John Guszowski and Office Staff Cheryl Guiliano.

Absent: None.

Mattie Walton was seated for Michael Kowalczyk. New alternate member Bob Perrault attended the meeting and was welcomed to the commission.

Michael Kowalczyk was arrived at 7:04 and Mattie Walton was unseated.

**2. Approval of Minutes:**

- A. **March 6, 2024 Regular Meeting:** *Vice-Chairman Zatorski made a motion to approve the minutes with changes. Mr. Walton asked for Ms. Battit's name to be corrected. Mr. Rux seconded the motion. Vote: 6-0 in favor – 1 Abstention - Mr. Tammaro.*

**3. Communications, Liaison Reports, and Public Comments:** There has been some communication about water runoff from Edgewater development and the logging or clear cutting occurring near Lakewood Road. Both are being handled by Town staff.

Bob Yenknor, of 83 Spellman Point, shared pictures of runoff going into the lake from the Edgewater development. Mr. Yenknor has a list of 36 people who wrote letters of concern over the matter and sent the letters to the IWWA, Planning and Zoning Commission, and the Town. He explained the IWWA has the authority to send a cease and desist to the development. The matter of the logging should be solved by putting a hold to the logging and revoking the permit. The clear cutting permit shouldn't have been issued in the first place. If the cutting were to go on, it would irrevocably damage the lake. The developer needs to take responsibility for the corrective action immediately.

Justin Kelly, of 31 Lakewood, is very supportive of how the Commission is handling the logging in the area. Mr. Kelly is supportive of the letter Town Staff sent out asking the developer to stop or hold off on cutting anymore trees down. Need to make sure the red tape isn't being ignored and is viewed seriously. Truck after truck was taking cleared trees away from the Lakewood parcel.

Nick Mougey, of 73 Bay Road, explained he filled a jar of water runoff that is entering the lake. He briefly discussed the water he retrieved and placed the jar at the Members table.

Chris Osterman, of 15 Lakewood Road, wanted to point out that the zoning regulations are accessible to the public to review. There are a lot of requirements to obtain a permit for logging. The current application for the Lakewood has none of the requirements and the only included is the sale of lumber to a company. Logging was occurring long before the application was submitted and the permit was given to the developer.

Chuck Yenknor, of 65 Spellman Point Road, wanted to express his appreciation of the members for their work on the commission. Mr. Yenknor stated that it appears applications that are staff approved are not following the requirements. The applications are not going before the required commissions that they're supposed to have approval from for the project. The Lake Commission hasn't seen some of the approved applications. Edgewater development was another application that possibly didn't meet the requirements. Mr. Yenknor stated that the Town Staff and Commissions need to see the requirements and be strict with the applicants and developers.

Jeremy Barthell, of 13 Lakewood Road, grew up in the woods that are being cut down. He stated there are endangered species within the woods and there are wetlands on the property that may not be indicated on maps. Mr. Bartell suggests slowing down and investigating before resuming the cutting.

Marty Podskoch, of 43 O'Neil Lane, is on the Lake Commission and on the Friends of the Lake. He stated thousands of gallons of water with silt has gone into the lake from the Edgewater development. John Tucci took a sample of the lake water with the results of more phosphorous showing up in the lake.

Wes Jenks, of 45 Meeks Point Road, is part of the Conservation Lake Commission for 10 years. The application for logging never came before either Commissions as it should have been. Appropriate sediment controls are required to be in place for the developments in the watershed.

Gloria Nichols, of 33 Forest Street, is a widow and has lived in town for 61 years. She is stating that her neighbors behind her property pumped out their basement onto her property and damaged her well. After every rain fall, they would pump out their basement and the water would flow onto her property and run below her 30 ground solar panels. She spoke with the neighbors and was told they need to pump out the water. Her neighbors live on Haynes Road.

Joe Satler, of 6 Lakeview Road, just wanted to say that he's seen all of the advertisements for cleaning the lake and wanted to express his support of that cause. He's saddened to see the infiltration happening to the lake.

**4. Reading of Legal Notice:** Read by Town Staff.

## **5. Public Hearings**

Ted Hintz left the meeting before application PZC-24-003

- A. 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:** Mr. Hintz left the meeting before the application started. Attorney Scott Jezek attended the meeting on behalf of the applicant to present to the Commission and answer

member's questions. Mr. Jezek stated that the application has been before the commission once before and with the Middle Haddam Historic District Commission twice. The applicant provided updates to show type of lights, where the light poles will go and which way the poles will be facing on the property. There will be six light poles positioned along the length of the horse ring. The poles were originally proposed at 20 feet, but now it's proposed at 17 feet. The light fixtures would be the same type but the poles were lowered to 17 feet after concerns on the height were expressed. There would only be two lights per pole on either side at the top. There would be no light outwash from the fixtures since they will be shielded on top to keep the light focused on the horse arena area. The lighting map was designed for the purposes of showing where the cone of lighting would be on the property. The plan for the lighting also indicates the wattage of light that would be seen from set distances. The wattage would be 0.1 to 0.2 lumen on the outer points of the map which would be 110 feet from the horse ring. Within 7 feet of the arena it would be 1 to 2 lumens that would be visible from the lights. Both commissions need to approve the application or else it doesn't pass and the applicant will have to redesign the plan to resubmit. The members reviewed the "unacceptable" and "acceptable" lighting fixtures per Town regulations. The fixtures highlighted in the application would fall under the unacceptable category. There was discussion of requirement of the application to get state approval of the application and lighting plan. The members would like the applicant in person so their questions can be answered properly. The applicant would consider some plantings around the poles on the property. There was discussion of the proposed lighting fixtures in accordance with the guidelines and regulations. The lights proposed by the applicant are not within the regulations and is part of the unacceptable list of fixtures. The members need to see the actual lighting fixtures and the shading structure for the lights included in the application. Interim Planner John Guzskowski gave his opinion and some facts about the light for the application.

Deb Bettit, of 38 Keighley Pond Road, expressed her concerns of light exposure at night since she is downhill of the horse ring. She took photos of different views from her house of the horse ring on the applicant's property. She stated that the proposed fixtures are for commercial lighting and do not belong in an R2 residential area.

John Rapo, of Middle Haddam Road, stated that the applicant addressed the changes and revisions the members made from the previous meeting. He also stated that the applicant should attend the meeting to help explain properly the proposed plan to help with the difficulty of deciphering the revised plans. Mr. Rapo stated that the property is in the historic district and should follow the regulations and guidelines of the district. Both Commissions need to get a feel for the proper lighting to meet the standards of both regulating bodies.

Anne, address unknown, provided her opinion on the application. She thinks the lighting and fixtures are straight forward and easy to understand. She also reiterated that the property is in the historic district and that should be taken into consideration.

Nick Mougey, of 73 Bay Road, wanted to express his opinion of the application. The lights could cause a distraction to people driving by on the roads.

Michael Peppin, of 56 Keighley Pond Road, wanted to express his opinion of the application. He reiterated that this property is in the historic district. The amount of time the lights will be on won't be of any cause of distress, difficulty or hardship.

Bernard Coughlin, 33 Keighley Pond Road, attended by zoom. Mr. Coughlin explained that Mr. Hintz stated that he wanted to turn the property into a commercial property in the future at the last meeting. The area is still in the historic district. He wanted to know where the application would take in direction if it's approved.

*Vice-Chairman Zatorski made a motion to continue the public hearing to the regular scheduled meeting of May 1, 2024 at the request of the applicant. Mr. Rux seconded the motion. **Vote: 7-0 in favor.** Vice-Chairman Zatorski made a motion to continue the application to the regular scheduled meeting of May 1, 2024 at the request of the applicant. Mr. Rux seconded the motion. **Vote: 7-0 in favor.***

Mr. Hintz did not return to the meeting.

## **6. New Business**

- A. PZC-24-004: Abduwahid Alsharabe, 42 East High Street, Site Plan Review for Smoke Shop in C Zone. Map 05A/ Block 62A/ Lot 10:** The applicant or representative was not in attendance. Application was continued to the next regularly scheduled meeting of May 1, 2024.

## **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:** David and Melissa Baribault attended the meeting to present and answer any questions the members may have. Ms. Baribault drafted a letter to submit to the commission. The applicants walked the site with the IWWA members and two members from the Planning and Zoning Commission. The members investigated the path, the shed, and the stairs on the property. Pictures were provided to show what the path looks like. The members discussed some sediment erosion controls the applicants can take on their property to eliminate any runoff infiltrating the lake. The members expressed their concern for people in the future using the application to construct something in a conservation easement area. With that said, the members briefly discussed removing the stairs. There should be some plantings added in between the trees to fill out the buffer zone. It was suggested to have the Connecticut River Conservancy letter dated March 27<sup>th</sup> be included with the application for the record and for future reference. *Vice-Chairman Zatorski made a motion to deny application PZC-23-016; Gravel path is a net plus for the environment and stays; Shed and Stairs are to be removed; planting plan from CLA engineers dated 4/2/2024 with planting schedule or Appendix A be executed to the satisfaction of Town Staff with any additional plantings Town Staff deems necessary; Fire Pit to be removed. All work to be*

*completed within 60 days. Mr. Sennett seconded the motion. Vote: 5-1 in favor; Mr. Kowalczyk opposed and 1- Abstention – Mr. Rux*

- 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:** Rob Baltramaitis, Engineer for the applicant presented and answered any questions the members had. There was one major issue about the lot line that was proposed to accommodate the development. The members reviewed the site map to refresh them on what the issue was. There is a lot line that delineates the properties of 195 West High Street and 201 West High Street from each other. There was a proposition of a lot line adjustment for the 201 West High Street property. The applicant was able to design a modified septic system for the 201 property and submitted that to Chatham Health, which was approved with a new discharge for the site. The applicant received Wetlands approval and Chatham Health approval before obtaining Planning and Zoning approval. There was some water runoff issues on site, but erosion controls were put in place to prevent any infiltration. A stone apron on the skirt of the driveway was installed and is acting as a sort of berm to curb runoff water coming from Route 66. *Vice-Chairman Zatorski made a motion to approve 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 for the following reasons: Meets Planning and Zoning regulations, approved by Chatham Health Department, and IWWA, with the following conditions: Town Staff inspect for compliance with erosion and sediment controls; Town Staff notified prior to the start of construction and completion of construction. Mr. Rux seconded the motion. Vote: 7-0 in favor.*

**8. Planner's Report:** There was a lot of concerned public comment about the large amount of runoff coming from the Edgewater development. The developer has been diligent and overwhelmed with the amount of rain that occurred in the past months. Multiple Town Staff have performed site walks to investigate the impact of the rainfall to the development. The previously approved plan was designed for the regular 2-inch rain storms. There was no insight or knowledge of the heightened amount of rain the state has received over the last couple of months. The detention basins and the storm water management system has worked quite well. The sediments on the slope are extremely fine and has passed through the multi-layer sediment erosion controls that are currently in place. The correct process is to stabilize the site as soon as possible. The developer has been dredging out the sedimentation basins after every storm to try to keep up with curbing the infiltration. Members briefly discussed Connecticut's new erosion sediment and storm water management guides.

**9. Set Public Hearing(s) for May 1, 2024:** The public hearing was set for May 1, 2024.

**10. Adjournment:** *Chairman Kuhr made a motion to adjourn the meeting at 10:05pm. Vice-Chairman Zatorski seconded the motion. Vote: 7-0 in favor.*

Respectfully Submitted,

Katrina Aligata

Recording Clerk