

Town of East Hampton  
**Planning and Zoning  
Commission**  
Regular Meeting October 5, 2022  
Town Hall, Eaton Smith Council  
Chambers Room #107 and Virtual  
Meeting

**DRAFT MINUTES**

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

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

Present: Chairman Zatorski, Regular Members: Vice-Chairman Kuhr, Meg Wright, Roy Gauthier, Jim Sennett, Rowland Rux, and Angelus Tammaro.

Alternate Members: Mike Kowalczyk and Matthew Walton

Zoning Official Jeremy DeCarli.

Absent: Ted Hintz, Jr.

**2. Approval of Minutes:**

**A. September 7, 2022 Regular Meeting:** Mr. Sennett made a motion to accept the minutes as written. Mr. Rux seconded the motion. *Vote: 7-Yes; 0-No*

**3. Communications, Liaison Reports and Public Comments:** Mr. Tammaro attended the Design Review Board meeting and reported a proposal was presented at the meeting for façade changes at 70 Main St. Mr. Sennett attended the ZBA meeting September 12, 2022 and reported six applications were reviewed and approved. Mr. Sennett briefly explained each approval. The following Commission Members did not have anything to report: Mr. Gauthier, Vice-Chairman Kuhr, Chairman Zatorski, Mr. Rux, Ms. Wright, Mr. Kowalczyk and Mr. Walton. Chairman Zatorski asked for public comments at this time. Eric Rosenberg, 15 Bay Rd., Member on Commission of Aging, (*spoke as an individual*), discussed recent survey of older adults needs. Mr. Rosenberg urged the Commission for a public presentation regarding ADU. Chairman Zatorski asked if Mr. Rosenberg would assist with a presentation. Mr. Rosenberg replied he would be happy to work with the Town to create and publicize meeting. Commission Members briefly discussed proposed presentation for ADU and safety.

**4. Read Legal Notice for October 5, 2022:** Mr. DeCarli read the legal notice.

**5. Public Hearings for October 5, 2022:**

**A. Amendments to East Hampton Zoning Regulations in Accordance with Public Act 21-29, Articles 1 – 9.** Chairman Zatorski noted the amendments to regulations have been discussed and reviewed for some time. Mr. DeCarli explained there are minor changes to zoning regulations. Mr. DeCarli discussed two changes he thought are important: adding a section for the zoning official to approve reasonable accommodations and definition of character. Chairman Zatorski asked for public comments at this time. There were no public

comments. Mr. Kowalczyk asked if R2 Zone would be added to the ADU regulation. Chairman Zatorski replied it would be a separate act. Vice-Chairman Kuhr made a motion to close public hearing for Amendments to East Hampton Zoning Regulations in Accordance with Public Act 21-29, Articles 1 – 9. The motion was seconded by Mr. Rux. ***Vote: 7-Yes; 0-No*** Vice-Chairman Kuhr made a motion to approve Amendments to East Hampton Zoning Regulations in Accordance with Public Act 21-29, Articles 1 – 9. The motion was seconded by Mr. Tammaro with an amendment, effective October 25, 2022. ***7-Yes; 0-No***

**Amendments to East Hampton Zoning Regulations: Proposed Section 8.4.Q - Adult Use Cannabis and Medical Marijuana.** Chairman Zatorski believes State Law regarding cannabis will be changed and regulations will need to be updated. Mr. Rux asked if zoning regulations supercedes State and Mr. DeCarli replied it is in addition to State requirements and further elaborated. Commission Members discussed proposed regulations and alcohol regulations. Chairman Zatorski asked for public comments at this time. Andrew Simonow, 13 Aldens Crossing Rd., gave feedback on proposed regulations. Mr. Gauthier asked if Mr. Simonow builds cannabis facilities. Mr. Simonow replied he has a general contracting company and referenced locations. Mr. Simonow discussed State regulation, production and retail location, taxes and limiting amount of locations. Mr. Walton asked who Mr. Simonow is advocating for. Mr. Simonow replied he lives in Town, owns rental properties as well, has partners that would open in town and has no intentions at the moment to open one. Mr. Gauthier asked for clarification on criteria how many retailers can operate in Town. Mr. DeCarli replied the Commission could cap how many. Commission Members briefly discussed possibly limiting how many retailers. Mr. Tammaro asked Mr. Simonow what location in town for a retail location he thought would be best. Mr. Simonow replied after considering zoning regulations, traffic, parking, and preference to standalone buildings; a location near global storage would be appropriate. Commission Members further discussed appropriate location for retail and manufacturing facilities. Mr. Gauthier asked how many towns in the State passed cannabis use and Mr. DeCarli replied he did not know. Mr. Simonow replied he believes 50% of Towns approved. Mr. Kowalczyk suggested restricted village center from retail sales to address concerns. Commission Members briefly discussed financial cost for potential retail and manufacturer businesses. Chairman Zatorski noted the regulation can be updated in the future if needed. Mr. Rux asked if regulation approved would it go to Town Council and Mr. DeCarli replied no. Mr. Tammaro asked how long the moratorium extension is. Mr. DeCarli explained the approved extension is to December 31, 2022 or effective date the regulation that gets adopted, which ever comes first. Mr. Rux asked Mr. Simonow if any companies he has dealt with have been asked to provide a bond. Mr. Simonow replied no but stated in the State's regulation a fee could be charged to the business for managing traffic. Mr. DeCarli noted what the town requires a bond for. Mr. Tammaro asked for clarification on State legislature. Mr. DeCarli briefly explained Town Council decision and proposed cannabis regulation similar to liquor sales. Commission Members briefly discussed possible updates to regulation in the future. Mr. Tammaro asked about variance and updating regulations. Mr. DeCarli briefly explained requirements for a variance. Mr. Kowalczyk asked for clarification on special permit. Mr. DeCarli replied Special Permit requirements do not necessarily stay with land anymore, a timeline can be added and

briefly explained the special permit. Mr. Kowalczyk asked for updates to language in special permit in section 8.2. Mr. DeCarli noted he will update language. Mr. Rux made a motion to close public hearing for Amendments to East Hampton Zoning Regulations: Proposed Section 8.4.Q - Adult Use Cannabis and Medical Marijuana. The motion was seconded by Mr. Gauthier **Vote: 7-Yes; 0-No** Mr. Gauthier made a motion to approve Amendments to East Hampton Zoning Regulations: Proposed Section 8.4.Q - Adult Use Cannabis and Medical Marijuana – with the change to the sentence, “the Commission shall file a notice on the Land Records that the Special permit is void in such case.” at the end of Section 8.2 with an Effective October 25, 2022. The motion was seconded by Mr. Rux. *After the motion was made Mr. Tammaro made a subsidiary motion to strike section 6.2. Chairman Zatorski asked if Mr. Gauthier wanted to leave motion as is and Mr. Gauthier replied he would like to leave it as it. Mr. Rux seconded and wanted to leave the motion as is. Commission Members and Mr. DeCarli briefly discussed motion.*  
**Vote: 7-Yes; 0-No**

**6. New Business:** None

**7. Old Business:** None.

**8. Planner’s Report** – Mr. DeCarli referred to his written report.

**9. Set Public Hearing(s) for November 2, 2022:** None.

**10. Adjournment** – Mr. Rux made a motion to adjourn at 8:08 p.m., seconded by Ms. Wright. The vote was unanimous in favor. **Vote: 7-Yes; 0-No**

Respectfully submitted,



Cheryl Guiliano  
Recording Secretary