

Town of East Hampton  
**Planning and Zoning Commission**  
Regular Meeting December 1, 2021  
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 7:01 p.m.

Present: Chairman Zatorski, Regular Members: Meg Wright, Jim Sennett, Rowland Rux, Vice-Chairman Kuhr, Angelus Tamaro Alternate Members Mike Kowalczyk, Roy Gauthier, and Zoning Official Jeremy DeCarli.

Absent: Ted Hintz, Jr.

**2. Approval of Minutes:**

**A. November 3, 2021 Regular Meeting:** Mr. Tamaro stated he wanted clarification on 12-month period of hearing of cases and revised minutes. Mr. Tamaro made a motion to approve the November 3, 2021 minutes with changes. The motion was seconded by Mr. Rux. *Vote: 7-Yes; 0-No*

**3. Communications, Liaison Reports and Public Comments:** Mr. Kowalczyk reported the Regional Planning Commission online plan is live and they will be hosting an event for town staff and they are working on a grant. Mr. Kowalczyk stated the infrastructure law requires addressing a housing plan and they are already developing a plan. Additionally, there is a project to possibly digitize records. The following Commission Members did not have anything to report: Mr. Tamaro, Vice-Chairman Kuhr, Mr. Rux, Ms. Wright, Mr. Gauthier, and Mr. Sennett. Peter Pach of 59 Middle Haddam Road presented, a piece of property that he states has nothing to do with any applications coming from the property he is talking about, but the neighboring property at 265 West High. Mr. Pach states he has two maps from the land use department. A map dated 2013 shows a piece of property near Long Hill Road 30 feet wide. In 2015 a large piece of property was for sale and a quarter of an acre residential piece of property was sold. After that purchase a boundary line adjustment was completed to join the quarter acre lot and 265 West High Street a commercial lot. Mr. Pach stated a map recently submitted for an application at 265 West high Street incorrectly labeled the quarter piece of property as commercial. Mr. Pach stated he went through minutes and did not see any legal notice changing that piece of property from residential to commercial. Mr. Pach read statements from Mr. Baltramatis engineer for Sports on 66, "Storm water analysis which states the majority of the developed site lies within a Commercial property an undeveloped portion of the property to the West lies with an R2 district and adjacent to a recently approved residential sub division known as Long Hill Estates". Mr. Pach stated since 2015 owners at 265 West High Street have used the small residential property for parking, storage and placement of water tanks per maps recently submitted to the Commission and utilities. Mr. Pach believes current commercial uses at the residential property are not allowed under town regulations and any commercial property between a residential zone needs to have a 15 ft buffer of evergreens at the boundary line. Mr. Pach

asked the Commission to remedy this situation. Chairman Zatorski asked if Mr. DeCarli looked at this issue. Mr. DeCarli stated in 2016-2017 the zoning map was updated by the Commission. A public hearing process took place and was published in the newspaper. During the update a 30-foot-wide parcel was included in commercial zone. Mr. Pach stated it was a zone change that occurred despite the fact a zone map was changed and believes it is an oversight that should be addressed. Vice-Chairman Kuhr stated oversight in the past has happened on pieces of property and all abutters are to be informed. Vice-Chairman Kuhr asked Mr. DeCarli if owners were informed. Mr. DeCarli stated not when it's a Commission action. When it's an application brought to the commission from an individual then they are informed. When the Commission changes a zone on a parcel the set of requirements are different. Mr. Tammaro asked if the Commission can change a new zone by adopting a new map versus going through a hearing on a zone change. Mr. DeCarli stated when a zone map is changed it goes through a hearing, and made available to the public. When a map is updated it goes through a legal process which is dictated by State statute. Mr. Tammaro stated he wanted to know how the residential property became part of 265 West High. Mr. DeCarli stated that a lot line was adjusted. Mr. Tammaro asked if it was possible to do that with one property being residential and one commercial. Mr. DeCarli stated it is possible and lot lines can be changed regardless of zones and there are several properties in town that are split. Chairman Zatorski stated this change is similar to adjustment issue with main street and other properties in town. Mr. Pach stated he believed it is disingenuous to publish a public notice of a new zone map as giving fair notice to neighbors. Mr. Pach wanted to know the justification for changing the residential to commercial zone because of redrawing a zone map. Earl Phillips of 4 Shipyard Road presented he has been a resident for 36 years and served on commission and is familiar with land use and zoning. He is concerned with the procedure approach of the zone change. Mr. Phillips asked if he could have copies of public notice for zone map change and wanted to know if other parcels were addressed in the change. Mr. DeCarli believes there were. Mr. Rux stated mistakes have happened and stated the zone map change was a process and a public hearing occurred. Vice-Chairman Kuhr stated before changes are made they have also referred back to minutes. Mr. DeCarli explained they can go back and look into the 30-foot strip that is in question and discussed parking for the commercial property. Mr. Tammaro and Mr. DeCarli briefly discussed parking lot regulation language in residential and commercial zones. Mr. Pach wanted to know if that was the piece of property he referenced in his report. Mr. Baltramatis stated the comments regarding 265 West High should be addressed during the hearing and not during public comments. He believes Mr. Pach is correct on the zoning map and the lot line adjustment happened after the purchased, but zoning line was prior.

**4. Read Legal Notice for December 1, 2021:** None

**5. Public Hearings for December 1, 2021:** None

**6. New Business:**

**Approval of 2022 Meeting Calendar:** Mr. Sennett made a motion to approve the 2022 Meeting Calendar. The motion was seconded by Mr. Tammaro. *Vote: 7-Yes; 0-No*

**7. Old Business:**

**A. Application PZC-21-021: Global 66, LLC, 265 West High St., Site Plan**

**Modification, Map 6/Block 12/Lot 9.** Rob Baltramatis, Engineer, For the owner of 244 Middletown Ave. presented the building formally known as Sports on 66 is 4.7 acres in size, 350 ft wide and 500ft deep, single story with high ceilings with a total of 38000 square feet. Mr. Baltramatis proposes site work and change of use to a climate controlled indoor self-storage. Proposed work will be a site driveway to gain access to the west side of the building and installing a second floor to the building with 12ft high each level of self-storage. Mr. Baltramatis stated the drive access will allow ground access to second floor and the logical access point is to the west side where the site grades up. The first floor has an elevation of 314.7 on the east side and the west side elevation climbs to 320. The proposed plans will have grading on site minimized by a retaining wall on the north side. Mr. Baltramatis explained proposed detention basins to accommodate storm drainage. The grading on site has no direct wetland impact and increased retaining walls on site. They propose a decorative retaining wall along the north side of property. In September they received staff comments and made a few plan revisions to provide a shelf for the retaining wall that will add landscaping. Additionally, improving an existing drainage swale along Long Hill Road with a uniformed cross section, lined with rip rap stone and soil to encourage natural vegetation. Landscaping and curb islands are proposed along the east side of the property. There is a full sedimentation and erosion control and IWWA unanimously approved the application at their last meeting. The site plan changes for use will be from an active sports plex to indoor self-storage with low intensity land use. Commission Members discussed where on the site map the 30-foot property Mr. Pach referred to. Chairman Zatorski asked for broad terms of modifications to this site. Mr. Baltramatis explained the major changes to site will be a paved drive aisle to the north side and west side increased 9500 square feet to an area of 18000 square feet. Chairman Zatorski asked if drainage calculations were checked out and if staff comments were all answered. Mr. DeCarli stated the drainage calculations checked out and all staff comments were answered. Vice-Chairman Kuhr asked why they chose to pave rather than gravel. Mr. Baltramatis explained the pavement is important so they can plow and maintain and keep it ice free. Mr. Kowalczyk asked if there will be a retaining wall along the ramp. Mr. Baltramatis replied there will be a ramp. Mr. Baltramatis stated gravel is problematic during the winter and drainage has been designed around extra pavement. Vice-Chairman Kuhr asked for the total of impervious service of property including the extended bump out. Mr. Baltramatis did not know the number. Mr. DeCarli stated the property was below 50% max. Vice-Chairman Kuhr asked how the residential 30 ft long property effects the site plan. Mr. DeCarli stated he would propose adding the disputed 30 ft residential land change to future agenda. Mr. Tammaro asked if site plan is approved do they need to add a condition to lot line adjustment. Mr. Kowalczyk asked if the map needs to be updated. Mr. DeCarli stated the Commission should review what is in the 30ft strip on the site plan and do we need to delay approval of site plan to deal with the question on the residential zone of 30-foot property. Mr. Baltramatis explained currently there is a tank, an additional proposed tank, a portion of the gravel access and turn around. Mr. Rux asked what is the purpose of the tanks. Mr. Baltramatis stated they are for fire suppression. Mr. Tammaro asked where the water runoff drains on the site currently and proposed drainage. Mr. Baltramatis explained drainage locations. Commission Members briefly discussed fire suppression tanks in residential zones. Mr. Baltramatis asked for an extension to the application. Mr. Tammaro asked if façade

changes were proposed. Mr. DeCarli replied there are changes that have been reviewed by the Design Review Board and variances for signage were issued. Mr. Phillips of 4 Shipyard Road asked how public comments can be made during the site review process. Chairman Zatorski stated it was not a public hearing and it is not open to the public for comments and comments could have been made in the beginning and referred Mr. Phillips to talk with Mr. DeCarli for the process. Vice-Chairman Kuhr made a motion to continue Application PZC-21-021: Global 66, LLC, 265 West High St., Site Plan Modification, Map 6/Block 12/Lot 9 to the next regularly scheduled meeting January 5, 2022. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No**

**B. Discussion: Home Based Occupations: Accessory Dwelling Units “As of Right”:**

Chairman Zatorski stated he wanted Commission Members to review information in their packet so they can comment and discuss at the public hearing at the next regularly scheduled meeting January 5, 2022. Mr. Tammaro asked if the Town Council needed to review this zoning regulation. Mr. DeCarli stated yes and he will get feedback from the Town Council. Mr. Sennett made a motion. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No**

**C. Discussion: Accessory Dwelling Units “As of Right”.**

Chairman Zatorski stated he would like the Commission to review Accessory Dwelling Units “As of Right”. Chairman Zatorski stated he is concerned with areas around the lake, parking and adequate access for emergency vehicles. Chairman Zatorski would like regulations on accessory dwelling units and proposes to opt-out of State regulation and have the Commission create regulation. Mr. Tammaro stated he would like public feedback and possibly make changes. Commission Members discussed State regulations versus Town regulations regarding Accessory Dwelling Units and possibly making changes. Vice-Chairman Kuhr made a motion for a public hearing for Accessory Dwelling Units “As of Right” opt-out for February 2, 2022. The motion was seconded by Ms. Wright.

**D. Discussion: Update Sign Regulation to Include PO/R Zone Sign Standards:**

Mr. DeCarli stated he would like to remove the discussion from the agenda because regulations changed specifically in section 8-2 of the CT General Statutes and would like to review with the Town Attorney and deal with it at a later date.

**8. Planner’s Report** – Mr. Tammaro stated there are still unregistered vehicles at Main Street and can the Commission do anything through regulations. Mr. DeCarli replied the case is still in the court system and discussed that the Commission could not do anything but an ordinance could and this topic has been discussed with the Town Manager.

**9. Set Public Hearing(s) for January 5, 2022** – A public hearing was set for Agenda Items: 6A, B and C

**10. Adjournment** – Chairman Zatorski Mr. Rux made a motion to adjourn at 8:04 p.m., seconded by Ms. Wright. The vote was unanimous in favor

Respectfully submitted,

A handwritten signature in blue ink that reads "Cheryl Guiliano". The signature is written in a cursive, flowing style.

Cheryl Guiliano  
Recording Secretary