

Town of East Hampton
**Planning and Zoning
Commission**
Regular Meeting April 6, 2022
Town Hall, Eaton Smith Council
Chambers Room #117 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: Meg Wright, Jim Sennett, Rowland Rux, Angelus Tamaro and Roy Gauthier.

Alternate Members: Mike Kowalczyk

Zoning Official Jeremy DeCarli.

Absent: Vice-Chairman Kuhr and Ted Hintz, Jr.

Chairman Zatorski seated Mr. Kowalczyk

2. Approval of Minutes:

A. March 2, 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. Sennett attended ZBA meeting and noted application ZBA-22-001: Twenty High, LLC, 20 East High, for a Variance to increase lot coverage from 75.5% to 85% in C Zone was approved and a public hearing will be held on Application ZBA-22-002: Atlantis Marketing, 1 Colchester Ave., 5 Colchester Ave., and 157 Main St., for a variance to increase lot coverage from 30.4% to 36.9% and reconstruction and expansion of legal non-conforming uses in the R-2 zone. Mr. Tamaro attended via Zoom Design Review Board meeting and explained Mr. Rand had presented design plans for the old town hall. Mr. Kowalczyk stated he attended the RiverCog meeting and they completed the model stone wall ordinance and it is available for review. Mr. Kowalczyk also reported they are wrapping up the nationwide bike and pedestrian plan, noted the possibility of connecting Airline Trail to Farmington Canal Trail and they are working on the regional housing plan. The following Commission Members did not have anything to report: Mr. Gauthier, Chairman Zatorski, Mr. Rux and Ms. Wright. Chairman Zatorski asked for public comments at this time. Stuart Winquist, 11 South Main St., William Grady, 10 Oakum Dock Rd., and Pamela Hatfield, 37 Fern Lane all requested a public hearing for PZC-22-004: Saint Clements Marina, 49 Oakum Dock Road for Site Plan Modification in C Zone – Section 5.2.B.

4. Read Legal Notice for April 6, 2022: Mr. DeCarli read the legal notice.

5. Public Hearings for April 6, 2022:

- A. PZC-22-001: Josh Pavano, 19 Day Point Road for Detached ADU pursuant to Section 8.4.M in existing accessory structure, Map 10A/Block 83/ Lot 29.** Mr. Pavano presented he purchased the property in October 2021 and the second floor of the garage has a bathroom, kitchen and bedroom. Mr. Pavano explained town records indicated the structure was approved for only a garage and storage. Mr. Pavano explained he does not plan to change anything on the inside or outside of the structure. Mr. DeCarli explained the structure is 24x22, a variance was approved and constructed in 1993 for a garage with storage on the second floor. Mr. DeCarli explained Mr. Pavano indicated a residential unit had been constructed and it is a non-conforming, preexisting unit. Mr. DeCarli explained Mr. Pavano would like to legitimize the unit and follow up with proper building permit. Chairman Zatorski asked for the size of the unit. Mr. DeCarli replied the unit is under 900 SF and it meets the regulations. Mr. Tammaro asked for clarification if pre-existing, nonconforming could be administratively approved. Mr. DeCarli replied that yes it could be approved but due to the location and after enacted regulations he wanted a full review by the Commission. Chairman Zatorski asked for public comments. Dave Berthold, 1 Day Point, Unit 18 expressed concerned with the right away owned by the association, the potential to substantially alter quiet use of neighborhood, and future rental use. Chairman Zatorski asked if the Mr. Pavano will occupy the house. Mr. Pavano replied he will occupy the house all year. Chairman Zatorski asked Mr. DeCarli if the unit conforms to current ADU regulations. Mr. DeCarli explained it does conform and the unit was constructed as an ADU but not permitted. Mr. Kowalczyk asked what zone the unit was in. Mr. DeCarli replied it is Zoned R1. Mr. Pavano stated he did speak to HOA president and discussed his intentions to have his mother stay at residence, the need to properly insure the unit, and has no intention of moving or selling, will live there year-round, currently paying taxes on the unit. Mr. Kowalczyk asked if the property was a part of the HOA and has access to the driveway. Mr. Pavano replied no he is not in the HOA and explained on survey where access to the property is. Mario Laudano, 1 Day Point, Unit 10 explained he did speak with Mr. Pavano and believes his intentions. Mr. Laudano expressed concern with the access to the driveway as it is a right of way that provides access to other units. Eileen Brooks, 1 Day Point, Unit 12 expressed concern with right of way. Mr. Pavano and Mr. Laudano briefly discussed right of way maintenance. Chairman Zatorski asked for a motion to close the public hearing for Application PZC-22-001: Josh Pavano, 19 Day Point Road for Detached ADU pursuant to Section 8.4.M in existing accessory structure, Map 10A/Block 83/ Lot 29. Mr. Tammaro made a motion. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No** Chairman Zatorski looked for a motion to approve Application PZC-22-001: Josh Pavano, 19 Day Point Road for Detached ADU pursuant to Section 8.4.M in existing accessory structure, Map 10A/Block 83/ Lot 29 for the following reason: it meets the requirements for ADU under zoning regulations. Mr. Gauthier made a motion. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No**

Chairman Zatorski asked for a 2-minute break.

6. New Business:

- A. PZC-22-004: Saint Clements Marina, 49 Oakum Dock Road for Site Plan Modification in C Zone – Section 5.2.B. Map 02/ Block 9A/ Lot 4.** Peter Callan, 17

Bay Rd., representing St. Clements Castle Marina presented proposed plans for a boat to dock and enter the property through the pier. Jonathan Ramsay representing St. Clements Castle explained proposed work will all be in the river. Mr. Ramsay explained two dolphins will be installed - one will be added to each side to protect the pier to make it easier for boats to dock and bumpers will be added to the face of pier. Chairman Zatorski asked if they anticipated increased parking and noise. Mr. Ramsay replied there will no be additional parking and no added noise as there are current restrictions in place. Chairman Zatorski asked how this use will change from existing. Mr. Ramsay explained a boat cannot disembark from pier currently and the proposed plan would create an access point to events. Ms. Wright asked if they anticipated multiple boats dropping people off and then docking. Mr. Callan said yes but not more then one boat at a time. Mr. Rux asked if they were running electrical and sewer line to the pier, both applicants replied no. Mr. Tammaro asked for an example how the pier would be used at an event. Mr. Callan briefly explained the proposed pier access. Mr. Tammaro asked the applicants to provide noise level information from large boats if it goes to a public hearing. Chairman Zatorski asked Mr. DeCarli what is the difference between the existing use versus proposed. Mr. DeCarli explained the proposed use would be an extension of the marina operation. A boat currently could come in boat basin and walk from the basin to castle. The proposed plans would allow for a larger vessel up to 125' to access the property from the pier to events. Commission Members briefly discussed use change of the pier. Chairman Zatorski made a motion to schedule a Public Hearing for May 4, 2022, Application PZC-22-004: Saint Clements Marina, 49 Oakum Dock Road for Site Plan Modification in C Zone – Section 5.2.B. Map 02/ Block 9A/ Lot 4. Mr. Sennett made a motion. The motion was seconded by Mr. Rux. *Vote: 7-Yes; 0-No*

- B. PZC-22-005: Twenty High, LLC for Site Plan Modification in C Zone – Section 5.2.B. Map 05A/ Block 62/ Lot 5A.** Rob Baltramatis, Project Engineer presented proposed plans to repurpose the old town hall into multi-tenant commercial units. Mr. Baltramatis explained the main modification to the site is the construction of a two-way drive aisle and will apply to DOT for an encroachment permit. Mr. Baltramatis explained proposed plans for walkways on the east and west sides of the building to connect into the sidewalks on Route 66, and discussed proposed outdoor seating patio area for potential restaurant. Mr. Baltramatis explained the site drains from the west side to east side and there is 25 ft grade change from west to the east side. Mr. Baltramatis discussed proposed plans for two retaining walls: one along the southwest of the property about 100ft long - 2-2.5ft tall and a second wall on the south side to the Eversource property - 30ft long - 3ft high. For storm drainage Mr. Baltramatis discussed plans for two catch basins on the site and an underground infiltration system to offset a small increase of impervious area. Mr. Baltramatis stated they did receive a variance from ZBA to increase lot coverage. The reason for increase of lot coverage is to conform with parking requirements. Mr. Rux asked for clarification about the proposed drainage systems. Mr. Baltramatis explained using the property survey where the proposed drainage systems would be. Mr. Baltramatis briefly explained proposed erosion control and landscaping plan. Mr.

Tammaro asked if there were comments from the Design Review Board and asked if there are vegetation buffer requirements proposed. Mr. DeCarli explained there is proposed vegetation buffer as they are required and there were no comments about the site at DRB but proposed façade changes and will be discussed at their next meeting. Chairman Zatorski asked if drainage calculations were reviewed. Mr. DeCarli stated he did review them and they do work. Chairman Zatorski stated the only outstanding issue is DRB. Mr. DeCarli replied yes and said favorable comments were received by the Fire Marshal, Police Department, Chatham Health District, and Water Pollution. Mr. Tammaro asked for verification the property was not in the lake watershed area and Mr. DeCarli verified it was not. Mr. Kowalczyk asked about grading for parking. Mr. Baltramatis briefly explained grading and elevation on the site. Mr. Rux asked if they are proposing a new well. Mr. Baltramatis replied yes and they are working with Chatham Health to determine the new well location. Mr. Rux asked if there were sewer lines near proposed well. Mr. B believe the sewer lines are on the west side of the property. Mr. DeCarli explained where the sewer lines using the survey. Chairman Zatorski looked for a motion to approve Application PZC-005: Twenty High, LLC for Site Plan Modification in C Zone – Section 5.2.B. Map 05A/ Block 62/ Lot 5A with the following conditions: Town Staff be notified prior to the start of construction and any modifications are to the satisfaction to the Building Department, the comments from DRB be incorporated to the satisfaction of Town Staff and full approval from Chatham Health Department. For the following reasons: it is a good recycling use of an existing building, favorable comments have been received from the Police Chief, Fire Marshal, WPCA, Chatham Health and indications the DRB is in general agreement with this plan. Mr. Rux made a motion. The motion was seconded by Mr. Tammaro seconded the motion. **7-Yes; 0-No**

7. Old Business:

A. Discussion: Updated to Articles 1-4 of Zoning Regulations to comply with PA 21-29. Mr. DeCarli explained the first four chapters of the zoning regulations have been reviewed by the Town Attorney and asked if Commission Members reviewed it. Commission Members needed additional time to review. Mr. DeCarli explained next month he will have articles 5 and 6 with his changes and review by Town Attorney.

8. Planner's Report – Mr. Tammaro asked if it was an appropriate time to consider language for cannabis sales even if not implemented. Mr. DeCarli explained the moratorium ends in October and they will start conducting sessions with the Town Council April/May timeframe and would like to see what the Council wants to do at the first meeting. Mr. DeCarli briefly discussed legislation regarding cannabis. Commission Members briefly discussed open space requirement language in zoning regulations and will further discuss at next meeting.

9. Set Public Hearing(s) for May 4, 2022 – A public hearing was set for Agenda Items: 6A.

10. Adjournment – Mr. Rux made a motion to adjourn at 8:18 p.m., seconded by Chairman Zatorski. The vote was unanimous in favor. **Vote: 7-Yes; 0-No**

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