

Town of East Hampton
**Planning and Zoning
Commission**
Regular Meeting July 5, 2023
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 Kuhr, Vice-Chairman Zatorski, Jim Sennett, Angelus Tammaro, Roy Gauthier and Meg Wright

Alternate Members: Mike Kowalczyk and Matthew Walton

Zoning Official Jeremy DeCarli

Absent: Rowland Rux and Ted Hintz, Jr

Chairman Kuhr seated Mr. Kowalczyk

2. Approval of Minutes:

A. June 7, 2023 Regular Meeting: Vice-Chairman Zatorski made a motion to approve the minutes as presented. Ms. Wright seconded the motion. *Vote: 7-Yes; 0-No*

3. Communications, Liaison Reports and Public Comments: Mr. DeCarli briefly discussed a letter in their packets from Pullman and Comley stating an application has been submitted to the CT Siting Council by Key Capture Energy for battery storage project at 44 Skinner St. Mr. Gauthier explained he did not attend meeting for RiverCOG's Regional Housing Plan but Mr. DeCarli was able to. Mr. Gauthier explained he reviewed their discussion and reported their primary focus is to get a housing inventory for each Town involved. Mr. Sennett attended ZBA meeting June 12, 2023 and reported the Commission discussed setbacks on non-conforming lots in the R-1 zone and there was no opposition from Commission Members. Chairman Kuhr asked for many Commission Members were in attendance. Mr. DeCarli replied he believed all were in attendance but Chairman Spack. Mr. Sennett reported ZBA-23-004: James Bansemer, 15 Tennyson Rd., Increase lot coverage from 20% to 39.3% for construction of a concrete driveway Map 10A/ Block 81/ Lot 64 was denied and briefly discussed reason. Mr. Kowalczyk reported RiverCOG discussed hosting training from UCONN Extension Office for Planning and Zoning Officials and other Land Use Boards. The following Commission Members did not have anything to report: Mr. Tammaro, Vice-Chairman Zatorski, Ms. Wright and Mr. Walton. Chairman Kuhr asked for public comments at this time. There were no public comments.

4. Read Legal Notice for July 5, 2023: Mr. DeCarli read the legal notice.

5. Public Hearings for July 5, 2023:

A. PZC-23-011: Edgewater Hill, 10 Edgewater Circle, Text Amendment regarding water requirement in MUDD zone per Sec. 6.4.D.3.d.3, Map 10A/ Block 85/ Lot 5B.

Harry Heller, Attorney with office at 736 Route 32, Uncasville, representing Edgewater discussed modifications to text amendment. Mr. DeCarli briefly discussed minor language change. Attorney Heller further explained changes to language including 14 dwelling units in the MUDD zone and limited to only single-family homes. Mr. Tammaro expressed concern with the revised language regarding dwelling. Commission Members briefly discussed minor language change. Chairman Kuhr asked for public comments at this time. Mr. Tammaro read a letter dated June 20, 2023, of opposition by Mr. Rux. Vice-Chairman Zatorski noted the letter was received before updated modifications to text amendment that Town Staff received June 28, 2023. Vice-Chairman Zatorski made a motion to close the Public Hearing for application PZC-23-011: Edgewater Hill, 10 Edgewater Circle, Text Amendment regarding water requirement in MUDD zone per Sec. 6.4.D.3.d.3, Map 10A/ Block 85/ Lot 5B. *Mr. Gauthier explained public water supply changed to wells should be a site plan application and not a text amendment changes to regulation.*

*Chairman Kuhr explained there are only three areas in Town could be MUDD development. Mr. DeCarli replied he believes it is a small number but is not sure if it is exactly three. Chairman Kuhr stated the Commission can always amend regulations and Mr. DeCarli replied yes. Mr. Gauthier expressed concern with setting precedents going forward for individual changes for projects. Vice-Chairman Zatorski explained he did not believe they could update a site plan without a text amendment change because of the way the regulation is written. Mr. DeCarli further explained a site plan with wells will need to be reviewed by the Commission but amendments to text would be required. Attorney Heller explained the Commission can not modify a site plan unless modification is in accordance with their regulation. Vice-Chairman Zatorski asked how many proposed single-family homes for entire master plan. Ms. Motto replied with this text amendment change around 40. Mr. Tammaro discussed public water supply requirements and individual wells. Chairman Kuhr discussed waiver requirement from CT Public Health. Commission Members briefly discussed regulations for site plans. Mr. Kowalczyk asked for clarification if proposed text amendment change relieves the obligation to be interconnect to a public supply but still requires site plan review for individual wells. Attorney Heller replied yes, a re-subdivision plan review would be required by the Commission. The motion was seconded by Mr. Tammaro. **Vote: 7-Yes; 0-No***

Vice-Chairman Zatorski made a motion to approve application PZC-23-011: Edgewater Hill, 10 Edgewater Circle, Text Amendment regarding water requirement in MUDD zone per Sec. 6.4.D.3.d.3, Map 10A/ Block 85/ Lot 5B with the text change as follows: "All uses in the MUDD shall be served by public water and municipal sewer facilities; provided, however, that not more than 14 single family dwellings ~~units~~ on lots within the MUDD shall be relieved of the obligation to interconnect to a public water supply in the event that a waiver of such interconnection has been granted by the State of Connecticut Department of Public Health and a well permit for each such lot has been issued by the Chatham Health District." The motion was seconded by Mr. Tammaro.

Vote: 6-0-1 (Gauthier)

B. PZC-23-012: Michael Bakaj, 37 South Main Street, a 22-lot (33 units) HOD subdivision in existing HOD Zone, Map 20 Block 51/ Lot 27. Mark Reynolds, Professional Engineer, 63 Norwich Avenue, Colchester explained the property is 20 acres with areas of wetlands, noted grading and is located in the HOD Zone. Mr. Reynolds discussed previous application from 2007 and 2009 court approved 127-unit development. Mr. Reynolds briefly discussed his previously submitted applications that were withdrawn. Mr. Reynolds further explained updated proposed plans for a 22-lot subdivision in the HOD zone, open space and an easement for retention basin. Mr. Reynolds explained the subdivision will be 33 units consisting of 11 duplexes and 11 single family homes, with 10 units deeded affordable units. Mr. Reynolds provided details for new retention basin and location based on Staff comments. Mr. Reynolds provided dedicated open space areas to the Town. Mr. Reynolds noted remaining land will remain with property owner with drainage and access easement. Mr. Reynolds explained no proposed wetlands disturbance and there will be .55 acres of upland review area disturbance. Chairman Kuhr asked if upland review area is 100 ft and Mr. DeCarli replied yes, and it is not within the Lake Watershed. Mr. Reynolds explained the paved curved roads, sidewalk locations, drainage and catch basins. Mr. Reynolds further discussed after comments received from Town Staff updates to the detention basin, gravel access road, lined swale to detention basin, storm water control and easement. Mr. Reynolds discussed recreation area with basketball court and picnic area with a vegetated buffer. Chairman Kuhr asked how far the basketball court is from South Main Street and Mr. Reynolds replied around 200ft. Mr. Reynolds provided proposed 10,000-gallon cistern location and have not received feedback from the Fire Marshal yet. Mr. Walton and Mr. Reynolds briefly discussed cistern size. Mr. Reynolds noted the plan meets all HOD subdivision regulations and asked the Commission to continue the public hearing for time to address all Town Staff comments. Chairman Kuhr noted Mr. DeCarli's planners report indicated open items Mr. Reynolds needed to address. Mr. Gauthier asked for a timeframe for project and Mr. Reynolds replied this fall. Mr. Sennett stated he did like the proposed basketball area and explained the Fire Department previously expressed they preferred 26' wide road for fire access. Chairman Kuhr asked clarification if proposed road is 24' wide. Mr. DeCarli will verify road standards and noted public works did not flag road width. Chairman Kuhr asked if Fire Department reviewed plans. Mr. DeCarli replied the Fire Marshal is reviewing plans, he only discussed fire suppression system with him but no formal report is submitted. Mr. Reynolds noted he intends to meet minimum road regulations. Chairman Kuhr noted they are asking for safety reasons. Mr. Sennett expressed concern with road width. Mr. Reynolds noted plans include a sidewalk. Mr. Walton asked what the distance is from South Main Street to first cul-de-sac and Mr. Reynolds replied he believes 1200ft. Mr. Walton asked if he considered the cistern be located in a different location and expressed concern with accessing proposed cistern location. Mr. Reynolds explained he did consider the cistern be located close to South Main Street and believes that location would block entrance to the entire subdivision in the event of a fire and proposed current location has advantage of storm water recharge. Mr. Walton questioned blasting as a concern was addressed in a letter submitted into the

record. Mr. DeCarli explained the letter can be discussed during public comment. Chairman Kuhr asked if there were any public comments. Jacquelyn Reardon, 55 South Main Street, spoke in opposition. Ms. Reardon expressed concern with the number of units, wells, lighting, noise, water runoff, open space access and vegetated buffer. Jaime Bell, 35 South Main St. asked if basketball court is required for HOD zone. Mr. DeCarli replied it is not a requirement but there was a request from the Commission for active recreation and the area would be open to Town residents. Ms. Bell asked for a vegetated buffer and lighting details. Chairman Kuhr replied the Commission will have discretion regarding the vegetated buffer and lighting. Ms. Bell expressed concern with the number of units. Mr. Sennett discussed alternatives to a basketball court. Ms. Wright asked who would maintain any recreation in the open space. Mr. DeCarli replied he believes the Town would be required to maintain and will discuss it with Parks and Rec. Department. Mr. Sennett noted Spice Hill has a recreation area and Mr. DeCarli replied they have an association that maintains it. Mr. Tamaro expressed concern with parking for visitors for the basketball court. Michael Voisine, 83 Middletown Ave., suggested a walking track versus a basketball court. Kathleen Monroe, 31 South Main St. asked if map could be updated as she is the current property owner and not Phyllis Martin. Ms. Monroe asked if there is proposed fencing. Ms. Monroe expressed concern with animals on her property and fencing. Ms. Monroe expressed concern with electrical use, proposed solar panels and sidewalks. Ms. Monroe asked who would maintain the road. Chairman Kuhr replied the road would be Town owned and they will maintain it once subdivision is completed. Ms. Monroe asked why the development is not an HOA. Mr. DeCarli replied it is not a requirement and is up to the developer. Ms. Monroe recommended the developer have an HOA. Nathan Lazor, 40 South Main St., recommended the sidewalk be extended and expressed concern over density in relation to fire safety. Chairman Kuhr explained the developer is not required to build sidewalk off site. Mr. DeCarli further explained the Commission cannot mandate the contractor to build a sidewalk off site. Stuart Winquist, 11 South Main St., spoke in favor of the smaller subdivision than the previously approved one. Mr. Winquist expressed concern with open space locations and recommended open space be a block of land at the back of the entire site. Shirley Lazor, 40 South Main St., expressed concern with controlling a fire, speeding and basketball court. Jacquelyn Reardon, 55 South Main St., asked if her property's zone could possibly be changed and expressed concern as she uses her land as a farm with animals and Chairman Kuhr replied no. Mr. DeCarli further explained there are zoning regulations for agriculture and it is a use as of right. Mr. DeCarli further discussed HOD zone with specific uses. Mr. Gauthier discussed submitted letter of opposition by Donna Fiederlein specifically the aquifers. Mr. Gauthier stated he believed previous subdivision had concerns with water supply. Mr. DeCarli further explained he believed previous subdivision provided data that the aquifer was able to support the 129-unit and can add that data to application if needed. Mr. Gauthier asked if test pits were completed for the wells and Mr. DeCarli replied yes. Mr. Gauthier asked if area will need to be blasted. Mr. Reynolds replied they did not conduct any specific analysis of the sites bedrock and noted regulations for blasting are detailed. Chairman Kuhr asked how much the area of blasting is needed. Mr. Reynolds replied he

was not sure and will research and provide information at the next meeting. Vice-Chairman Zatorski made a motion to continue the Public Hearing for application PZC-23-012: Michael Bakaj, 37 South Main Street, a 22-lot (33 units) HOD subdivision in existing HOD Zone, Map 20 Block 51/ Lot 27 to the next regularly scheduled meeting of August 2, 2023. The motion was seconded by Mr. Sennett. *Vote: 7-0*

Vice-Chairman Zatorski made a motion to continue the application PZC-23-012: Michael Bakaj, 37 South Main Street, a 22-lot (33 units) HOD subdivision in existing HOD Zone, Map 20 Block 51/ Lot 27 to the next regularly scheduled meeting of August 2, 2023. The motion was seconded by Mr. Sennett. *Vote: 7-0*

- C. PZC-23-013: M&J Bus, Inc., 9 Young Street, Special Permit to allow school bus storage per Sec. 5.3.C.6, Map 20/ Block 33/ Lot 7A.** John Paul Mereen, Surveyor, 191 Boston Post Road, East Lyme, provided site location on GIS map. Mr. Mereen noted the distance from the entrance to the intersection is 425'. Mr. Mereen explained plans for bus storage, parking for employees and office trailer. Vice-Chairman Zatorski asked if there will be fuel storage or repairs and Mr. Mereen replied no. Vice-Chairman Zatorski asked for clarification that IWWA approval is not required for proposed storage. Mr. Mereen replied IWWA approval is not required as there is no activity in 100' upland review area. Mr. Mereen also noted roadway will remain the same. Vice-Chairman Zatorski asked if there is a track pad or paved. Mr. Mereen replied there is a paved apron and the area utilized as parking will be crushed stone and do not anticipate runoff. Chairman Kuhr asked location of wetlands and Mr. Mereen provided the wetland location. Chairman Kuhr asked how many busses will be stored. Mr. Mereen replied 22 bus stalls, 9 van stalls and 35 passenger parking spots and an office trailer. Chairman Kuhr asked if there is a vegetated buffer and Mr. Mereen replied there is currently vegetation buffer and woodlands. Mr. Gauthier asked about shaded area on plan set labeled reserve parking. John Hipsher, M&J Bus, Inc., explained at the time the site plan was created there were occupying tenants and they created that area if tenant stayed at the site. Mr. Gauthier asked if previous excavating work on the site stopped. Mr. DeCarli further explained the gravel operation has stopped and the previous owner sold the property to the applicant. Chairman Kuhr asked if property is zoned industrial and Mr. DeCarli confirmed. Mr. Tammaro asked if there are environmental concerns without impervious surface as busses may leak. Mr. DeCarli noted the site has been a gravel pit for a long time. Mr. DeCarli discussed if area is paved it could lead to discharge directly to wetlands and if they don't pave there could be sand filtration of any leakage fluid and there is always some concern with vehicle storage. Mr. DeCarli noted the State of CT does mandate high maintenance standards for those vehicles. Mr. Hipsher stated there will not be any maintenance to the vehicles at the site and they will be serviced at another location. Chairman Kuhr asked how often the busses needed to be turned over. Mr. Hipsher replied typically the standard is ten years and essentially, they will have new inventory at this location and on average 5 years before turning over. Vice-Chairman Zatorski asked Mr. DeCarli if the other bus storage company DATTCO had any environmental concerns over the years. Mr. DeCarli replied busses have been stored there over 50 years, he would need to look into their

property file, there has been inground fuel tanks that have been of concern. Mr. DeCarli discussed there are above ground fuel tanks and the site is a mix of asphalt, gravel, crushed stone. Mr. DeCarli stated that location has no proper drainage and does not know of any specific environmental concerns. Mr. Tammaro asked how they will mitigate dirt at entrance. Mr. Hipsher replied they are going to add crushed stone. Mr. Tammaro asked if the entire access will be gravel. Mr. Hipsher replied yes, in areas where the busses travel to minimize the dust. Mr. Kowalczyk asked if there will be bathrooms in the office trailer. Mr. Hipsher replied no but a portable restroom will be brought to the site. Mr. Walton asked how the site is secured to prevent people from entering. Mr. Hipsher replied there is a locked gated at the beginning at the property. Mr. Kowalczyk asked for clarification if entire property is enclosed with a fence. Mr. Hipsher replied no just a locked gate at the entrance. Chairman Kuhr asked for distance from gate to the street. Mr. Mereen provided existing gate location which is roughly 65' from the road. Mr. DeCarli briefly explained there is a wide apron there. Mr. Tammaro expressed concern with the intersection and recommend owner contact the State for timing of light and briefing bus drivers. Chairman Kuhr asked for public comments at this time. Michael Voisine, 83 Middletown Ave., expressed concern with noise and asked if the owner could install a land buffer. He additionally expressed concern with leaking fluids in relation to wetlands. Chairman Kuhr noted distance to wetlands area and site is a relatively flat grade. Mr. Tammaro asked if parking could be arranged in a way to mitigate noise. Mr. Hipsher replied they are limited to how long they can idle busses by law and discussed potential hours busses will leave and return. Chairman Kuhr asked how many decibels the busses measure at and Mr. Hipsher replied he did not know. Mr. Voisine further expressed concern with noise. Commission Members briefly discussed bus orientation and industrial zone. Stuart Winqvist, 11 South Main St., expressed concern with intersection at Rt. 196 and Rt. 16. Mr. DeCarli confirmed zones in that area. Vice- Chairman Zatorski made a motion to close the Public Hearing for PZC-23-013: M&J Bus, Inc., 9 Young Street, Special Permit to allow school bus storage per Sec. 5.3.C.6, Map 20/ Block 33/ Lot 7A. The motion was seconded by Mr. Tammaro. **Vote: 7-0**

Vice-Chairman Zatorski made a motion to approve the application PZC-23-013: M&J Bus, Inc., 9 Young Street, Special Permit to allow school bus storage per Sec. 5.3.C.6, Map 20/ Block 33/ Lot 7A for the following reasons it meets Town regulations with the following conditions: 1. Town Staff must be notified prior to improvements being made to the property; 2. Gravel and/or process gravel is to be in place prior to any parking of school buses or vehicles on the site; 3. Any improvements made to the access road must be to the satisfaction of Town Staff; *Mr. Tammaro asked if they could add a condition for noise mitigation. Commission Members briefly discussed noise mitigation. Vice-Chairman Zatorski added the following condition:* 4. All applicable State and local regulations must be adhered to. The motion was seconded by Mr. Sennett. **Vote: 7-0**

D. Text Amendment Regarding Required Setbacks on Non-Conforming Lots in the R-1 Zone: Section 8.2 of the East Hampton Zoning Regulations. Vice-Chairman Zatorski made a motion to continue the Public Hearing for Text Amendment Regarding Required

Setbacks on Non-Conforming Lots in the R-1 Zone: Section 8.2 of the East Hampton Zoning Regulations to the next regularly scheduled meeting of August 2, 2023. The motion was seconded by Mr. Tammaro. *Vote: 7-0*

6. New Business: None.

7. Old Business: None.

8. Planner's Report – Chairman Kuhr referred Commission Members to Mr. DeCarli's written report.

9. Set Public Hearing(s) for August 2, 2023:

10. Adjournment – Vice-Chairman Zatorski made a motion to adjourn at 8:55 p.m., seconded by Ms. Wright. The vote was unanimous in favor. *Vote: 7-Yes; 0-No*

Respectfully submitted,



Cheryl Guiliano
Recording Secretary