




MEMORANDUM

TO: East Hampton Planning & Zoning Commission
FROM: John Guskowski, AICP, CZEO – Interim Town Planner
RE: Notes on March 6, 2024 PZC Agenda Items
DATE: February 29, 2024



Following are notes and considerations for the pending agenda items on the March 6, 2024 Planning & Zoning Commission agenda:

Public Hearing #1 – PZC-23-015, Text Amendment regarding Accessory Uses to Agriculture per Sect. 8.4.C

- Based on discussion at the February meeting, there were a few minor outstanding issues on this proposal. The Commission was seeking clarity on how to address existing farm properties and operations with less than 10 acres, as well as horse farms with less than 10 acres that would like to continue or establish horse-riding training operations, etc.
- Several Commissioners provided useful input on making a clearer distinction between the non-agriculture accessory uses (such as weddings, etc.) and agriculturally-related uses (such as horse riding lessons) as well as reducing some of the proposed parking and activity setbacks.
- A revised regulation draft clarifies that the 10-acre minimum, and Special Permit process, would apply only to non-agricultural accessory uses. An administrative zoning permit would be required for agriculturally-related accessory uses. Additionally, any existing agricultural facility, as long as it met other applicable regulations (such as minimum acreage for horses or other livestock), could undertake agriculturally-related accessory uses. Because of the Special Permit process, the Commission would have broad discretion about regulating size and frequency of non-agricultural events and activities.
- It is my opinion that the revised set of proposed Regulations address all of the major Commission questions and concerns and provide an excellent starting point to begin allowing additional uses on East Hampton's farms.
- **Draft motion:** Move to approve the proposed text amendment as modified, finding it consistent with the Plan of Conservation & Development

Public Hearing #2 – PZC-24-003, Theodore Hintz, Jr. 46 Keighley Pond Road, Special Permit for Lighting of Outdoor Athletic Facility of Existing Horse Ring

- Because there is a disconnect between general residential lighting standards in Section 7.3.E (specifically, a 12-foot maximum installation height) and the specific needs of the applicant's existing horse ring, this applicant is being submitted under the requirements of "Outdoor Athletic Facility Standards" of Section 7.3.F.2, which allows the Commission to exceed 12' mounting heights via Special Permit.

- The applicant has an existing private (non-commercial) horse facility and has represented that this lighting installation is for private purposes, to exercise his horses in the evenings in a safe manner, which requires somewhat higher-mounted lighting.
- The photometric plan provided clearly shows that the proposed lighting is both downward-directed and designed to minimize light shed away from the riding area. The Outdoor Athletic Facility Regulation does not have a specific standard for maximum illumination (in foot-candles) at the property line, as it does for Residential Uses (0.05 foot-candles). The Commission should make a finding on whether the proposed illumination plan is likely or unlikely to result in objectionable glare off-premises.
- Based on the Town's GIS map and recent aerial photos, the riding area appears to cross property lines, though both properties are owned by the applicant. Accordingly, I would recommend that the application be amended to reflect that this is a Special Permit request jointly for 46 Keighley Pond Road (Lot 11 below) and West High Street (Lot 11A).



- **Draft motion:** Move to approve the proposed Outdoor Athletic Facility lighting plan as proposed with lights to be mounted no higher than 20' and shall not create a nuisance lighting condition off-premises, with the modification that this is a joint application between 46 Keighley Pond Road and Lot 11A, West High Street.

PZC- 23-016 – David & Melissa Baribault, 33 High Point, Conservation Easement Violations

- As of the time of this memo, we are still awaiting a more formal Site Plan, including a proposed planting plan, from the applicants. It is my understanding that they have retained a forestry specialist who will be assisting in the preparation of this Plan, but it is unlikely to be ready for review at the March meeting.

- We are also still awaiting any demonstration or documentation of the existence of stairs (permanent or removable) near the River prior to the applicant's recent activities.
- Because the tree clearing took place largely in the Upland Review Area of a wetland/watercourse, it is my recommendation that the Planning & Zoning Commission refer this portion of the Conservation Easement violation review to the Inland Wetlands & Watercourses Agency (IWWA) for their input. Specific decisions as to the type, number, and location of compensatory plantings should have IWWA's input. IWWA, at their meeting on Feb. 28 welcomed the opportunity to contribute input, and requested a possible site visit.
- **Draft motion:** Move to table consideration of this matter and direct the applicant to work with the Inland Wetlands & Watercourses Agency on a recommended planting plan to compensate for the removal of trees

PZC-24-002 – **West High Enterprises**, 195 West High Street, Site Plan Review for Commercial Building in C Zone.

- Since the February meeting, the applicant has submitted a Stormwater Report demonstrating that the proposed stormwater mitigation measures (including on-site infiltration) will reduce overall stormwater runoff from the site in every design storm from 2-year to 100-year recurrence interval.
- The proposed Site Plan includes a lot-line adjustment that would increase the size of the subject parcel and decrease the size of the adjacent property (201 West High Street). It appears from the submitted plan set that the new lot line (moved westerly) will encroach on a portion of the existing septic system of the front building at 201 West High. Revised Site Plans submitted earlier this week make reference to septic modifications that must be accomplished at 201 West High Street. A note from Chatham Health District confirms that they will not be signing off on the proposed construction at 195 West High until the lot-line adjustment is settled to their satisfaction. It is not clear to me if the lot-line adjustment is critical to enabling development of 195 West High Street, but certainly the Health District review and approval appears to be tied up and delayed by this matter.
- The Wetlands Agency approved this application at their February 28, 2024 meeting.
- **Draft motion:** Move to continue consideration of this application pending resolution of Chatham Health District concerns.

I look forward to discussing these matters with you at the March PZC meeting.