

Town of East Hampton
Planning and Zoning Commission
Regular Meeting
February 6, 2019 – 7:00 P.M.
East Hampton Town Hall Meeting Room

MINUTES

1. Call to Order and Seating of Alternates:

Chairman Kuhr called the meeting to order at 7:02 p.m.

Present: Chairman Kuhr, Vice-Chairman Ray Zatorski, Regular Members Meg Wright, James Sennett, Rowland Rux, Roy Gauthier and Angelus Tammaro. Alternate Member Michael Kowalczyk was present as well as Planning and Zoning Official Jeremy DeCarli.

Absent: Alternate Tim Puglielli.

2. Approval of Minutes:

A. January 2, 2019 Regular Meeting – Mr. Rux made a motion to accept the January 2, 2019 minutes as written. The motion was seconded by Vice- Chairman Zatorski.

Vote: 6-Yes; 1-Abstention (Ms. Wright). The motion passed.

3. Communications, Liaison Reports, and Public Comments:

Communications: Mr. DeCarli presented the following communications: Notification of the CFPZA Annual Conference on March 28, 2019 at the Aqua Turf, the quarterly newsletter from the CT Federation of Planning & Zoning Agencies, a letter from the CT Siting Council regarding changes to the wireless telecommunications facility at 151 Young Street and an upcoming seminar for the CT land use law for municipal agencies to be held on March 23, 2019 at Wesleyan University.

Liaison Reports:

Mr. Gauthier stated that the High School Building Committee is still trying to close out the project. There was an error made by the mechanical contractor when installing the roof top unit which caused water to leak onto the gym floor. Due to the storm, there has been roof leakage. The preliminary report for the drinking water testing showed that the water is fine. There will be 2 more 6 month test periods. Chairman Kuhr asked if there was any follow up regarding the issues in the kitchen. There was not.

Mr. Kowalczyk stated that he was unable to attend the Lower CT River Valley Regional Planning Commission meeting but did state that John Curtis has returned from leave and that he is looking forward to working with him again.

Mr. Sennett reported that the Zoning Board of Appeals did not meet in January.

Vice-Chairman Zatorski stated there was nothing to report from the Inland Wetlands and Watercourse Agency

Mr. Rux stated that the Economic Development Commission did not meet.

Ms. Wright did not have anything to report.

Mr. Tammaro did not have anything to report.

Chairman Kuhr asked for any public comments not relating to Agenda #5a. Marian Henderson of 3 Whispering Woods spoke in favor of the Town accepting the roads at Whispering Woods.

Catarina Rodrigues of 5 Orchard View Lane asked for the process and the new steps being taken for the Whispering Woods Roads. Dan Tegolini of 4 Whispering Woods Road spoke in favor of

the Town accepting the roads at Whispering Woods. Edgar Nunes of 12 Orchard View Lane voiced his concerns about the condition and maintenance of the roads at Whispering Woods. At this time, Vice-Chairman Zatorski explained the process of accepting the roads at Whispering Woods and that ultimately it is the decision of the Town Council. Kathy Tegolini of 4 Whispering Woods wants the roads maintained by the Town. Chairman Kuhr explained the process of developing the land and roads and approving the roads as well as the possibility of a road being a private road or Town owned.

Mr. Rux asked Chairman Kuhr if he would amend the agenda to re-open the public comments during the presentation of Agenda item #6C so that Town Staff can be given the opportunity to speak and provide clarification. Chairman Kuhr agreed. Vice-Chairman Zatorski made a motion to accept public comments under "New Business" Agenda Item# 6C. Mr. Tammaro seconded the motion. **Vote: 7-Yes; 0-No.** The motion passed. Chairman Kuhr asked if there were any further public comments not related to Agenda Items: 5A or 6C. There were none.

4. Read Legal Notice for February 6, 2019: Staff read the Legal Notice for February 6, 2019 into the record.

5. Public Hearings for February 6, 2019:

A. PZC-19-002 Susan Popielaski/ECO Coffee House, 82 Main Street, for a special permit to sell alcohol as an accessory to the coffee shop. Map 02A/Block 48/Lot 32. Ms. Popielaski presented. She stated that she would like to sell beer, wine and hard cider at her Coffee House. She does not want a bar. She would like to offer something other than tea and coffee to help promote business in the center of town. She will have a couple of taps (local craft beer), one of them called "Able Ale" which a percentage of the money for that particular ale will go to the ECO fund which will help an adult with a disability apply for a yearly grant. There will be no bottled beer served, all beers are draft. She currently has 15-20 chairs to accommodate customers and would like to serve after 12 p.m. and close around 9 p.m. as the business increases. She stated she will be serving cheese, crackers and popcorn and will be working with the Chatham Health District regarding the proposed food. She went on to add that she would like to have acoustic music. Mr. DeCarli stated that this fits in with the new definition that was recently approved and that this is an accessory use to the Coffee Shop. Chairman Kuhr asked for public comments at this time. Mr. DeCarli read a letter submitted by Brian Holdt, owner of Airline Cycles and in favor of the application. Domenic Duke of 15 Town Line Drive spoke in support of the application. Carl Guild 147 Comstock Trail spoke in favor of the application. Lucas Houle 87 Main Street spoke in favor of the application. There were no further comments at this time. Vice-Chairman Zatorski made a motion to close the public hearing of PZC-19-002 Susan Popielaski/ECO Coffee House, 82 Main Street, for a special permit to sell alcohol as an accessory to the coffee shop. Map 02A/Block 48/Lot 32. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No.** The motion passed. Vice-Chairman Zatorski made a motion to accept the application of PZC-19-002 Susan Popielaski/ECO Coffee House, 82 Main Street, for a special permit to sell alcohol as an accessory to the coffee shop. Map 02A/Block 48/Lot 32 with the following conditions: that beer, wine and hard cider only be sold and that the alcohol sale is an accessory to the primary business as a Coffee House and retail shop, that the hours of alcohol sale are from 12 p.m. to closing which is anticipated to be 9 p.m., that entertainment shall be limited to acoustic only. The motion

was seconded by Mr. Rux with the following amendment: that this would be permitted activity after the Town receives approval from the State Liquor Commission. Mr. Kowalczyk added the following amendment: that this does not have an adverse impact to any of the non-profit organizations in the center of town. Mr. Rux seconded the motion with both amendments. ***Vote: 7-Yes; 0-No. The motion passed.***

6. New Business:

- A. PZC-19-001: Larry Marsiglio, 14 Flanders,** for a special permit for a 22' x 28' accessory dwelling unit for rental purposes. Map 5A/Block 59/Lot 31. Larry Marsiglio, P.E. presented for the owner. He stated that the dwelling is 48' x 22' and not 22' x 28'. He explained that they would like to use a portion of the first floor (900 sq. ft.) as an attached accessory unit and that a kitchen, full bath, laundry facility and sleeping area exists so there will be no new construction. There will be a separate entrance and there is ample parking. The second floor will be used as storage and will be isolated. Mr. DeCarli explained that this dwelling was originally 2 units joined together and was considered a one family with a family member living in the rear of the dwelling. Mr. Marsiglio stated that there was an addition added to the northernly portion of the dwelling in 2007 and another addition to the southernly side in 2015 which were both approved. Vice-Chairman Zatorski made a motion to accept application PZC-19-001: Larry Marsiglio, 14 Flanders, for a special permit for a 22' x 48' accessory dwelling unit for rental purposes. Map 5A/Block 59/Lot 31 for a public hearing and with the following conditions: that Town Staff ensure that the application details match the information that needs to be on the plan. Vice-Chairman Zatorski amended his motion to state an attached 900 sq. ft. accessory dwelling unit. Mr. Rux seconded the amended motion. Chairman Kuhr inquired about documentation of Power of Attorney. Mr. DeCarli stated that he will get something in writing. ***Vote: 7-Yes; 0-No. The motion passed.***
- B. Proposed Updates to Section 3.5 Floodplain Overlay Zone.** Mr. DeCarli provided the members with a draft of the revised Regulation (Section 3.5). He explained that the purpose of the revisions is to bring it up to date with the current State Model Regulations and that the difference between the old code and the new is that the new requires the first floor to be 1' above the base flood elevation. Vice-Chairman Zatorski made a motion to set a public hearing for the Proposed Updates to Section 3.5 Floodplain Overlay Zone as presented by Town Staff. The motion was seconded by Mr. Sennett. ***Vote: 7-Yes; 0-No. The motion passed.***
- C. 8-24 Review for acceptance of roads at Whispering Woods Subdivision –** Mr. DeCarli provided a brief overview of the acceptance process: Developer applies for P&Z and IWWA subdivision approval which is reviewed by P&Z, IWWA, Police and Fire Department. A bond is required before construction begins. When the work is complete, the developer requests that the Town take ownership of the roads. The Town Council refers it to P&Z for an 8-24 review and sends it back to the Town Council with their recommendation. He provided a brief history of the project: it was approved in 2006, the roads were built, a bond was in place, the Town had to pay for paving of the roads using the bond, in 2015 the engineer did a final walk through and made a list of items that needed to be complete, there was no communication from the developer for 3 years until late summer 2018 when Mr. DeCarli began working with

the developer to complete the work. Vice-Chairman Zatorski stated that as a single Commission member he would accept the recommendation for the Town to accept the roads and inquired about the legal recourse for obtaining the \$15,000.00 difference in the bond amount. Mr. Gauthier and Mr. Rux agreed with Vice-Chairman Zatorski and recommended moving this project forward. Chairman Kuhr accepted public comments at this time. Catarina Rodrigues 5 Orchard View Lane asked the Commission for an action plan if Town Council does not approve the acceptance of the roads. Kathy Tagolini 4 Whispering Woods Road stated that she pays taxes and expects the roads to be maintained by the Town. Dan Tagolini 4 Whispering Woods Road asked what the Commission can do to prevent this from happening again. Domenic Duke 15 Town Line Drive stated that there is nothing on record stating it is not a public road. Carl Guild of 147 Comstock Trail felt that the seller should have disclosed the fact that it is not a public road. Vice-Chairman Zatorski made a motion that the East Hampton Planning and Zoning Commission recommends the acceptance of the roads at Whispering Woods subdivision which includes Whispering Woods Road 1500' in length, Orchard View Lane approximately 450' in length and Town Line Drive approximately 675' in length for the following reason: favorable commentary from Town Staff and with the following commentary: in consideration that the road has been completed and performing to expectations, the Planning and Zoning Commission recommends using the existing cash remaining from the original bond for the one year maintenance bond. The Town has already used a substantial portion of the original bond for road maintenance and repairs. In consideration that it is winter, expediting this road acceptance improves the health, safety and welfare of the residents of this development. Mr. Rux seconded the motion. ***Vote: 7-Yes; 0-No. The motion passed.***

D. 8-24 Review: Acceptance of Wangonk Trail Extension (.1 acres) from Princess Pocotopaug Association – Mr. DeCarli explained that there is a portion of land at the end of Mohican Trail (13' length x 25' width) that was never granted to the Town but that the Town has historically maintained it. The Association has requested that the Town take ownership of it. Vice-Chairman Zatorski made a motion that the Planning and Zoning Commission recommends acceptance of Wangonk Trail Extension (.1 acres) from Princess Pocotopaug Association for the following reasons: favorable recommendation from Town Staff, this is an area of .1 acre in size that includes a catch basin, has historically been maintained by the Department of Public Works, that the Town will not incur any costs, that taking ownership of this piece of road makes logical sense and is not consistent with the POCD. Mr. Rux seconded the motion. Chairman Kuhr questioned the validity of the tax payer ID# that was submitted. Mr. DeCarli stated that the Town Attorney will review. ***Vote: 7-Yes; 0-No. The motion passed.***

E. Release of bond for Skyline Estates Phase 1A – Mr. Rux recused himself and Chairman Kuhr seated Mr. Kowalczyk. Mr. DeCarli explained that for Phase 1A (Sunrise Lane) there is a maintenance bond and Sunrise Lane has been accepted. The construction bond (\$120,000.00) needs to be released and that we have a letter of credit for it. The deed has been filed along with the Mylars. Vice-Chairman Zatorski made a motion to release the bond for Skyline Estates Phase 1A for the following reasons: it was a recommendation of Town Staff, the road has been completed to the satisfaction of Town Staff and the maintenance bond is in place. The motion was seconded by Mr. Gauthier. ***Vote: 7-Yes; 0-No. The motion passed.*** Mr. Rux returned

to the meeting at this time and Chairman Kuhr unseated Mr. Kowalczyk.

F. Acceptance of amended Planning and Zoning Commission application – Mr. DeCarli explained that the application was amended to add letterhead and email addresses. The members reviewed the amendments and made suggestions. Vice-Chairman Zatorski made a motion to accept the amended Planning and Zoning Commission application as presented with any minor changes that the Town Staff wishes to make. Mr. Rux seconded the motion. *Vote: 7-Yes; 0-No. The motion passed.*

7. Old Business:

A. Amendments to Regulation requiring Public Hearing for new Commercial construction. Mr. DeCarli drafted a pros and cons list for the potential amendment as well as a draft of the proposed language. Chairman Kuhr stated that in his opinion, the amendment may slow down the process for a potential builder to build in Town. A brief discussion followed in which the members provided their thoughts and comments about the pros and cons of amending the Regulation to require a Public Hearing for new Commercial construction. The members agreed that they would like to have the language revised and an update on what other Towns have in their Regulations. They agreed to table this discussion until the next meeting.

8. Planner's Report – Mr. DeCarli asked the Commission if they were interested in reviewing the current Lake Overlay Water Protection Zone Regulations and making possible changes and offering incentives. Mr. Tammaro inquired about the cause of the recent truss collapse on West High Street which is not known at this time. Mr. Gauthier asked about the sewers on Old Marlborough Road. Mr. DeCarli explained that an emergency repair was done and a full replacement is in process. Mr. Gauthier commented on the construction debris from Edgewater onto Route 66. Mr. DeCarli stated that he is aware of it and that they are using a temporary entrance at this time. Mr. Tammaro asked for an update on the runoff to the lake from the new Town Hall site. Mr. DeCarli stated that he meets regularly with the project manager and that E&S controls are in place and that he will be discussing this topic in detail at a "Friends of the Lake" meeting on Sunday February 10th from 3-5 at Angelico's. Chairman Kuhr asked Mr. DeCarli to include in the packet for the next meeting a requirement list for Special Permits. Chairman Kuhr inquired about the ongoing blight issues on Rte 196. Mr. DeCarli stated that the property at the corner of Carriage Lane was taken by the bank and that they will be pressing them to clean up the property. The other property is being worked on with an Attorney and the property transfer has taken place but that it is a slow process.

9. Set Public Hearing(s) for March 6, 2019 – A public hearing was previously set under Agenda Items# 6A and 6B.

10. Adjournment: Vice-Chairman Zatorski made a motion to adjourn at 9:33 p.m., seconded by Mr. Rux. The vote was unanimous in favor.

Respectfully submitted,
Christine Castonguay,
Recording Clerk

