

Town of East Hampton
Planning and Zoning Commission
Regular Meeting
July 3, 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 7:00 p.m.

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

Absent: Angelus Tammaro and Timothy Puglielli

Chairman Kuhr seated Alternate Member Michael Kowalczyk at this time.

2. Approval of Minutes:

A. June 5, 2019 Regular Meeting – Vice-Chairman Zatorski made a motion to approve the June 5, 2019 minutes as written. The motion was seconded by Mr. Sennett. **Vote: 5-Yes; 0-No; 2-Abstentions (Roy Gauthier and Chairman Kuhr).**

3. Communications, Liaison Reports, and Public Comments:

Communications: None.

Liaison Reports:

Mr. Gauthier stated that the High School Building Committee is continuing to monitor the issues with the gym floor, auditorium and roof and that the Committee will adjourn and disband when the issues are resolved and signed off on.

Mr. Kowalczyk attended the Regional Planning Commission meeting and reported the following: there was a presentation/discussion on flood zones and how they can be used to achieve zoning goals for new developments. There was a referral from the Town of Berlin regarding inter-municipal impacts for an isolated property on the Middletown line for which there is a proposal for 300 homes on a narrow road on the town line.

Mr. Sennett was unable to attend the June 10th ZBA meeting but provided the following report: There was one application: Application ZBA-19-007, Wesley Jenks, 45 Meeks Point Road, for a variance to decrease the north side setback from 15' to 10' to build a garage and a variance to increase the 1st floor habitable square footage from 1100 sq. ft. to 1368 sq. ft. for a future home on a non-conforming lot. Map10A/Block 83/Lot 9. The variance was granted.

Chairman Zatorski stated that there was nothing from the IWWA meeting that concerns Planning and Zoning.

Mr. Rux did not attend the EDC meeting.

Ms. Wright did not have a report.

Chairman Kuhr asked for public comments at this time regarding anything other than Agenda #5A. There were no comments.

4. Read Legal Notice for July 3, 2019: Town Staff read the legal notice for July 3, 2019.

5. Public Hearings for July 3, 2019:

A. PZC-19-008: Patricia Daly Banning, Flanders Road, to create a 2 lot subdivision (1 buildable lot and 1 forestry lot). Map 26/Block 87/Lot 6. Chairman Kuhr recused himself at this time. Vice-Chairman Zatorski became acting Chairman. Ms. Daly Banning

explained that the 65 acres of land was inherited and that her brother would like 3.5 acres of it for a future building lot and that she will keep the rest of the acreage as forestry. Mr. DeCarli informed the members that the applicant has received approval from Inland Wetlands and that there are no issues with the site lines or the proposed placement of the future house and leaching fields. Chairman Zatorski asked for public comments at this time. Susan Gates of 33 Daly Road was concerned about safety issues due to the traffic on Daly Road because it is a narrow old road with a sharp corner. Ms. Daly Banning explained that there is 343' of frontage with 2 barways that will provide access to either the existing driveway which has been there for many years and is well established or a new driveway. There were no further public comments. Ms. Wright made a motion to close the public hearing; seconded by Mr. Rux. **Vote: 6-Yes; 0- No**

Chairman Zatorski made a motion to approve PZC-19-008: Patricia Daly Banning, Flanders Road, to create a 2 lot subdivision (1 buildable lot and 1 forestry lot) Map 26/Block 87/Lot 6 in accordance with the plans we received dated May 8, 2019 with the following conditions: Town Staff be advised and that Town Staff specifically looks for site lines and driveway placement and for the following reasons: a large tract of the land will remain in forestry and it provides a building lot for one of the family members. Mr. Sennett seconded the motion. **Vote: 6 Yes; 0- No**

Chairman Kuhr returned to the meeting at this time.

6. New Business:

- A. PZC-19-010: Roncalli Institute, Inc., 49 Oakum Dock,** for a Zone Change from R-2/Commercial to Commercial. Map 02/Block 9A/Lot 2. Both applications (6A & 6B) will be presented together. Peter Callan (Board Member of St. Clements and Roncalli Institute) presented. He explained that they would like to restore the zone to Commercial and are asking for a Special Permit for an Assembly Hall that will be designed for minimal environmental impact. The proposed building will be on the same footprint as the previous plan showed and will be built up with space for bridal/groom suites and corporate events. He added that he feels that events at this new Assembly Hall will be a conduit for commercial development in the surrounding towns. Mr. DeCarli provided a brief history of the zoning for the property: The original zone (1950's) was Residential, then in 1955 they were approved for a zone change to Commercial but it was added to the map as Industrial and it remained that way until the 1990's when the map was updated and it was re-zoned to R-2. Mr. Sennett stated that he recalled the meeting when the map was updated and the property was re-zoned to R-2 after a public hearing and a favorable vote. Mr. Callahan stated that the boat yard has operated as Commercial since 2005. Vice-Chairman Zatorski stated that the proposed location of the Assembly Hall is where the Town wells and easement are. Mr. DeCarli stated that WPCA will be reviewing that since they are the easement holders and that details will be provided when they complete the review. Vice-Chairman Zatorski asked about access roads and spoke about the property adjacent to the access road being potentially closed off if the home takes on new ownership. Mr. Callahan stated that Oakum Dock is gated and is only accessible by emergency vehicles and patrons of the marina. He went on to add that they do not want guests to access their property from Oakum Dock and that they have applied for an easement so that they can have a private road for guests to access. Chairman Kuhr asked about the easements and in which Towns they would be filed. Mr. DeCarli explained that the grantor will file an easement in Portland and the grantee will file one in East Hampton. Mr. Rux posed some questions about the well and septic because of previous issues with the tanks not being adequate. Mr. DeCarli explained that the Chatham Health District will address those concerns at the next meeting. Mr. Rux voiced his concerns about a possible conflict between a zone change and activity on another property that is not part of this application. Mr. DeCarli informed the members that he has been working with Attorney Carella (the Town Attorney) about that and has spoken with Attorney Harris and will have a more definitive answer by the next meeting. He went on to suggest that the

Department of Public Health and the Chatham Health District be made aware and provide their comments regarding the possibility of the future wells being impacted by the increase in activity thereby decreasing the possibility of a future source of water for the town of East Hampton. Vice-Chairman Zatorski made a motion to set a public hearing for PZC-19-010 PZC-19-010: Roncalli Institute, Inc., 49 Oakum Dock, for a Zone Change from R-2/Commercial to Commercial Map 02/Block 9A/Lot 2 and PZC-19-011 Roncalli Institute, Inc., 49 Oakum Dock, for a Special Permit to construct an Assembly Hall. Map 02/Block 9A/Lot 2 for the regularly scheduled meeting on September 4, 2019. Mr. Sennett seconded the motion. **Vote: 7-Yes; 0-No.**

B. PZC-19-011: Roncalli Institute, Inc., 49 Oakum Dock, for a Special Permit to construct an Assembly Hall. Map 02/Block 9A/Lot 2. This application was discussed under agenda #6A and a Public Hearing was set for the regularly scheduled meeting on September 4, 2019.

C. PZC-19-012: ECO Coffee House, 82 Main St., for a modification to Special Permit: PZC-19-002 to allow for outdoor seating. Map 02A/Block 48/Lot 32. Mr. DeCarli presented on behalf of the applicant. He explained that the application is for a modification to her existing special permit for the sale of alcohol which did not include outdoor seating or outdoor alcohol consumption. He added that the sidewalk is a bi-level sidewalk and the proposed seating will be on the upper level where a fence exists and that he will get formal comments from the Police Chief, Fire Marshal and other regulatory departments. Mr. Rux asked staff to find out what the maximum capacity is for that space. Vice-Chairman Zatorski made a motion to set a public hearing for PZC-19-012: ECO Coffee House, 82 Main St., for a modification to Special Permit: PZC-19-002 to allow for outdoor seating Map 02A/Block 48/Lot 32 for the next regularly scheduled meeting on August 7, 2019. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No.**

7. Old Business:

A. Updates to Sec. 3.5 Lake Pocotopaug Protection Zone – Mr. DeCarli presented a rough draft of the updates as well as a list of Commissions who should be invited to public workshops regarding the updates. Chairman Kuhr suggested having a section for Commercial and a section for Residential with different buffer requirements and he referred to item #4 under “Applicability and Scope” where it states: “Any property where construction activity includes more than ½ acre of disturbance”. He commented that many of the residential properties in the watershed are closer to ¼ acre. He went on to suggest having workshops in September and October and having a second draft made up for the November meeting. The members agreed to have the workshops on a different day than the Planning and Zoning Commission meeting.

B. Amendments to Regulation requiring Public Hearing for new Commercial construction. Vice-Chairman Zatorski made a motion to set a public hearing for Amendments to Regulation requiring Public Hearing for new Commercial construction as submitted by the Town Planner on 3/6/2019 for the next regularly scheduled meeting on August 7, 2019. The motion was seconded by Mr. Sennett. **Vote: 7-Yes; 0-No.**

8. Planner’s Report – The exterior walls are framed and partially wrapped at the new Town Hall. The bank in the rear is stabilized, the grass mats are in, the pond is complete, the road banks toward the pond are stabilized and seeded and there is significantly less runoff issues. KOCO Daycare is nearing completion and they are expecting to move in by mid-July. Dexters Tunes, Tails and Ales got their liquor license from the State and will be opening late next week. The new French restaurant Ratatouille is finishing up renovation work and will be open soon. Sacrosanct Gallery at 82 Main St. will be selling fresh fruit and vegetables from local farms and vendors (products will be sold indoors). Now that we have a Certified Planner on staff, Mr.

DeCarli suggested that architectural reviews be done by staff. He will adjust the language in the current Regulations to allow it. He will have a draft made up for the next meeting for the members to review. Chairman Kuhr asked Mr. DeCarli to prepare documentation regarding steps taken to control the runoff issue at the new Town Hall so that we can learn from previous mistakes. Mr. DeCarli explained that the issue is the type of soil and the amount of rain we have had. The material was difficult to contain to begin with. He said he will put together some documentation for the next meeting. Chairman Kuhr inquired about the status of 13 North Main St. Mr. DeCarli explained that the site work is done and that the interior work is being done but that there is no real update at this time. Mr. Gauthier commented on the Governor's approval to allow microbreweries to make more beer and asked if that approval would affect the Fat Orange Cat brewery. Mr. DeCarli stated that it would not because they have a different type of permit from the State. Mr. Rux asked if the trend for the Village Center is restaurants which Mr. DeCarli stated it is not. Chairman Kuhr asked about the status of the proposed project for Food Bag on the corner of Colchester Avenue and Main Street. Mr. DeCarli stated that they are focusing on replacing the tanks and that they will move forward when that project is complete.

9. Set Public Hearing(s) for August 7, 2019 - A public hearing was previously set under Agenda Items #6C and #7B.

10. Adjournment – Vice-Chairman Zatorski made a motion to adjourn at 8:38 p.m. The vote was unanimous in favor.

Respectfully submitted,

Christine Castonguay,
Recording Clerk