

Town of East Hampton
Planning and Zoning Commission
Regular Meeting
August 7, 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 (arrived at 7:14 p.m.), Roy Gauthier, Alternate Members Mike Kowalczyk and Timothy Puglielli and Zoning Official Jeremy DeCarli.

Chairman Kuhr seated Alternate Member Timothy Puglielli at this time.

2. Approval of Minutes:

A. July 3, 2019 Regular Meeting – Vice-Chairman Zatorski made a motion to approve the July 3, 2019 minutes as written. The motion was seconded by Mr. Sennett. ***Vote: 4-Yes, 0-No; 3 Abstentions (Chairman Kuhr, Mr. Puglielli and Mr. Tammaro).***

3. Communications, Liaison Reports, and Public Comments:

Communications: The members were provided with the quarterly issue of the CT Federation of Planning and Zoning Agencies newsletter.

Liaison Reports:

Mr. Gauthier stated that the High School Building Committee is continuing to close out the project but still have the following outstanding issues: the gym floor was damaged by a water leak, the stage has uneven areas; all of which will be covered by insurance. They have been unable to obtain any test results or information regarding the blue water because the Town Manager took responsibility for the project last year. The preliminary report for the High School Building project indicates that it will come in 2% under budget.

Mr. Kowalczyk attended the Regional Planning Commission meeting and reported the following: In order to finish the Regional Plan, they put out a request for proposals for a consultant to help write it and to provide outreach for it. There were 2 referrals from the Town of Portland, the first was regarding inter-municipal impacts of a farm brewery ordinance which the Commission recommended adequate parking and the second was regarding stricter regulations of earth work.

Mr. Sennett stated that the Zoning Board of Appeals did not meet in July.

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

Ms. Wright did not have a report.

Mr. Tammaro did not have a report.

Mr. Puglielli did not have a report.

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

4. Read Legal Notice for August 7, 2019: Town Staff read the legal notice for August 7, 2019.

5. Public Hearings for August 7, 2019:

A. 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. Susan

Popielaski presented. She is requesting outdoor seating for approximately 8 people. The seating will be in between the two entrances on the upper side of the sidewalk approximately 7' wide and within an enclosed area to keep patrons in a designated area. There will also be a sign indicating alcohol consumption to be contained to that designated area only. The Police Chief submitted his recommendations but no other comments were received from any other regulatory departments. Chairman Kuhr asked for public comments at this time. There were no public comments.

Vice-Chairman Zatorski made a motion to close the 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. The motion was seconded by Ms. Wright.

Vote: 7-0. Vice-Chairman Zatorski made a motion to accept 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 following reasons: it will increase business for an existing business in town, it's well within the established business that exists and will increase traffic downtown and with the following conditions: notify Town Staff prior to the opening of the seating area and prior to serving alcohol in the outdoor seating area, submit a signed copy of the State liquor license application for "extension of use" to the Land Use Department for recording purposes and to adhere to the comments and recommendations made by the Chief of Police per his memo dated July 30, 2019. Mr. Sennett seconded the motion.

Vote: 7-Yes; 0-No.

Mr. Rux arrived at this time (7:14 p.m.). Chairman Kuhr seated Mr. Rux and unseated Mr. Puglielli.

B. Amendments to Regulation requiring Public Hearing for new Commercial construction. Mr. DeCarli explained that the amendment was drafted as a result of discussions from a "Formula Business" application that was received. Language was added to require a public hearing for all new commercial construction then was changed to new commercial construction in excess of 5000 sq. ft. Chairman Kuhr spoke as a single Commission member when he stated that he feels that the Commission will still have options to regulate without requiring a public hearing for every new Commercial construction. Mr. Rux stated that as a single Commission member, he feels that it would prepare the applicant for a public hearing when they apply and that it would be a useful tool for the public to see, hear and understand what is going on. Mr. Gauthier and Mr. Kowalczyk both agreed with Mr. Rux. Chairman Kuhr asked if there were any public comments. There were none. Mr. Gauthier made a motion to close the public hearing for Amendments to Regulation requiring Public Hearing for new Commercial construction. The motion was seconded by Vice-Chairman Zatorski. **Vote: 7-Yes; 0-No.** Mr. Rux made a motion to accept the following amendment to the Regulation requiring Public Hearing for new Commercial construction (Sec. 9.1.F.2): "The Commission shall hold a Public Hearing for all Site Plan applications involving new construction of structures or additions over 5000 square feet in gross floor area in the C, VC, DD, or PO/R Zones" in addition to the existing verbiage "The Commission reserves the right to hold Public Hearings on any site plan or amendment thereto, as presented." Approved with an effective date of 9/1/2019. The motion was seconded by Mr. Tammaro. **Vote: 7-Yes; 1-No (Chairman Kuhr).**

Mr. Gauthier left the meeting (7:40 p.m.) and Chairman Kuhr seated Mr. Puglielli at this time.

6. New Business:

A. PZC-19-013: Aaron Tyler, 13 North Main St., for a Special Permit (Sec.8.4.B.1.2) to sell alcohol at Sweet Jean's Café. Map 01A/Block 39A/Lot 28B. Mr. Tyler stated that he has an active Special Permit for a restaurant and would like to sell beer and wine (bottles and cans) for lunch and dinner services. In addition to breakfast and lunch from 6 a.m. to 2 p.m., he will also have a "Burger Bar" from 4 p.m. to 8 p.m. on Thursdays,

Fridays and Saturdays. Mr. DeCarli stated that he will verify that the Special Permit included 4 – 8 p.m. dining. Vice-Chairman Zatorski made a motion to set a public hearing for the next regularly scheduled meeting on September 4, 2019 for PZC-19-013: Aaron Tyler, 13 North Main St., for a Special Permit (Sec.8.4.B.1.2) to sell alcohol at Sweet Jean's Café Map 01A/Block 39A/Lot 28B. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No**

- B. PZC-19-015: Kellie Gosselin, 27 Flanders Rd.,** for a Zone Change from R-4 to R-1. Map 26/Block 85/Lot 31. Kellie Gosselin explained that they would like to change their zone so that a multi-family would be allowed. They currently have a 2 story garage and would like to put a 700 sq. ft. in-law apartment in it for a family member that they are caring for. They do not comply with the R-4 zone regulations for an in-law apartment but they do comply with the R-1. The neighbor next to them is in the R-1 zone so this would not be considered "spot zoning." Chairman Kuhr inquired about stairs to the in-law apartment and the size of the unit. Mr. Gosselin explained that there is a ground floor entrance to the upstairs and that there are no stairs. The unit is built into the side of a hill so the second floor is actually the first floor around the backside where there is a door to the second story. The unit is approximately 688 sq. ft. in total and they have received approval from the Chatham Health District for the septic system. Vice-Chairman Zatorski made a motion to set a public hearing for the next regularly scheduled meeting on September 4, 2019 for PZC-19-015: Kellie Gosselin, 27 Flanders Rd., for a Zone Change from R-4 to R-1. Map 26/Block 85/Lot 31 and PZC-19-014: Kellie Gosselin, 27 Flanders Rd., for a Special Permit for an accessory dwelling unit (Sec. 8.4.M) Map 26/Block 85/Lot 31. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No.**

- C. PZC-19-014: Kellie Gosselin, 27 Flanders Rd.,** for a Special Permit for an accessory dwelling unit (Sec. 8.4.M). Map 26/Block 85/Lot 31. A public hearing was previously scheduled under Agenda #6B. **(7-0)**

7. Old Business:

- A. Updates to Sec. 3.5 Lake Pocotopaug Protection Zone** – Mr. DeCarli presented a flier for the first workshop that will be held on September 10th at 6:30 p.m. The flier will be posted around town and emails will be sent to other boards and committees. Chairman Kuhr provided highlights from the Town Council special meeting regarding the lake and stated that the meeting was productive and informative. Mr. Tammaro inquired about a covered concrete pad at a property on North Main Street. Mr. DeCarli stated that he was not aware of it.

- 8. Planner's Report** – Chairman Kuhr inquired about the status of Angelico's restaurant. Mr. DeCarli informed the members that he had a preliminary discussion with the owner the day before the State shut them down and revoked their sales permit. The day before the State shut them down, they were closed for a day so an electrical inspection could be done and that they were cleared to re-open the interior. There is no further update.

- 9. Set Public Hearing(s) for September 4, 2019** - A public hearing was previously set under Agenda Items #6A, 6B and 6C.

- 10. Adjournment** – Vice-Chairman Zatorski made a motion to adjourn at 8:08 p.m., seconded by Ms. Wright. The vote was unanimous in favor.

Respectfully submitted,
Christine Castonguay,
Recording Clerk

