

Town of East Hampton
Planning and Zoning Commission
Special Meeting
October 14, 2020 – 7:00 P.M.
Virtual Meeting

MINUTES

1. Call to Order and Seating of Alternates:

Chairman Zatorski called the meeting to order at 7:00 p.m.

Present: Chairman Zatorski, Vice-Chairman Kuhr, Regular Members: Roland Rux, Angelus Tammaro, Roy Gauthier and James Sennett, Alternate Members: Mike Kowalczyk and Tim Puglielli and Zoning Official Jeremy DeCarli.

Absent: Regular member Meg Wright and Alternate member Ted Hintz, Jr.

Chairman Zatorski seated Mr. Kowalczyk and Mr. Puglielli.

2. Approval of Minutes:

A. September 2, 2020 Regular Meeting: Mr. Sennett made a motion to approve the September 2, 2020 minutes as written. The motion was seconded by Mr. Gauthier. **Vote: 6-Yes; 2-Abstentions (Mr. Puglielli and Mr. Tammaro); 0-No.**

3. Communications, Liaison Reports, and Public Comments:

Communications:

Mr. DeCarli stated there were 4 letters for communication: a letter from the CT Siting Council regarding an application from Crown Castle for a cell phone tower, a letter from Susan Lowe of 46 Walnut Avenue regarding the Crown Castle application, a letter from Paul and Sandy's regarding the Crown Castle application and a flyer for the 2021 CT Bar Association Land Use Academy.

Liaison Reports:

Chairman Zatorski stated that there was nothing to report from IWWA.

Mr. Gauthier stated that the High School Building Committee is still trying to disband and would like to be able to do so in person and that the project is complete and under budget. Details will follow when the final close out is complete.

Mr. Kowalczyk was unable to attend the RPC meeting last month.

Mr. Sennett reported that the ZBA had a meeting on September 14th. There were 3 applications that were approved: Application ZBA-20-008, Enrique & Brenda Diaz, 5 Poe Road, to reduce the front setback from 25' to 16' to remove unsafe patio and construct a 16' x 20' deck. Map 10A/Block 81/Lot 233. Application ZBA-20-009, Rocco Nozzolini, 59 Waterhole Road, to reduce the side setback from 25' to 23' to construct a 17.1' x 25' addition with garage. Map 35/Block 95/Lot L-3 and Application ZBA-20-010, Spencer Killian, 15 Mark Twain Dr., to reduce the rear setback from 25' to 3.79' to place a 12' x 24' prebuilt shed. Map 10A/Block 81/Lot 103.

Vice-Chairman Kuhr did not have anything to report nor did Mr. Tammaro, Mr. Puglielli or Mr. Rux.

At this time, Chairman Zatorski unseated Mr. Puglielli and asked for any public comments that do not relate to Agenda Items 5A, B or C. There were no comments.

4. Read Legal Notice for October 14, 2020: Staff read the legal notice for the record.

5. Public Hearings for October 14, 2020:

A. Application PZC-20-017: Atlantis Marketing, for an Amendment to the Zoning Regulations: to amend Section 5.2 and add Sec. 5.2.C.6. Gasoline or motor fuel filling stations in conjunction with a retail store in the Commercial Zone. Chairman Zatorski provided the following clarification: this

application is for a text change to the Zoning Regulations (which will be Town wide and not property specific) to allow for a gasoline or motor fueling station in conjunction with a retail store in the Commercial Zone as opposed to the Industrial Zone which is what the current Regulations allow. Attorney Jezek presented both Agenda Items 5A and 5B on behalf of the Applicant. He requested that the presentation for 5A and 5B be done in one presentation. Chairman Zatorski agreed but asked that they be clearly defined because they differ in their intent. Attorney Jezek explained that these applications are for the Food Bag convenience store on Rte. 16 and the property at 157 Main Street that the applicant owns. The 157 Main Street property has 2 multi-family structures that are in a poor state of disrepair. The first application is to amend the existing C-Zone Regulation by adding Item #21: Gasoline or motor fuel filling stations in conjunction with a retail store to Sec. 5.2.C. to make the properties more conforming and the second application is to merge 157 Main Street property with 1 Colchester Avenue to make proposed changes to the current Food Bag. The Zone for each property will have to be changed in order to merge the properties and make the changes they are proposing. There was a lengthy discussion among the members regarding historical classification of zones and gas stations. Chairman Zatorski asked for public comments at this time regarding the Text Amendment (5A). There were no comments. Vice-Chairman Kuhr made a motion to close the public hearing for Application PZC-20-017: Atlantis Marketing, for an Amendment to the Zoning Regulations: to amend Section 5.2 and add Sec. 5.2.C.6. Gasoline or motor fuel filling stations in conjunction with a retail store in the Commercial Zone. The motion was seconded by Mr. Rux. **Vote: 7-0.** Vice-Chairman Kuhr made a motion to approve Application PZC-20-017: Atlantis Marketing, for an Amendment to the Zoning Regulations: to amend Section 5.2 and add Sec. 5.2.C.6. Gasoline or motor fuel filling stations in conjunction with a retail store in the Commercial Zone for the following reasons: it is more conducive to the existing conditions and it will add conformity to the Regulations. Mr. Rux seconded the motion. **Vote: 7-0**

- B. Application PZC-20-018:** Atlantis Marketing, 157 Main St. and 1 Colchester Ave. for a zone change from R-2 to Commercial. Map 07A/Block 56/Lot 24 and Map 07A/Block 56/Lot 22. David Faist, P.E. presented a concept plan. The proposal is to change the zones so the properties can be combined to allow the expansion of the existing use (gas station). There will be 1 curb cut on Colchester Ave. for an entrance and another curb cut on Main St. for exiting. It will be a 4000 sq. ft. gas station with retail and a drive thru restaurant/coffee shop with room for vehicles to navigate through the drive thru. There will be 5 islands with a canopy and a generous landscaping buffer along Colchester Ave. and Main St. They will not be adding additional tanks but the islands will be a different format and relocated. Jack Belowich, Business Development Manager shared photos of other retail gas stations he has worked on and stated that the proposal will be an improvement to the current Food Bag and will benefit the community. Attorney Jezek explained that the current Food Bag building will be replaced further into the interior of the property therefore the 2 lots need to be combined to allow for that to happen. He added that by enhancing the site it will be a better situation for traffic and for the community overall. Mr. DeCarli stated that the project will need to be reviewed by the Design Review Board after the zone change, site plan review and special permit applications are approved. The members provided their thoughts about the pros and cons of a zone change, a larger gas station and having a larger commercial area in a predominantly residential zone. Chairman Zatorski asked for public comments at this time. Dan Riedinger of 2 South Main Street spoke in opposition of the Application. Ryan Gorak of 3 Dziok was opposed to the Application. Donna Daly Atherton of 119 Main Street stated she would support the Application if they would move the project farther up Main Street to alleviate traffic and Bob Atherton of the same address asked about the future of the buildings at 157 Main Street and how many of the units would be affected (only 2 of the 3). Jennifer Mikulski of 100 Daly Road was concerned about traffic. Ryan and Heidi Bothamley of 141 Main Street spoke in opposition to the zone change. Attorney Roberts from Halloran and Sage represented Kenneth Dodson of 148 Main Street who is not in support of the application and provided reasons: the lack of consistency with the POCD and the concern about changing the zone thereby allowing any Commercial entity to occupy the land and an existing issue with the owner of 157 Main Street. Mr. DeCarli will research the ownership issue and discuss with Attorney Jezek. Stuart Winkquist of 11 South Main Street spoke in opposition of the zone change. Ken Dodson of 145 Main Street spoke in opposition of the zone change. At this time, Mr. DeCarli read into record emails received from members of the public: Dave Mandigo of 7 Dziok expressed concerns for the zone change and his reasons for opposition, a letter from Ken Dodson which Attorney Roberts addressed and protest signatures

which was addressed earlier (more than 20% of the landowners signed the protest petition and Mr. DeCarli will have a total count by the next meeting). There were no further comments. Vice-Chairman Kuhr made a motion to continue the public hearing for Application PZC-20-018: Atlantis Marketing, 157 Main St. and 1 Colchester Ave. for a zone change from R-2 to Commercial Map 07A/Block 56/Lot 24 and Map 07A/Block 56/Lot 22 to the next regularly scheduled meeting on November 4, 2020. The motion was seconded by Mr. Gauthier. **Vote: 7-0**. Vice-Chairman Kuhr made a motion to continue Application PZC-20-018: Atlantis Marketing, 157 Main St. and 1 Colchester Ave. for a zone change from R-2 to Commercial Map 07A/Block 56/Lot 24 and Map 07A/Block 56/Lot 22 to the next regularly scheduled meeting on November 4, 2020. The motion was seconded by Mr. Gauthier. **Vote: 7-0**

- C. Updates to Sec. 3.1 Lake Pocotopaug Protection Zone-** Mr. DeCarli explained that the proposed updates will affect the entire watershed and that the goals are to minimize runoff from each individual property, protect the wetland areas through enhanced zoning regulations, increase pervious coverage, decrease impervious coverage, preserve buffers and minimize the disturbance of natural grades. Vice-Chairman Kuhr expressed concern about a couple of paragraphs in the draft that were discussed at length at previous meetings. Chairman Zatorski asked for public comments at this time. Bob Yenknor of 83 Spellman Point and the Lake Pocotopaug Coalition spoke in favor of the updates to the Regulation. There were no further comments from the public. Vice-Chairman Kuhr made a motion to continue the public hearing for Updates to Sec. 3.1 Lake Pocotopaug Protection Zone to the next regularly scheduled meeting on November 4, 2020. The motion was seconded by Mr. Rux. **Vote: 7-0**. Vice-Chairman Kuhr made a motion to continue the application of Updates to Sec. 3.1 Lake Pocotopaug Protection Zone to the next regularly scheduled meeting on November 4, 2020. The motion was seconded by Mr. Rux. **Vote: 7-0**

6. New Business:

- A. Application PZC-20-021: Loco Perro Restaurant, 191 East High St.,** for a Site Plan Modification to build a 731 sq. ft. addition. Map 09A/Block 76/Lot 11A. Anastasios Papagiannopoulos presented. He explained that they would like to have an addition to expand the kitchen and to renovate the bathroom in the banquet room. Vice-Chairman Kuhr felt it would be beneficial to the business and the town and employees and is not impeding on any other properties. Mr. DeCarli added that the project does not increase lot coverage nor does it impact parking and it meets the Regulations. Vice-Chairman Kuhr made a motion to approve Application PZC-20-021: Loco Perro Restaurant, 191 East High St., for a Site Plan Modification to build a 731 sq. ft. addition Map 09A/Block 76/Lot 11A for the following reasons: the project does not impede on other properties, it is consistent with the Regulations, it promotes a user friendly atmosphere for all and is an improvement to the property and with the following conditions: Town Staff be notified prior to the start of construction and permits are secured prior to the start of construction. The motion was seconded by Mr. Gauthier. **Vote: 7-0**
- B. Application PZC-20-022: East Hampton Rotary Club Foundation, 45 Daly Rd.,** for a Special Permit for parks, playgrounds and public recreation Sec. 4.4.D.1.d Map 33/Block 87/Lot 3. Chairman Zatorski and Vice-Chairman Kuhr stated that they will recuse themselves from the public hearing when it is scheduled but will stay and listen to the presentation. Chairman Zatorski asked the Commission Members how they felt about having them stay to listen to the presentation. The Commission Members did not have any issues. Steve Greco, Chairman of the Rotary Club Foundation explained that the Rotary Club received land at 45 Daly Road as a donation with deed restrictions and they would like to get a special permit to be able to use the land to have Rotary Club meetings and low impact recreation activities. Mr. DeCarli added that any plans for future development or changes to the property would have to be approved by the Planning and Zoning Commission. Mr. Gauthier made a motion to set a public hearing for Application PZC-20-022: East Hampton Rotary Club Foundation, 45 Daly Rd., for a Special Permit for parks, playgrounds and public recreation Sec. 4.4.D.1.d Map 33/Block 87/Lot 3 for the next regularly scheduled meeting on November 4, 2020. The motion was seconded by Mr. Sennett. **Vote: 7-0**
- C. Application PZC-20-023: JCG Properties, LLC., 9 Middle Haddam Rd.,** for a Zone Change from R2 to Commercial for approximately 5 acres to operate a veterinary clinic. Map 01C/Block 9/Lot 5. John and Christine Gustavson presented. They currently own the Portland Veterinary Hospital and are looking to move the practice to 9 Middle Haddam Road which is a 17 acre parcel. They are interested in subdividing it and using 5 acres that have frontage along Rte. 151 for their veterinary clinic. They will not own or be using the portion of the property that abuts Oakum Dock Road. Mr. DeCarli presented a 500' radius map with the surrounding zones identified as mixed.

Vice-Chairman Kuhr made a motion to set a public hearing for Application PZC-20-023: JCG Properties, LLC., 9 Middle Haddam Rd., for a Zone Change from R2 to Commercial for approximately 5 acres to operate a veterinary clinic. Map 01C/Block 9/Lot 5 for the next regularly scheduled meeting on November 4, 2020. The motion was seconded by Mr. Gauthier. **Vote: 7-0**

At this time Mr. DeCarli stated that there was a member of the public who wanted to speak via ZOOM, he informed the individual that this item is not a public hearing but that there will be an opportunity for general comments at the end of the meeting.

7. Old Business:

- A. Discussion: Update Sign Regulation to Include PO/R Zone Sign Standards** – The members agreed unanimously to continue the Discussion: Update Sign Regulation to Include PO/R Zone Sign Standards to the next regularly scheduled meeting on November 4, 2020.
- B. Discussion: Home Based Occupations** – The members agreed unanimously to continue the discussion: Home Based Occupations to the next regularly scheduled meeting on November 4, 2020.
- C. Updates to the Official East Hampton Zoning Map** – The members agreed unanimously to continue the Updates to the Official East Hampton Zoning Map to the next regularly scheduled meeting on November 4, 2020.

8. Planner's Report – Mr. DeCarli provided the members with a written report and it is on the website as well. He added that the Town Council has sent the CT Siting Council a request for the applicant (Crown Castle) to remove their application for the monopole that is proposed off of Lakeview Street because the pole is on property owned by Paul and Sandy's even though there is a possible agreement to leave the pole in place.

At this time Chairman Zatorski asked for comments from the public. Jen Mikulski of 100 Daly Road asked about the process for preparing for the public hearing for 45 Daly Road. There were no further comments.

9. Set Public Hearing(s) for November 4, 2020 – Public hearings were set for Agenda Items: 6B and 6C

10. Adjournment – Mr. Kowalczyk made a motion to adjourn at 10:13 p.m., seconded by Mr. Rux.

Respectfully submitted,

Christine Castonguay
Recording Secretary