

Town of East Hampton
Planning and Zoning Commission
Regular Meeting
November 7, 2018 – 7:00 P.M.
East Hampton Town Hall Meeting Room

APPROVED 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 Ray Zatorski, Regular Members James Sennett, Meg Wright, Rowland Rux, Roy Gauthier and Angelus Tammaro. Alternate Members Michael Kowalczyk and Tim Puglielli were present as well as Planning and Zoning Official Jeremy DeCarli.

2. Approval of Minutes:

A. October 3, 2018 Regular Meeting – Chairman Kuhr requested the following corrections: 1. Under agenda item# 2a, the yes votes should be changed to 4. 2. Under agenda item# 2b, the yes votes should be changed to 4. 3. Under agenda item# 3: change the following sentence to: “Chairman Kuhr stated that they have discussed it and that invasive species have been spotted but that he is not aware of where around the lake it was found and that our limnologist, hired by the Town, George Knoecklein, has record of the invasive species.” Vice-Chairman Zatorski made a motion to accept the October 3, 2018 minutes with the suggested corrections. The motion was seconded by Mr. Sennett. ***Vote: 7-Yes; 0-No. The motion passed.***

3. Communications, Liaison Reports, and Public Comments:

Communications: Mr. DeCarli presented the quarterly newsletter from the CT Federation of Planning and Zoning Agencies as well as a letter from the CT Siting Council regarding changes to the cell phone tower behind the Public Works garage.

Liaison Reports:

Mr. Gauthier stated that the High School Building Committee is on the verge of completing its responsibilities and added that a treatment is being installed to resolve the water issue.

Mr. Kowalczyk stated that the Lower CT River Valley Regional Planning Commission met. There was a referral from Durham regarding a revised version of their agricultural events in their zoning regulation. The revision would allow farms and similar businesses to host activities other than agricultural. He added that the first revision ran into some opposition but that the new one has more controls over the definition of agriculture. There was no quorum but it was agreed that there was no significant impact. They also had a discussion about the agricultural section of the Regional Plan of Conservation Development

Mr. Tammaro had nothing to report.

Mr. Sennett reported the following applications from the October 15, 2018 ZBA meeting: ZBA-18-007, Brian Riley, 5 Sears Lane, for a variance to reduce the north side yard setback from 15’ to 4’ and to reduce the rear setback from 25’ to 1’ to set a 12’ x 14’ gazebo over existing patio. Map 4A/Block 63B/Lot 14. Application ZBA-18-009,

Patricia and Julian Ryde, 7 Sears Lane, for a variance to reduce the side setback from 15' to 3' to construct a garage. Map 04A/Block 63B/Lot 13. Application ZBA-18-008, Donald Gould, 16 Maple St., for a variance to increase the lot coverage to 13.6% to construct a first floor addition. Map 01A/Block 47/Lot 50. All 3 of the Applications were approved.

Vice-Chairman Zatorski stated that there was nothing to report for Inland Wetlands and Watercourse Agency.

Mr. Rux had nothing to report.

Ms. Wright did not have anything to report.

Mr. Puglielli had nothing to report.

Chairman Kuhr asked for public comments relating to anything but agenda items #5a, 5b or 5c. There were no comments.

4. Read Legal Notice for November 7, 2018: Mr. DeCarli read the legal notice for November 7, 2018.

5. Public Hearings for November 7, 2018:

A. Alcohol Regulations – Proposed amendments to Zoning Regulations Sec.

8.4.B Alcoholic Beverages. Mr. DeCarli explained that because the current Regulation states no alcohol sales within 500' of a school, daycare, church or non-profit organization, it restricts the area where alcohol can be sold. The proposed addition to the Regulation would give the Commission the ability to review what is being proposed and to issue a Special Permit if they feel that there is no danger to the patrons of the proposed facility; therefore encouraging restaurant growth within areas that may be more restricted. The proposed addition to the Regulation reads: "Sale of alcohol for on-site consumption in the C, VC or MUDD Zones may be approved within 500 feet of the uses described in Section 8.4.B.1.b above when the Commission determines that such sale will not adversely affect the health, safety or welfare of persons attending said facility."

Vice-Chairman Zatorski stated that he is favor of the addition to the Regulation because it retains control of whether alcohol can or cannot be sold within the C, VC or MUDD zones within 500' and it allows the Commission the flexibility to issue a Special Permit with restrictions as the Commission deems acceptable. He added that he is in favor of revitalizing the Village Center and encouraging businesses.

Mr. Tammaro stated that the addition is proactive but that the terminology should be altered. A brief discussion followed about the terminology to address avoiding any impact to the surrounding area where alcohol will be consumed. Mr. DeCarli suggested adding the words "as an accessory use" so that the main use would be a restaurant or that type of establishment. Mr. Rux asked if verbiage is needed for the removal of rights if privileges are abused. Chairman Kuhr asked if there were any public comments. Brian Holt of Airline Cycles at 66 Main Street supported the change. Sheila Mullen of 47 Tartia Road supported the change. Mike Klucznik of 47 Tartia Road supported the change. Miranda Michaud of 17 Mallard Cove supported the application. Vice-Chairman Zatorski made a motion to close the public hearing for Alcohol Regulations – Proposed amendments to Zoning Regulations Sec. 8.4.B Alcoholic Beverages. The motion was seconded by Mr. Gauthier. **Vote: 7-Yes; 0-No. The motion passed.**

Vice-Chairman Zatorski made a motion to accept the amendment to Sec. 8.4.B in Section 2 to add paragraph C to read as follows: "Sale of alcohol for on-site consumption as an ancillary use in the C, VC or MUDD Zones may be approved within 500' of the uses described in Sec. 8.4.B.1.B above when the Commission determines that such sale will not adversely affect the health, safety or welfare of persons attending the uses as described above in Sec. 8.4.B.1.B. Any change in ownership of permitted facility requires a review and/or approval of the Commission." The motion was seconded by Mr. Rux. Mr. Kowalczyk suggested adding an effective date. The members agreed upon an effective date of December 1, 2018. The motion was amended to add the effective date. The amended motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No. The motion passed.**

B. Sign Regulations – Proposed amendments to Zoning Regulations Sec. 7.2

Outdoor Signs. Mr. DeCarli explained that these are changes that were suggested by the Town Attorney in the wake of the Reed vs. Gilbert case in which it was determined that the contents of a sign cannot be regulated only the size, location and material. The 3 Councils of Governments were notified and responded favorably to the proposal. Chairman Kuhr asked for public comments. There were none. Vice-Chairman Zatorski made a motion to close the public hearing for Sign Regulations – Proposed amendments to Zoning Regulations Sec. 7.2 Outdoor Signs. The motion was seconded by Mr. Tammaro. **Vote: 7-Yes; 0-No. The motion passed.** Vice-Chairman Zatorski made a motion to accept the Proposed amendments to Zoning Regulations Sec. 7.2 Outdoor Signs as submitted for the following reasons: it was reviewed by the Town Attorney and he is in agreement with the verbiage and the intent of the regulation, we have favorable comments from the Lower CT River Valley Capitol Regional Council of Governments and the South Eastern Council of Governments (comments from various dates) and with an effective date of December 1, 2018. The motion was seconded by Mr. Tammaro. **Vote: 7-Yes; 0-No. The motion passed.**

C. Clerical updates to Zoning Regulations; various sections. Chairman Kuhr asked for any public comments. There were none. Vice-Chairman Zatorski made a motion to close the public hearing for Clerical updates to Zoning Regulations; various sections. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No. The motion passed.** Vice-Chairman Zatorski made a motion to accept the clerical updates to the zoning regulations; various sections as submitted by Town Staff for the following reasons: it cleans up our Regulations so that the Regulations read correctly, we have favorable comments in writing from Capital Regions of Councils of Government, South Eastern CT Council of Governments and other agencies. The vote was seconded by Mr. Sennett. **Vote: 7-Yes; 0-No. The motion passed.**

6. New Business:

A. PZC-18-019 – Skyline Estates, LLC – Reduce road width from 26' to 24' Skyline Estates, Phase II, Highland Terrace. Mr. Rux recused himself from Agenda items 6a and 6b. Mr. Kowalczyk was seated at this time. Mr. Rand explained that he would like to reduce the road width due to the change in the regulations for local

roads and because there will be little traffic expected and it will reduce the water flow and impervious surface. He proposes a 24' width for approximately 1100' from the temporary cul-de-sac to the end. A brief discussion followed about the Street Standards and the regulations for open space. Mr. DeCarli stated that the Fire Marshal had no concerns. Vice-Chairman Zatorski made a motion to approve PZC-18-019- Skyline Estates, LLC to reduce road width from 26' to 24' Skyline Estates, Phase II, Highland Terrace as described to the Commission by the applicant for the remaining 1100' while maintaining the diameter of the end cul-de-sac as proposed in the previous permit and for the following reasons: we have favorable communications from the Fire Marshal, the Police Chief and it is reducing the amount of run-off from this particular road. The motion was seconded by Ms. Wright. **Vote: 7-Yes; 0-No. The motion passed.** Chairman Kuhr asked for clarification that the original plans indicate an 80' cul-de-sac. The clarification was confirmed.

B. PZC-18-020: Skyline Estates, LLC – Remove sidewalks from station 28-40 to remove impervious areas Skyline Estates, Phase II, Highland Terrace. Mr. Rand explained that there will be very little traffic and that by removing the sidewalks it will reduce the amount of impervious surface by 20% and eliminate the maintenance of them whether the responsibility falls on the homeowner or the Town. Chairman Kuhr, Mr. Sennett and Mr. Puglielli spoke in support of having sidewalks. Vice-Chairman Zatorski spoke in favor of the sidewalks ending at the expanded area of the cul-de-sac. Vice-Chairman Zatorski made a motion to accept Application PZC-18-020: Skyline Estates, LLC – to remove the sidewalks only from the cul-de-sac but the sidewalk is to remain up to the cul-de-sac enlargement and to submit revised plans indicating that. The motion was seconded by Mr. Sennett. **Vote: 7-Yes; 0-No. The motion passed.**

C. Road Acceptance, Skyline Estates Subdivision, Phase 1A - Mr. DeCarli stated that this is ready for acceptance because the paving has been inspected, the drainage basins have been cleaned, the detention ponds have been mowed, the As-Built has been submitted, and the deeds were presented to and accepted by the Town Attorney. He stated that this is an 8-24 Review. Vice-Chairman Zatorski made a motion to give favorable commentary for an 8-24 Review of the road acceptance of the Skyline Estates subdivision Phase 1A, Sunrise Lane for the following reasons: it has been recommended by Town Staff, it has been reviewed by Town Staff, the Department of Public Works and the Town Engineer. This is pending a favorable commentary from Town Staff for final walk through that is scheduled for Friday November 9, 2018. The motion was seconded by Mr. Sennett. **Vote: 7-Yes; 0-No. The motion passed.** Mr. Rowland returned at 8:24 p.m. and Mr. Kowalczyk was unseated.

7. Old Business: None.

8. Planner's Report – Chairman Kuhr asked about the status of the pros and cons list for automatic public hearings which was discussed at the last meeting. The list has not been drafted yet. Chairman Kuhr stated the he along with 2 other members attended an

FOI meeting and that there was much discussion about the unapproved minutes be available within 7 days of the meeting. He stated that there are certain items from meetings that he would like to have documented to protect the Commission. Mr. DeCarli explained that a motion sheet is drafted after every meeting and is made available within 48 hours of a meeting. Mr. DeCarli stated that there have been changes to the State Building Codes pertaining to Flood Plain areas (effective October 1, 2018). He said he will be reviewing our Regulations to verify that they are consistent with the new codes. He informed the members that the Health Department submitted its approval of the new daycare at 207 West High Street so the project can begin to move forward. The construction of Dollar General is well underway and moving along. The new Town Hall has broken ground and foundation work is in progress. He informed the members that if they would like a tour they can stop at the Newfield Construction trailer and receive a hard hat and yellow vests which is required. Chairman Kuhr inquired about the status of the blight property on 196. Mr. DeCarli stated that there have been some court actions but that it is a slow process. Ms. Wright inquired about the East Hampton Public Market Palooza. Mr. DeCarli stated that the organizer cancelled the events. Chairman Kuhr stated that there will be expiring terms in December. Mr. DeCarli stated that the 2019 calendar of meeting dates will be on the December agenda.

9. Set Public Hearing(s) for December 5, 2018 – None.

10. Adjournment: Vice-Chairman Zatorski made a motion to adjourn at 8:23 p.m. The motion was seconded by Mr. Sennett. The vote was unanimous in favor.

Respectfully submitted,
Christine Castonguay,
Recording Clerk