

Town of East Hampton
Planning and Zoning Commission
Regular Meeting November 3, 2021
Town Hall, Eaton Smith Council
Chambers Room #107 and Virtual
Meeting

MINUTES

1. Call to Order and Seating of Alternates:

Chairman Zatorski called the meeting to order at 7:01 p.m.

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

Absent: Ted Hintz, Jr.

2. Approval of Minutes:

A. October 6, 2021 Regular Meeting: Mr. Rux made a motion to approve the October 6, 2021 minutes as written. The motion was seconded by Vice-Chairman Kuhr.

Vote: 7-Yes; 0-No

3. Communications, Liaison Reports and Public Comments: Mr. DeCarli told Commission Members the quarterly report for CFPZA's in their materials. Mr. Kowalczyk reported the Regional Planning Commission started the regional housing plan and they working on a new interactive website where all data will be available by the end of the year. They also introduced a proposal for a stone wall ordinance to protect historic stone walls in the region. Chairman Zatorski reported IWWA will be discussed during one of the applications. Mr. Sennett reported he attended via Zoom the ZBA meeting held on October 18, 2021. There were three applications: Richard Fielding, 30 South Main Street, Application for Variance to reduce front setback from 50' to 18.8' to reconstruct and expand existing garage, Granted. Global 66, LLC. 265 West High Street, Application for Variance to Increase allowed size of façade mounted sign from 198 sq. ft. to 290 sq. ft. and to allow the sign to be internally illuminated, Granted. Richard Vesce, 62 Main St, Application for Variance to allow additional dwelling unit on ground floor in Village Center Zone, Granted. The following Commission Members did not have anything to report: Mr. Tamaro, Vice-Chairman Kuhr, Mr. Rux, Ms. Wright, and Mr. Gauthier. Chairman Zatorski asked for public comments at this time. Kate Avery of 14 Edgerton, asked Commission Members what specific standards are being used and what benefits there are when revisiting denial of zone change in the last twelve months. Ms. Avery stated she is concerned with inequities of resources and how that impacts residents and small businesses who may not be able to hold onto mortgages for periods of time. Chairman Zatorski replied the Commission did not deny a zone change and they tried to get approval for a zone change and it did not pass. If an application is denied without prejudice they can come back. If an application was denied and it is substantially changed the application, even if it is the same property, can come back that is considered state law. They do not make decisions regarding finances of an applicant and it is not taken into consideration.

4. **Read Legal Notice for November 3, 2021:** None.

5. **Public Hearings for November 3, 2021:** None

6. **New Business:**

Application PZC-21-022: Atlantis Marketing, 1&5 Colchester Ave and 157 Main St. for a Zone Change from R-2 to Commercial. Map 07A/ Block 56/ Lots 21, 22, 24. Mr. Rux asked Mr. DeCarli if this is a new application with new fees. Mr. DeCarli replied it is a new application, fee and concept plan. Mr. Tammaro wanted to know the difference between this application versus the prior application submitted. Mr. DeCarli stated the purpose of tonight is to hear the application to hear the differences and to possibly accept the application to move forward. Mr. DeCarli also stated the Commission shall not be required to accept an application that is substantially the same within the last 12 months. Mr. Sennett wanted to know if they accept the application will there be a public hearing for residents to express their concerns similar to before. Mr. DeCarli replied zone changes always require a public hearing. Attorney Scott Jezek of East Haddam, representing Atlantis Marketing, Jack Belowich, Business Development Manager. Attorney Jezek presented, these properties were subject to a prior application and the current application has several material changes. The prior application had issues with contention with a reported historic building on the site to the north of existing gas station and convenience store. The historic building will remain on site to allow preservation but in the prior application the building was to be razed. The residential house on Route 16 will be removed. They have also reached out to the Town regarding a building far north on the property regarding the need for housing. They will preserve that structure for a housing program. Mr. Smith Project Engineer of CNG Environmental, stated the main difference with this concept plan is a filling station orientated along Colchester Avenue, and the area to the north by Main Street is largely left as is. The existing brick building will remain, the residential property will be preserved. Overall the filling station will be more compact re-oriented to separate other structures on the property. Mr. Smith also noted multiple curb cuts along Colchester Avenue away from the intersection and eliminating curb cuts along Main street. Commission Members briefly discussed the properties curb cuts. They wanted clarification where the exact proposed entrance and exit to the gas station will be. Vice-Chairman Kuhr asked how many pumps there will be. The original application had four pumps all in a row, but current plan still has four with a different layout. Vice-Chairman Kuhr asked the proposed size of the building in this concept plan. Mr. Smith replied 3900sq. ft. and believes the last plan was over 4000 sq. ft. Mr. Gauthier asked Mr. DeCarli for clarification on residential houses on the property if they would be non-conforming if property becomes commercial zone. Mr. DeCarli stated if property becomes commercial zone the residential properties on this site would become legal non-conforming and commercial applications could move forward on this site. Attorney Scott Jezek stated there are no plans for residential use for the historic brick building. Mr. Tammaro asked for clarification of plans for historic building on property. Attorney Scott Jezek stated the applicant will preserve the historic building with no intent of residential use and they propose to merge three lots into one. Commission Members discussed this application and previous applications for this property location. Vice-Chairman Kuhr stated he believes application is similar to last. Attorney Scott Jezek replied from comments received from

previous application they have made significant changes within the perimeter. Commission members discussed zone change to commercial properties and possible future uses of the change. Mr. DeCarli quoted the regulation language, “the Commission shall not be required to hear any petition or petitions related to the same change or substantially same changes more than once in a period of twelve months.” In January 2021 the applicants filed an application and they can wait two months and re-file in January 2022 or the Commission can listen to application now. Mr. Tammaro questioned whether it was based on the date of the application or the date of the last hearing. Mr. DeCarli referred to the language in the regulations and stated he would personally probably go by the filing date of the application. Mr. Tammaro questioned his interpretation and felt the language implied it would be based on the date of the last hearing and not application. Mr. DeCarli stated that the Commission could use that. Commission Members discussed differences between application denials, passage, withdrawn and approvals and whether to consider now or wait until spring. Mr. Gauthier made a motion to continue the Application PZC-21-022: Atlantis Marketing, 1&5 Colchester Ave and 157 Main St. for a Zone Change from R-2 to Commercial. Map 07A/ Block 56/ Lots 21, 22, 24 to January 5, 2022. During discussion Mr. Kowalczyk asked whether the Commission could hear the application for zone change on each property individually. Mr. DeCarli stated he was personally very uncomfortable with language in the regulation that gives the Commission a 12-month window and would be really concerned about it going in front of a court of law. The motion was seconded by Mr. Rux. *Vote: 5-Yes; 2-No (Mr. Tammaro and Mr. Gauthier)*

7. Old Business:

A. **Application PZC-21-021: Global 66, LLC, 265 West High St., Site Plan**

Modification, Map 6/Block 12/Lot 9. Wayne Rand of Global 66 Storage stated via email he would like to continue application to the next regularly scheduled meeting. Vice-Chairman Kuhr made a motion to continue Application PZC-21-021: Global 66, LLC, 265 West High St., Site Plan Modification, Map 6/Block 12/Lot 9 to the next regularly scheduled meeting December 1, 2021. The motion was seconded by Mr. Rux. *Vote: 7-Yes; 0-No*

B. **Discussion: Home Based Occupations: Accessory Dwelling Units “As of Right”:**

Chairman Zatorski stated he wanted Commission Members to read regulation as he would like to discuss Home Base Occupations at the next regularly scheduled meeting on December 1, 2021 and would like to possibly have a public hearing in January 2022. Mr. Rux wanted clarification on section 8.4.0 number 8 in the regulation. Mr. DeCarli replied the language in regulation needs to be clarified.

C. **Discussion: Accessory Dwelling Units “As of Right”.** Chairman Zatorski stated he would like to discuss what the Commission would like to do and recommend in their regulations to present to the Town Council. Mr. DeCarli explained he would like to review survey feedback from the senior survey finished a week ago. Mr. Sennett asked for clarification on what the Commission can do regarding these regulations. Chairman Zatorski stated they could opt out and let the State know this Commission has its own

regulation and Town Council must do it as well. There will be a public hearing on the matter. Continued to the next regularly scheduled meeting December 1, 2021

D. Discussion: Update Sign Regulation to Include PO/R Zone Sign Standards:

Continued to the next regularly scheduled meeting December 1, 2021.

8. Planner's Report – Mr. DeCarli stated that RFP for redevelopment of 1 Watrous, 13 Watrous and potentially 13 Summit proposals are due back November 19, 2021. The RFP designates one member of PZC as a member for the review committee to choose proposal. Chairman Zatorski volunteered and Mr. Tammaro volunteered as alternate. Mr. Gauthier asked if there has been any interest in the properties. Mr. DeCarli replied there have been a few interested.

Mr. Tammaro asked Commission Members thoughts on discussing types of businesses and how many in Town. Mr. DeCarli stated the Commission might want to consider a density maximum for regulations with types of businesses.

9. Set Public Hearing(s) for December 1, 2021 – A public hearing was set for Agenda Items: 6A, B and C

10. Adjournment – Chairman Zatorski made a motion to adjourn at 8:40 p.m., seconded by Mr. Rux. The vote was unanimous in favor

Respectfully submitted,



Cheryl Guiliano
Recording Secretary