

Town of East Hampton  
**Planning and Zoning Commission**  
Regular Meeting  
December 2, 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 Tamaro, Roy Gauthier and James Sennett, Alternate Members: Mike Kowalczyk and Ted Hintz, Jr. and Zoning Official Jeremy DeCarli.

Absent: Regular Member Meg Wright and Alternate Member Tim Puglielli.

Alternate Member Ted Hintz, Jr. was seated at this time.

**2. Approval of Minutes:**

**A. November 4, 2020 Regular Meeting:** Vice-Chairman Kuhr pointed out a clerical error under Agenda Item #5A to be corrected. Mr. Sennett made a motion to approve the November 4, 2020 minutes with the suggested correction. Mr. Rux seconded the motion. ***Vote: 6-Yes; 1-Abstention (Vice-Chairman Kuhr).***

**3. Communications, Liaison Reports, and Public Comments:**

**Communications:** None.

**Liaison Reports:**

Mr. Gauthier did not have a report.

Mr. Kowalczyk stated that the RPC will have 3 public workshops for land use boards and the public. The meeting dates are 12/9/2020, 12/15/2020, 12/21/2020 and 1/5/2021.

Mr. Sennett attended the 11/9/2020 ZBA meeting: there was one application: ZBA-20-015, Kevin Herrick, 49 Bay Road, to reduce side setback 15' to 12' to construct a 4' wide deck to allow for access and egress from the main floor Map 09A/Block 70/Lot33. The application was approved.

Chairman Zatorski stated that there were no Inland Wetlands and Watercourse Agency items that pertain to Planning and Zoning.

Mr. Tamaro, Mr. Rux and Vice-Chairman Kuhr did not have items to report.

Chairman Zatorski asked for public comments at this time and re-iterated that the comments should not pertain to Agenda Item #5A. There were no comments.

**4. Read Legal Notice for December 2, 2020:** Staff read the legal notice for the record.

**5. Public Hearings for December 2, 2020:**

**A. 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. The applicants John and Christine Gustavson presented. They provided a brief summary of who they are and what their vision is: to change the zone for 5 acres of frontage at 9 Middle Haddam Road to move their established veterinary business to Cobalt. The property is across the street from the post office and on the same side as an existing doll business and rehab facility. They are proposing to renovate the existing home on the property for their veterinary hospital with a parking area behind the house and the 4' rock wall will remain. They will add on to the existing house to have a waiting area and offices. The rest of the property will remain undeveloped to create a buffer for the abutters and to preserve the character of the property as outlined in the POCD. The veterinary clinic will be operated the same as it is at their current location which is:

Monday through Friday 8 a.m. to 6 p.m. and Saturday until 1 p.m. They average 4 customers per hour (by appointment) and have a total of 6 employees which includes the doctors therefore they predict minimal traffic. Animals needing overnight care will continue to be sent to 24-hour off-site clinics.

Chairman Zatorski asked for public comments at this time. Mr. DeCarli stated for the record that the Land Use office received 23 letters of support for the application, a signature sheet with 61 signatures of support, 3 letters of opposition and 1 letter supporting the business but not the zone change. All of the letters are available to the public via the Land Use Department. The following residents spoke in favor: Jean Meloney of 333 Waterhole Rd., Rob Dietz of 11 High Point Dr., Gail Hintz of 12 Depot Hill Rd., Jeff Cahoon of 60 Saffron Ln., Carrie Cutler of 180 Chestnut Hill Rd., Ken Lee of 52 Pine Brook Rd., Diane Law of 80 Depot Hill Rd., Melissa Baribault of 33 High Point Dr., Kim Sawicki of 163 Middle Haddam Rd., Seth Keilbach of 160 Middle Haddam Rd., Karen Lee of 52 Pine Brook Rd., Ann McKinney of 44 Long Hill Rd. and Melissa Sweet of 27 Arden Dr. The following residents spoke in opposition: Pam Hatfield of 37 Fern Ln., Justin Brochu of 1 Old Depot Hill Rd. and Mike Piergallini of 16 Fern Ln. Ellen Zettelmoyer of 32 Oakum Dock Rd. expressed her concern about the amount of land that will be rezoned. Attorney Grady of 10 Oakum Dock Rd. would like to see a case be presented for the zone change. Charlie Dutch, L.S. of Dutch and Associates 392 Main Street in Colchester reviewed the site plan and briefly explained why further development of this land would be very difficult. Mr. Gauthier expressed his concerns about changing the zone and ownership of the land. Mr. Tammaro echoed the concern and added his concerns about POCD compliance. Vice-Chairman Kuhr asked about the possibility of a text change for the R2 Zone to include a veterinary clinic. Mr. Tammaro agreed. There was a brief discussion about doing a text change to add a veterinary clinic in residential zones. There were no further comments. Chairman Zatorski stated that he would like to add an agenda item #6C for a text change for a veterinary clinic in a residential zone. Vice-Chairman Kuhr made a motion to continue the 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 to the next regularly scheduled meeting on January 6, 2021 per the request of the applicant. The motion was seconded by Mr. Gauthier. **Vote: 7-Yes; 0-No.**

Vice-Chairman Kuhr made a motion to continue 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 to the next regularly scheduled meeting on January 6, 2021 per the request of the applicant. The motion was seconded by Mr. Tammaro. **Vote: 7-Yes; 0-No.**

## **6. New Business:**

### **A. Application PZC-20-024: Paula Free, 249 West High St., for a special permit per Sec. 8.4**

Motor Fuel Filling Station for a proposed convenience store. Map 06/Block 12/Lot 1B. Mark Smith, P.E. from CMG Environmental presented. From 1959-1987 this location was a filling station. The tanks were removed in 1987. There is approximately 1300 sq. ft. of unused first floor space that the applicant would like to renovate into a small convenience store associated with a filling station that will have a canopy with 4 pump islands. There are currently 3 curb cuts along Rte. 66 and 2 along Rte. 16. They are proposing one full service entrance and exit on Rte. 16 and one in and one out along Rte. 66. Currently there is no stormwater management so the runoff goes towards Rtes. 66 and 16. They are proposing the installation of catch basins, hoods and piping the runoff through a treatment unit and releasing it towards the intersection (still on their property) in a level spreader. Impervious surface will be reduced therefore there will be a reduction in the peak grade runoff. Curbing and landscaped areas will be established. He explained the extensive landscaping plan and commented that this proposal is a minor expansion of an existing commercial use that is POCD compliant. Chairman Zatorski stated that there is a residential apartment on the property which is not allowed for that zone. Mr. DeCarli explained that the burden of proof is on the applicant to prove that it is a legal non-conforming use because it existed prior to the establishment of the Regulations. A signed affidavit from a resident was submitted stating that the mixed use existed prior to the Regulations. Mr. DeCarli researched the Town records and was unable to establish a mixed use at

that property. Chairman Zatorski stated that as a single Commission member he would require additional information and proof before moving forward with this application. Vice-Chairman Kuhr, Mr. Rux and Mr. Gauthier agreed that additional documentation/proof is needed. The application was not opened therefore there was no need to continue it.

- B. Application PZC-20-025: Z Incorporated / Cobalt Health Care, 29 Middle Haddam Rd.,** for a Special Permit and Site Plan Modification for a 2698 sq. ft. addition. Map 01C/Block 9/Lot 7. Chris Hill, the Architect from Blue Moon Design presented. There was fire damage to one wing of the facility and hazardous materials being abated at another portion of the wing therefore there is a loss of much needed space for the facility. The new addition will have the kitchen and physical therapy and rooms were added to the old house. In an effort to decrease the lot coverage, the garage and one-story house will be removed. The Middle Haddam Historic District has approved the proposed addition but the applicant did not apply for the demolition so they will have to return to the Commission to complete the formality. There has been no change in activities or census so additional parking was not a concern for the owner. Mr. DeCarli stated that he received a complaint about the gate along Fern Lane being open and that he addressed with the owners. Ted Hintz, Jr. made a motion to set a public hearing for Application PZC-20-025: Z Incorporated / Cobalt Health Care, 29 Middle Haddam Rd., for a Special Permit and Site Plan Modification for a 2698 sq. ft. addition. Map 01C/Block 9/Lot 7 for the next regularly scheduled meeting on January 6, 2021. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No**
- C. Text Amendment to Sec. 8.4 to include a veterinary clinic in Residential Zones** – The members discussed which Residential Zones should be included, buffer requirements and the amount of land that may be required. Vice-Chairman Kuhr made a motion to set a public hearing for a Text Amendment to Sec. 8.4 to include a veterinary clinic in the R-2 and R-4 Zones for the next regularly scheduled meeting on January 6, 2021. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No.**

**7. Old Business:**

- A. Discussion: Update Sign Regulation to Include PO/R Zone Sign Standards** – Chairman Zatorski continued the Discussion: Update Sign Regulation to Include PO/R Zone Sign Standards to the next regularly scheduled meeting on January 6, 2021.
- B. Discussion: Home Based Occupations** – Chairman Zatorski continued the discussion: Home Based Occupations to the next regularly scheduled meeting on January 6, 2021.
- C. Updates to the Official East Hampton Zoning Map** – Chairman Zatorski continued the Updates to the Official East Hampton Zoning Map to the next regularly scheduled meeting on January 6, 2021.
- D. Approval of the 2021 Meeting Dates** – Mr. Sennett made a motion to approve the 2021 meeting dates as written. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No.**

- 8. Planner's Report** – Mr. DeCarli reported that the issues at 108 Main Street have been forwarded to the Town Attorney who sent it to the court and the homeowner has been notified.

- 9. Set Public Hearing(s) for January 6, 2021** – Public hearings were set under agenda items# 6B and 6C.

- 10. Adjournment** – Mr. Rux made a motion to adjourn at 9:28 p.m. The motion was unanimous in favor.

Respectfully submitted,

Christine Castonguay  
Recording Secretary