

Town of East Hampton
Planning and Zoning Commission
Regular Meeting
December 4, 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, Angelus Tammaro, Alternate Members Mike Kowalczyk, Timothy Puglielli and Ted Hintz Jr. and Zoning Official Jeremy DeCarli.

Absent: Roy Gauthier

Chairman Kuhr seated Alternate Timothy Puglielli. Chairman Kuhr made the following corrections to the Agenda: Items #5A & 5B will be moved to 7A & 7B and #7A will now be &7C. The reason for the amendments is a clerical error on the Agenda.

2. Approval of Minutes:

A. November 6, 2019 Regular Meeting – Vice-Chairman Zatorski made a motion to approve the November 6, 2019 minutes as written. The motion was seconded by Mr. Sennett. **Vote: (7-0)**

3. Communications, Liaison Reports, and Public Comments:

Communications:

There was one item of communication: the quarterly newsletter of the CT Federation of Planning and Zoning Agencies.

Liaison Reports:

Mr. Kowalczyk stated that the RiverCOG RPC did not meet.

Mr. Sennett attended the November 18th ZBA meeting where 2 applications were heard:

Application ZBA-19-011, Keith LaBar, Jr. for Delia Sienna, 16 Hawthorne Rd., for a variance to reduce the side setback from 15' to 8' and reduce the front setback from 25' to 8' to construct a 12' x 15' carport over existing driveway. Map 10A/Block 81/Lot 6A

Application ZBA-19-013, Paul Catalano, 49 Bay Rd., for a variance to reduce the side setback from 15' to 12' 11" to build a single family home on existing footprint with a 24' x 13'4" addition. The home was approved to be constructed in a compliant location, but the contractor built a portion of the home in a non-compliant location. Map 9A/Block 70/Lot 33. ***Both applications were approved.***

Vice-Chairman Zatorski stated that there no IWWA items that concern PZC.

Mr. Rux, Ms. Wright and Mr. Tammaro did not have a report.

Chairman Kuhr asked for public comments at this time for anything except Agenda #5A which is now PZC-19-016 Dean Brown, 26 Barton Hill Rd., for amendments to Zoning Regulation, Sec. 8.4, Bed and Breakfast. There were no comments.

4. Read Legal Notice for December 4, 2019: Staff read the legal notice into the record.

5. Public Hearings for December 4, 2019:

A. PZC-19-016: Dean Brown, 26 Barton Hill Rd., for Amendments to Zoning Regulation, Section 8.4, Bed and Breakfast. Attorney Mark Branse presented on behalf of Mr. Brown. He explained that the revised text that they are proposing provides more protection and guidelines and addresses specific details that the original draft lacked. He stated that the appeal to the Superior Court that was filed after the last application was denied will be withdrawn after his application is

voted on. He added that the B&B brings patrons to East Hampton and benefits businesses as well as increases exposure when events are held. For comparison, Mr. Brown did some research on other B&B's in Connecticut and shared the information (acreage, events and attendance number) with the Commission. A preliminary site plan was submitted which showed ample parking for events. There were 2 items on the staff report that Attorney Branse addressed: event patrons will not use the restroom facilities of the building, restroom facilities will be provided for events which is a requirement of the building and health department and in regards to amplified music, the text amendment provides the opportunity for the Commission to look at each individual site and determine if the site is suitable for the frequency and hours of amplified music. Vice-Chairman Zatorski stated that he is in favor of the amendment because it increases visibility of a business in town (which is part of the POCD) and it provides protection for the Commission. Mr. Tammaro felt that the topic of amplified sound can be handled through the Special Permit process as opposed to being part of the Regulation. Vice-Chairman Zatorski proposed adding a line to the topic of amplified sound in the proposed text: "sound level shall be specified by the applicant as part of the Special Permit application." He added that he would like to add the following sentence to the end of item# b "sanitation facilities shall be described as part of the Special Permit application" and to add "Fire Marshal" after "Zoning Enforcement Officer" under item# d (first sentence). Mr. Rux inquired about provisions for emergency vehicle access which Mr. Brown explained that it is not an issue. Mr. DeCarli added that a Special Permit requires a site plan and that the Fire Marshal will have oversight. Chairman Kuhr asked for public comments at this time. Peter Callan of 17 Bay Road spoke in support of this application. There were no further comments. Vice-Chairman Zatorski made a motion to close the public hearing for PZC-19-016: Dean Brown, 26 Barton Hill Rd., for Amendments to Zoning Regulation, Section 8.4, Bed and Breakfast. The motion was seconded by Mr. Rux. ***Vote: (7-0) The motion passed.***

Vice-Chairman Zatorski made a motion to approve PZC-19-016: Dean Brown, 26 Barton Hill Rd., for Amendments to Zoning Regulation, Section 8.4, Bed and Breakfast as presented with the following changes: add the following sentence to the end of item# b "sanitation facilities shall be described as part of the Special Permit application" and to add "Fire Marshal" after "Zoning Enforcement Officer" under item# d (first sentence) and for the following reason: the amendments are consistent with the POCD to promote both Commercial and Industrial business within the Town of East Hampton. The motion was seconded by Mr. Rux. ***Vote: (7-0) The motion passed.***

6. New Business: None.

7. Old Business:

A. PZC-19-010: Roncalli Institute, Inc., 49 Oakum Dock, for a Zone Change from R-2 to Commercial. Map 02/Block 9A/Lot 2. Chairman Kuhr reminded everyone that the public hearing is closed for 7A and 7B. Mr. DeCarli provided the members with a staff report and legal comments from the Town Attorney. Chairman Kuhr voiced his concerns about potential legal issues and liability particularly with the Town owned easement. The members agreed that those concerns are outside of the Commission's scope. A discussion took place among the Commission members about what would be the best scenario for the Town. Vice-Chairman Zatorski made a motion to approve PZC-19-010: Roncalli Institute, Inc., 49 Oakum Dock, for a Zone Change from R-2 to Commercial Map 02/Block 9A/Lot 2 for the following reasons: the zone change is consistent with the historical uses of this particular property and has been established as an Industrial/Commercial type of use, it has operated as a marina with a Commercial/Industrial use since 1955, it is consistent with the POCD to diversify, retain and expand the Commercial and Industrial properties, there is access to Rte. 66 and there is access to natural gas, power and any future water system that the Town of East Hampton elects to install. The motion was seconded by Mr. Tammaro. ***Vote: 5-2 (Ms. Wright and Mr. Sennett opposed). The motion passed.***

B. PZC-19-011: Roncalli Institute, Inc., 49 Oakum Dock, for a Special Permit to construct an Assembly Hall in the Commercial Zone (Sec. 5.2.C) Map 02/Block 9A/Lot 2.A. Chairman Kuhr stated that the plans have been reviewed, public comments were heard and sound barriers were addressed for this application. Mr. DeCarli informed the Commission members that a lot line revision was done and that the septic system has to be re-located because it's in the area of the lot line revision so at this time, the Chatham Health District is waiting for the Dept. of Public Health to issue a report. There are steps that the applicant needs to take before the DPH will issue a report.

Vice-Chairman Zatorski commented that the Commission cannot move forward until they receive something from the Chatham Health District and that the Chatham Health District can't do anything until the lot line revision and septic location are addressed. Mr. Rux felt that the extra time would give the Commission and Town Staff the opportunity to create verbiage to protect the neighborhood adjacent to the zone change. Chairman Kuhr added that it will also give the Commission time to receive recommendations or comments from the Town Attorney. Vice-Chairman Zatorski made a motion to continue PZC-19-011: Roncalli Institute, Inc., 49 Oakum Dock, for a Special Permit to construct an Assembly Hall in the Commercial Zone (Sec. 5.2.C) Map 02/Block 9A/Lot 2.A to the next regularly scheduled meeting on January 8, 2020. The motion was seconded by Mr. Rux.

Vote: (7-0) The motion passed.

- C. Updates to Sec. 3.1 Lake Pocotopaug Protection Zone** – Mr. DeCarli informed the members that the next workshop will be on December 16th at the library (meeting room) from 6:30 to 8 p.m. He said he will review the updates and listen to comments. Chairman Kuhr said there was discussion about aeration at the last workshop and that he is hopeful that the Commission has ample time to review what was previously discussed. Mr. Tammara suggested providing handouts. A brief discussion followed about rain gardens and easements.

8. Planner's Report – There was no report.

Several Commission members inquired about the following items and were provided with an explanation from Mr. DeCarli:

Chairman Kuhr asked about the types of Land Use applications (specifically Planning and Zoning) that have been received in the past month: the zoning application submittal has slowed down a bit due to the season. He also asked about the status of the issues at American Distilling: Mr. DeCarli stated that he has not received any complaints or comments from anyone. Mr. Tammara asked about work being done near the bridge at Christopher Brook: it is a WPCA project to upgrade the pump stations and installing emergency back-up generators. Chairman Kuhr asked about the status of the trailer that is on a property on Rte. 196: it is a court ordered mandate and that the trailer is there to store items from the house so the homeowner can sort through and eventually move back into the house. There is no timeframe issued by the court for the trailer. Mr. Sennett asked for the status of the affordable housing project on Rte. 66: Mr. DeCarli informed the members that he will follow up with the developer because the expiration date is soon. Mr. Sennett asked for the status of the South Main Street affordable housing project: it has lapsed and the developer has it for sale. Chairman Kuhr wanted to know the status of Skyline Estates: they postponed work until the spring of 2020. He also asked about any complaints about Dollar General which there were none and about the status of 100 Young Street: it was purchased by a developer, the existing home will be demolished and a new one built with access on Carriage Drive.

A brief discussion about the status of the roads in the Skyline development as well as the status of the construction of the new Town Hall (the potential move in date is April 2020) and the lake remediation plan.

9. Set Public Hearing(s) for January 8, 2020 - There were no public hearings scheduled.

- 10. Adjournment** – Vice-Chairman Zatorski made a motion to adjourn at 8:43 p.m., seconded by Mr. Rux. The motion was unanimous in favor.

Respectfully submitted,

Christine Castonguay
Recording Secretary