

Town of East Hampton
Planning and Zoning Commission
Regular Meeting
February 5, 2020 – 7:00 P.M.
East Hampton Town Hall Meeting Room

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 Meg Wright, James Sennett, Angelus Tammaro, Alternate Members Mike Kowalczyk, Ted Hintz, Jr. and Zoning Official Jeremy DeCarli.

Absent: Roy Gauthier, Rowland Rux and Tim Puglielli.

Chairman Zatorski seated Alternates Michael Kowalczyk and Ted Hintz, Jr.

2. Approval of Minutes:

A. January 8, 2020 Regular Meeting – Vice-Chairman Kuhr made a motion to approve the January 8, 2020 minutes as written, seconded by Mr. Sennett. *Vote: 7-Yes; 0-No*

3. Communications, Liaison Reports, and Public Comments:

Communications: There were 3 communications in the packets: the quarterly newsletter for the CT Federation of Planning & Zoning Agencies, the annual conference of the CFPZA at Aqua Turf on March 26, 2020 and a letter from the State Siting Council.

Liaison Reports:

Mr. Kowalczyk stated that the RiverCOG RPC met last month. A consultant was hired to complete the RPC Regional Plan of Conservation and Development. A meeting is being planned with all of the 17 towns in the region as well as the First Selectman, Town Administrators, Town Councils and Planning and Zoning Commissions. There will be a 60 day formal public comment when a draft is ready to adopt. The Legislative agenda was discussed and some of the topics were: the Town's liability regarding tree removal (in light of the tree infestations), reliable plans for implementing tolls, promoting stability in trash disposal costs and dissolving taxing districts unilaterally to help manage the budgets.

Mr. Sennett attended the January 13, 2020 ZBA meeting. One application was heard:

Application ZBA-19-014, Ty Sweet, 7 Main St., for an appeal of ZEO Decision: Illegal third apartment unit with inhabitant. Map 05A/Block 62/Lot 12. The application was denied.

Vice-Chairman Kuhr did not have a report.

Chairman Zatorski stated that IWWA items will be addressed under the appropriate agenda items.

Ms. Wright and Mr. Tammaro did not have reports.

Chairman Zatorski asked for public comments at this time. There were no comments.

4. Read Legal Notice for February 5, 2020: None.

5. Public Hearings for February 5, 2020: None

At this time, Ted Hintz, Jr. recused himself from agenda items 6A and 6B.

6. New Business:

A. Application PZC-20-001: Sports on 66, LLC., 265 West High St., for a Special Permit to sell Alcohol as an accessory use. (Sec. 8.4.B). Map 6/Block 12/Lot 20. Molly Bickford, Manager of Sports on 66 presented. They are interested in selling cans of beer and single servings of wine. The alcohol will be served in the mezzanine area and snack bar only. There will be no alcohol in any of

the playing areas. A floor plan of the facility was submitted as well as photos of the snack bar area and bathroom locations. Vice-Chairman Kuhr expressed his concerns about alcohol being served at a facility that has a high volume of children in attendance. Chairman Zatorski asked for a defined plan for alcohol control measures. He also commented that any outstanding issues from previous permits need to be cleared up before any more permits are issued. Mr. Sennett suggested that the applicant collect data from other facilities similar to Sports on 66 who serve alcohol and see what kind of alcohol controls they have in place. Mr. DeCarli said he will research the enforcement part of unfinished work from previous issued permits. Vice-Chairman Kuhr felt that Town Staff should obtain comments from the Police Chief and other Regulatory Departments regarding this application. Chairman Zatorski made a motion to set a public hearing for the next regularly scheduled meeting on March 4, 2020 for Application PZC-20-001: Sports on 66, LLC., 265 West High St., for a Special Permit to sell Alcohol as an accessory use (Sec.8.4.B) Map 6/Block 12/Lot 20. The motion was seconded by Vice-Chairman Kuhr. **Vote: 7-0**

- B. Application PZC-20-002: Stanislaw Oleksenko, 11 Cone Road,** 4 lot subdivision of 14.766 acres parcel. Map 6/Block 36/Lot 6A. Frank Magnotta, C.E. presented. The parcel is 14.7 acres. The owner did a free split and built a home on the original parcel, leaving 14.7 acres that they would like to subdivide the into 3 empty lots and a lot for the home that is under construction. The 3 lots are located in the rear of the parcel with access being via a shared driveway and turnaround (the driveway is not a public way).

There are wetlands that cross the entire length of the parcel and they have an Inland Wetlands application pending. Open space is required but the location of that space has not yet been determined. There will be detention basins on each of the lots. There is no defined storm water system as of yet. The Town Engineer is reviewing the drainage calculations. Chairman Zatorski made a motion to set a public hearing for the next regularly scheduled meeting on March 4, 2020 for Application PZC-20-002: Stanislaw Oleksenko, 11 Cone Road, 4 lot subdivision of 14.766 acres parcel Map 6/Block 36/Lot 6A. The motion was seconded by Vice-Chairman Kuhr. **Vote: 7-0**

Ted Hintz, Jr. returned to the meeting at this time.

- C. Application PZC-20-003: Lisa Sherman,** for an Amendment to Zoning Regulation 5.4.A PO/R Zone. Lisa Sherman from Cromwell presented. She would like to purchase a property on Main Street to reside and have a real estate business there. She will be owner and occupant and will retain the residential character and use of the home.

She is asking to amend zoning regulation 5.4.A to include: “both sides of Main Street up to a distance of 250’ north of the northernmost boundary of the Village Center Zone supplementing uses in the adjacent C and VC Zones.” Currently, the Regulation allows PO/R from the intersection of North Main and Main down Main St. 400’. Lisa is asking for the PO/R Zone to be allowed from the Village Center up Main Street 250’. If approved, she will be asking for a Zone Change to PO/R for 50 Main Street. Chairman Zatorski made a motion to set a public hearing for the next regularly scheduled meeting on March 4, 2020 for Application PZC-20-003: Lisa Sherman, for an Amendment to Zoning Regulation 5.4.A PO/R Zone. The motion was seconded by Vice-Chairman Kuhr. **Vote: 7-0**

- D. Application PZC-20-004: Lisa Sherman, 50 Main St.,** for a Zone Change: R-1 to PO/R. Map 02A/Block 47/Lot 25. Chairman Zatorski made a motion to set a public hearing for Application PZC-20-004: Lisa Sherman, 50 Main St., for a Zone Change: R-1 to PO/R Map 02A/Block 47/Lot 25 for the next regularly scheduled meeting on March 4, 2020. The motion was seconded by Vice-Chairman Kuhr. **Vote: 7-0**

- E. Updates to the Official East Hampton Zoning Map** – Mr. DeCarli stated that there were zone changes that took place from 1990 to current that were not reflected on the map but are now depicted on the updated map. The updated draft of the Zoning Map was presented to the members for review along with a memo that lists the properties that had their zones changed. The members will review the information received and discuss again at the next regularly scheduled meeting.

7. Old Business:

- A. 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. A staff report was given to the Commission members addressing previous topics discussed during the public hearing such as: capacity, gate access, traffic, trailer removal, construction traffic, construction days and times, hours of operation, noise and lighting. Steve Knauf, R.S. from Chatham Health sent an email stating that the Chatham Health District cannot move forward until they receive an approval from the State of CT DPH and the submittal of proper building plans. Mr. Tammaro voiced his concerns about limiting the noise (indoors and out) per the abutters concerns. Chairman Zatorski made a motion to approve 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 2A for the following reasons: the proposed use is consistent with the POCD and the proposed use is appropriate for the property and with the following conditions:

- Maximum guest occupancy for the facility is not to exceed 150 persons;
- The gate at Oakum Dock Road must be kept closed at all times with signage installed stating that the entrance is for emergency access only;
- Traffic to the site is to be directed through the St. Clements Castle main entrance in Portland leading from Route 66 as described in the application including for vendors, guests, marina users, employees, and all other visitors to the property;
- A fifteen foot required landscape buffer shown on the site plan along Oakum Dock Road must be installed on the property and not in the road right of way. This is to be shown on the final site plan to the satisfaction of Town Staff.
- Temporary trailer located to the east of the existing building must be removed as shown on Site Plan;
- All construction traffic must use the St. Clements main gate in Portland due to safety concerns;
- Hours of construction are to be: Monday through Friday, 8:00 am to 6:00 pm and Saturday, 8:00 am to 1:00 pm;
- The facility may be open between the hours of 9:00am and 12:00am on Friday and Saturday, and from 9:00 am to 11:00 pm Sunday through Thursday, with the exception of New Year's Eve.
- All outdoor activities must cease by 8:00pm;
- Signage must be placed on the property to the satisfaction of Town Staff reminding guests to be considerate of the neighbors when outdoors;
- Exterior amplification is limited to music for wedding processions only;
- All other exterior music is to be acoustic only, located in the sound attenuated area and must cease by 8:00pm;
- All amplified sound (including indoor) must cease by 11:00pm;
- Any temporary structures must meet all building and zoning requirements and have appropriate permits and be located to the satisfaction of Town Staff;
- There are to be no permanent outdoor assembly areas (such as seating and tables);
- A sound attenuation structure/curtain must be installed along the eastern/Oakum Dock Road side of the patio area to the south of the assembly structure;
- Food and drink service stations shall be located only in sound attenuated areas;
- Outdoor lighting must be shut off or dimmed in accordance with Section 7.3 of the Zoning Regulations no later than 1 hour after the close of business. Lighting at the loading dock must be connected to a sensor or similar device such that lighting is automatically turned off when the loading dock is not in use;
- Lighting is to be installed in accordance with the submitted plans and be in compliance with Section 7.3 of the regulations;
- Approvals must be obtained from the Chatham Health District and the Department of Public Health prior to the issuance of any Building Permits;
- The owner/operator must provide copies of all well installation documentation, test results, notices, and communications with the Connecticut Department of Public Health regarding the installation, and creation and operation of a public water supply system to the Town of East Hampton Land Use Office;
- The owner/operator must comply with all of the Grantor's requirements, covenants, restrictions, agreements, and easements contained in the Public Water Supply Easement Agreement dated March 26, 2010 and recorded in the East Hampton Land Records in vol. 501 at page 850-861;

- In the event owner/operator is notified by Chatham Health District or Connecticut Department of Public Health of any contamination related to the public water supply system, a copy of such notice shall be immediately provided to the Town and owner/operator shall cooperate with Town to test the Town's water supply wells located on the property for the existence of such contaminant(s), at the sole cost of owner/operator, and if such contaminant(s) are found to exist in the Town's wells, owner/operator shall immediately cease operations until such time as such contamination is remediated to the satisfaction of the Town and the agency providing such notice;
- In the event owner/operator receives any notice from any local, state, or federal agency having applicable jurisdiction, related to any violation of any local, state or federal law, ordinance, statute, or regulation arising from the use of the Premises, owner/operator shall immediately provide a copy of such notice to the Town, and shall immediately cease such activity until such time as the offending actions are cured or remediated to the satisfaction of the Town and the agency providing such notice;
- Town Staff is to be notified prior to the start of construction.

Ted Hintz, Jr. seconded the motion. **Vote: 7-0**

B. Updates to Sec. 3.1 Lake Pocotopaug Protection Zone – Mr. DeCarli stated that there have been no new changes to the draft since last month. He would like to have another workshop around February 18th and is trying to secure a place to host it. He will email the members when the day, time and place are confirmed.

8. Planner's Report – The new Town Hall is progressing. A proposed move in date is Easter weekend. The site work is in the process of being complete. The proposed breakfast place at 13 North Main Street is close to opening. A gas station will re-open at 100 Main Street. Permit applications have been submitted. The work at Belltown Motors will be complete soon.

9. Set Public Hearing(s) for March 4, 2020 – At the January 8, 2020 meeting, a public hearing was set for March 4, 2020 for Application PZC-19-020: Dean Brown, 26 Barton Hill Rd., for a Special Permit to host events at a B&B Map 02A/Block 47/Lot 40. Chairman Zatorski made a motion to set a public hearing for March 4, 2020 for agenda items 6A, 6B, 6C and 6D. Vice Chairman Kuhr seconded the motion. **Vote: 7-Yes; 0-No**

10. Adjournment – Ms. Wright made a motion to adjourn at 9:46 p.m. The vote was unanimous in favor.

Respectfully submitted,

Christine Castonguay
Recording Secretary