

Town of East Hampton
**Planning and Zoning
Commission**
Regular Meeting March 3, 2021 – 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, Regular Members: Meg Wright, Angelus Tammaro, Roy Gauthier, James Sennett and Roland Rux, Alternate Members: Tim Puglielli, Mike Kowalczyk and Ted Hintz, Jr. and Zoning Official Jeremy DeCarli.

Absent: Vice-Chairman Kuhr

Chairman Zatorski seated Mr. Kowalczyk at this time.

2. Approval of Minutes:

A. February 3, 2021 Regular Meeting: Mr. Sennett made a motion to approve the February 3, 2021 draft minutes as written. The motion was seconded by Mr. Rux. *Vote: 7-Yes; 0-No*

Communications, Liaison Reports, and Public Comments:

3. Communications:

The CFPZA Annual Conference has been cancelled. The members of the Zoning Board of Appeals drafted a letter that will be discussed under Agenda #6E.

Liaison Reports:

Mr. Gauthier did not have a report.

Kowalczyk stated that the RPC received an update from the Regional Planning exercise that was conducted a few weeks prior. There were not a lot of comments submitted for East Hampton but they did get several throughout the region. There will be a draft of the existing conditions report for the Regional Plan of Conservation and Development that will be presented at a special meeting on March 9th. They received a referral from the Town of Colchester who are proposing a floating agricultural zone which would potentially allow discussed accessory dwelling units because the State is contemplating legislation that would allow large industrial agricultural buildings be built near the town line. They sent a recommendation that the zones that border East Hampton and other regional towns not be included in the proposal.

Mr. Sennett attended the Zoning Board of Appeals meeting on February 8th and there were 3 applications: Application ZBA-21-001, Brian Galovich, 35 Highland Terrace, to increase the lot coverage from previously approved 13% to 17% to construct an 18' x 36' IG pool with 650 sq. ft. concrete decking around and a 20' x 30; pool house Map 18/Block 44/Lot 78-28. The application was continued to the March 8th meeting. Application ZBA-21-002, Ursula Mascaro, 49 Wangonk Trail, to reduce the north side setback from 15' to 4.47' and the south side setback from 15' to 6.91' to construct a second story addition and a 40 sq. ft. second deck Map 9A/Block 70C/Lot 39. The application was approved. Application ZBA-21-003, Nancy, Donald Jr., Robert and Sue Briere, 91-93 Lake Drive, to subdivide property for Lot A and B: reduce minimum lot area for Lot A from 20,000 SF to 12,029 SF, reduce lot width for Lot A from 125' to 112.70', increase lot coverage for Lot A from 20% to 23.8% and 28.2% for Lot B, reduce front setback for Lot A from 25' to 19.6' and reduce the side setbacks for both lots from 25' to 3.8' Map 25/Block 64/Lot 56. The application was approved.

The application was approved.

Chairman Zatorski stated that any Inland Wetlands and Watercourse Agency items will be addressed

under the appropriate agenda items.

Mr. Tammaro, Ms. Wright, Mr. Puglielli and Mr. Hintz, Jr. did not have items to report.

Chairman Zatorski asked for public comments at this time and asked that the comments not pertain to Agenda Items #4A, 5B or 5C. There were no public comments.

4. Read Legal Notice for March 3, 2021: Staff read the legal notice for the record.

5. Public Hearings for March 3, 2021:

- A. Application PZC-20-024: Paula Free, 249 West High St.,** for a special permit per Sec. 8.4 Motor Fuel Filling Station with a proposed convenience store in the Commercial Zone, Section 5.2. Map 06/Block 12/Lot 1B. The applicant requested to continue the application to the next regularly scheduled meeting on April 7, 2021.
- B. Application PZC-20-026: Long Hill Estates, LLC.,** for a Zone Change from R-2 to C for a new 1.5-acre lot. Map 06/Block 12/Lot 8. The applicant requested to continue the application to the next regularly scheduled meeting on April 7, 2021.
- C. Application PZC-21-001: Gloria & Troy Deleon, 16 Wells Ave.,** for a Special Permit for an Accessory Dwelling Unit per Sec. 8.3.M. Map 05A/Block 63A/Lot 1B Troy Deleon, Jr. stated that besides the main dwelling, an accessory dwelling unit exists that is not complete. They want to finish it by adding a kitchen, bathroom, bedroom and living room so he can live in it. The proposal is compliant with the 8.4 Regulation in terms of the zone and size requirements. Mr. DeCarli explained that there were multiple cottages on the property prior to it being subdivided. At the time of the subdivision, the cottage was not allowed to be a livable space. Chairman Zatorski asked for public comments at this time. A letter from Tracy Dagon was received earlier in the day that expressed concern about noise and activity. There were no further comments. Mr. Tammaro made a motion to close the public hearing for Application PZC-21-001: Gloria & Troy Deleon, 16 Wells Ave., for a Special Permit for an Accessory Dwelling Unit per Sec. 8.3.M. Map 05A/Block 63A/Lot 1B. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No.** Mr. Tammaro made a motion to approve Application PZC-21-001: Gloria & Troy Deleon, 16 Wells Ave., for a Special Permit for an Accessory Dwelling Unit per Sec. 8.3.M. Map 05A/Block 63A/Lot 1B with the condition that it meets the Sec. 8.4M Regulations. The motion was seconded by Mr. Gauthier. **Vote: 7-Yes; 0-No.**
- D. Application PZC-21-002: Timothy Puglielli, 155 Middle Haddam Rd.,** for a 2-lot subdivision. Map 02/Block 18/Lot 24-3. Mr. Puglielli explained that the property used to be 2 lots, he combined them and now wants to divide them again into 2 lots. He would like 2.5 acres on the right side of the driveway and 11 acres to the left of the driveway for the existing home. Both lots conform and have frontage on the main road. The driveway is shared. Chairman Zatorski asked for public comments. There were no comments. Mr. Sennett made a motion to close the public hearing for Application PZC-21-002: Timothy Puglielli, 155 Middle Haddam Rd., for a 2-lot subdivision. Map 02/Block 18/Lot 24-3. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No.** Mr. Rux made a motion to approve Application PZC-21-002: Timothy Puglielli, 155 Middle Haddam Rd., for a 2-lot subdivision. Map 02/Block 18/Lot 24-3 with an effective date of 3/15/2021. The motion was seconded by Mr. Gauthier. **Vote: 7-Yes; 0-No**
- E. Application PZC-21-005: JCG Properties, LLC., 9 Middle Haddam Road,** for a 2- lot subdivision. Map 01C/Block 9/Lot 5. The applicant requested to continue the application to the next regularly scheduled meeting on April 7, 2021.

6. New Business:

- A. Application PZC-21-004: The Dublin, 42 East High St.,** for a Commercial Site Plan

Modification to construct a concrete patio for outdoor seating for 35 people Map 05A/Block 62A/Lot 10. Bob Jeffrey of 42 East High Street presented. The proposal is for a 30' x 25' raised patio (measurement is from the window forward) for a capacity of 35 people. The block wall will be a 30" double wall that will come up halfway and recessed for a planter that will surround it. Wayne Rand described the construction of the wall which will be constructed of versa lot with 2 different tiers and a rail around it. Mr. Tammaro commented that he would like the wall to be structurally sound for patron safety. Mr. Rand agreed that it would be a good idea to re-enforce the wall and to pour the block wall where there is a possible access for a vehicle. The existing walkway/ramp will be covered by the patio and a set of stairs will be installed to access that portion of the patio. The handicap parking in the center of the building will remain the same. On the right side there is a one- way passage to the rear of the building and on the other side of the building is a double lane exiting. Per the applicant, the proposal is far from any obstructions. The parking has been calculated for the additional patrons. There is additional parking in the rear with handicap access to the building. The proposal was sent to the Fire Marshal, the Police Chief and to Chatham Health for review and comments. Comments were received from the Fire Marshal and Police Chief and were addressed and resolved. Mr. Tammaro made a motion to approve Application PZC-21-004: The Dublin, 42 East High St., for a Commercial Site Plan Modification to construct a concrete patio for outdoor seating for 35 people Map 05A/Block 62A/Lot 10 with the following conditions: a plan view and side elevation plan be presented prior to the start of construction to the satisfaction of Town Staff so there is a record on file prior to construction, the concerns of the Fire Marshal be addressed prior to the final construction of the patio and that Town Staff be notified prior to the start of construction and at the end of construction for inspection and for the following reason: it helps a business in Town, it meets the Regulations and comments have been received from other regulatory departments in Town. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No.**

- B. Application PZC-21-006: James Marino, Deer Meadow,** for a Special Permit for an Accessory Apartment. Map 35/Block 95/Lot 7-44. The Commission agreed to continue the application to the next regularly scheduled meeting on April 7, 2021 because the applicant and/or representative was not present.
- C. Application PZC-21-007: Atlantis Marketing, 157 Main Street, 1 Colchester Ave., and 5 Colchester Ave.,** for a zone change from R-2 to Commercial. Map 07A/Block 56/ Lots 21,22,24. Attorney Jezek presented on behalf of the applicant. The original application was withdrawn and a new one was submitted along with modified plans. The last public hearing notice did not include the family residence to the east therefore the notice of public hearing was defective. All the properties are identified on the new application. The revised plans include the re-orientation of the structure as well as more detailed landscaping which will be presented by the design team at the public hearing. They are requesting that a public hearing be set for the next regularly scheduled meeting on April 7, 2021. Mr. Rux made a motion to schedule a public hearing for Application PZC-21-007: Atlantis Marketing, 157 Main Street, 1 Colchester Ave., and 5 Colchester Ave., for a zone change from R-2 to Commercial. Map 07A/Block 56/ Lots 21,22,24 for the next regularly scheduled meeting on April 7, 2021. The motion was seconded by Mr. Gauthier. **Vote: 7-Yes; 0-No.**
- D. Update to Subdivision Regulations Sec. IV.10** – There is a discrepancy between the Zoning and Subdivision Regulations pertaining to abutter notification requirements. State statute was changed 10 years ago from requiring that they be sent certified with return receipt to certificate of mailing. The Zoning Regulation was changed to follow the statute but the Subdivision Regulation was not. Mr. DeCarli requested a hearing being scheduled for the next regularly scheduled meeting on April 7, 2021 to change the language in the Subdivision Regulation to reflect the current abutter notification statute. Chairman Zatorski asked Mr. DeCarli to draft a proposal for the next regularly scheduled meeting on April 7, 2021 where it will be discussed and handled administratively.

E. Discussion: Pools and lot coverage. – Mr. DeCarli explained that there has been an increase of variance requests for lot coverage limitations especially in the Skyline Estates and Seven Hills areas. The lot coverage allowed for those areas are maxed out with the home and the driveway so homeowners apply for a variance for pools or other structures and this is becoming a concern for the Zoning Board of Appeals. They would like the Planning and Zoning Commission to review the Regulations and possibly change the definition of impervious coverage or to change the pool requirements in the Regulations. Chairman Zatorski asked Mr. DeCarli to prepare a draft of what is being proposed and to have it ready for discussion at the May 5, 2021 regular meeting.

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 April 7, 2021.

B. Discussion: Home Based Occupations – Chairman Zatorski continued the discussion: Home Based Occupations to the next regularly scheduled meeting on April 7, 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 April 7, 2021.

8. Planner's Report – A staff report was provided to the Commission members. There were a number of items that legislation is reviewing. They should be discussed at an upcoming Planning and Zoning Commission meeting. Some of the topics that are: recreational marijuana dispensaries, ADU's and accessory use of outdoor eating areas.

9. Set Public Hearing(s) for April 7, 2021 – A public hearing was set for agenda item 5C.

10. Adjournment – Mr. Kowalczyk made a motion to adjourn at 8:07 p.m., seconded by Mr. Rux. The motion was unanimous in favor.

Respectfully submitted,

Christine Castonguay
Recording Secretary