

Town of East Hampton
Planning and Zoning Commission
Regular Meeting
April 3, 2019 – 7:00 P.M.
East Hampton Town Hall Meeting Room

MINUTES

1. Call to Order and Seating of Alternates:

Acting Chairman Zatorski called the meeting to order at 7:00 p.m.

Present: Vice-Chairman Zatorski, Regular Members Meg Wright, James Sennett, Rowland Rux, Roy Gauthier and Alternate Member Michael Kowalczyk were present as well as Planning and Zoning Official Jeremy DeCarli.

Absent: Chairman Kuhr and Alternate Tim Puglielli.

Chairman Zatorski seated Mr. Kowalczyk at this time and thanked the members of the board and members of the public for being present.

2. Approval of Minutes:

A. March 6, 2019 Regular Meeting – Mr. Sennett made a motion to approve the March 6, 2019 minutes as written. The motion was seconded by Mr. Rux. ***Vote: 4-Yes; 0-No; 3-Abstentions (Mr. Tammaro, Mr. Gauthier and Acting Chairman Zatorski). The motion passed.***

3. Communications, Liaison Reports, and Public Comments:

Communications: None.

Liaison Reports:

Mr. Gauthier said that the High School Building Committee is trying to disband but that issues continue such as damage to the gym floor and the stage floor in the auditorium which will be taken care of this summer. The phosphate system for the blue water issue was installed and will need 3 or 4 6 month tests.

Mr. Kowalczyk stated that he attended the Lower CT River Valley Regional

Planning Commission meeting and provided the following topics that were discussed: they are updating the Metropolitan Transportation Plan which is a 20 year plan that is updated every 5 years. The Regional Plan is on hold for now. Various school regionalization proposals are in the early stages at this point, the River COG discussed opposing polls without a thorough study before hand and the importance of the State of CT understanding the impact of the tolls before they are installed and they discussed regionalization issues which was the subject of the CFPZA annual conference. He attended the conference along with Mr. Sennett which focused on various voluntary ways that Towns have been coordinating services for both efficiency and cost savings. The speaker talked about updates in the State legislature that allows regional COG's to apply for any grant that any town or level of government can apply for and a controversial proposal to put Towns in charge of zoning enforcement.

Mr. Sennett attended the March 11th ZBA meeting and provided the following report: there was 1 application: Application ZBA-19-002, Jonathan Palmer, 12 Forest St., for a variance to increase the lot coverage from 20% to 24.2% to install a 27' AG pool and to extend the covered porch another 369 sq. ft. Map 02A/Block 36/Lot 23. The variance was granted.

Mr. Tammaro did not have anything to report.

Chairman Zatorski stated that there was nothing from the IWWA meeting that concerns Planning and Zoning.

Mr. Rux stated that he did not attend the EDC meeting.

Ms. Wright said she attended the CT Bar Association Land Use seminar and found it interesting and gave her an appreciation of Town Staff. Mr. Tammaro found the seminar informative as well.

Chairman Zatorski asked for any public comments not related to Agenda Items #5a and 5B. There were no comments.

4. Read Legal Notice for April 3, 2019: Staff read the Legal Notice for April 3, 2019 into the record.

5. Public Hearings for April 3, 2019:

A. PZC-19-003: Sheila Mullen, 91 Main St., for a Special Permit to sell alcohol as an accessory to a used book/record shop. Map 06A/Block 60/Lot 3. Sheila Mullen read aloud the proposal dated 4/2/2019 that she submitted with her application: "Dexter's Tunes Tales & Ales will be a used book and record shop that serves beer and wine by the cup, owned by my husband Mike Klucznik. I will be the manager of the store and run the day-to-day operations. This would require a tavern permit from the State of CT Department of Consumer Protection. We will only offer pre- packaged snacks of food for sale. We will have a refrigerator behind the counter and serve from our recyclable cans in compostable and recyclable cups made with 100% renewable resources. We will use paper bags only and offer canvas bags for sale. We also would like to become an adult community space where people feel welcome to come and read books, work on their computers, etc. We would like to have acoustic Open Mic evenings and welcome book clubs to gather. We envision being open five days per week, from about 12pm to 7pm or 8pm, with possibly one evening until 9pm or 10pm. We believe that our current business (Fat Orange Cat Brew Co), being an established brewery in town, will help add traffic to the town center by serving our beer. We also feel strongly that a used book and record shop will alone be a draw to the downtown. However, this type of business is almost impossible to sustain without an additional revenue source. We plan on only offering a cup of beer or wine. We will have free potable drinking water available. For customers interested in other beverages or food, we will have a community board promoting other businesses they can visit. We also don't plan to sell local art or crafts, so as not to compete with existing businesses and hopefully only enhance them. As per the state department of consumer protection requirements for the indoor tavern seating, we will have a clearly defined and physically demarcated barrier between the tavern area and the books/record area. We plan on having tasteful seasonal outdoor seating with barriers in both the front and back of the building, also adding to the vibrancy and community feel of the Village Center. Consumer protection does not require barriers for the outdoor seating, but we completely agree with the prior recommendation by the P & Z commission that there should be barriers. We plan on establishing a thoughtful and diverse collection of used books and records in order to build a high-quality reputation among the collecting community. Regarding off-premise sales: The tavern permit allows holders to sell 4 Liters of draught beer for off-premise consumption in growlers (320Z bottles) or Crawlers (320Z cans). We would like to explore the possibility in the future of, during the winter months only, selling exclusively our small-batch FOC Crawlers. This is different and separate from the

large-batch beer we distribute to restaurants and package stores, therefore not competing with our area retail customers. We feel strongly that adding consumer flow to The Village Center in the winter could be helpful to the area and encourage other small businesses to invest their time, expertise and passion in this part of town.

Regarding parking:

There are approximately 68 public parking spaces in three separate public lots, plus ample street parking. The rear of 91 Main will only have possibly a handicap space and one space for the upstairs office. The driveway is joined with Center Package Store's parking lot, and we have addressed the concern of potential use of their lot for our business. I spoke to owner John Ponzio and we agreed that I will provide both ample signage and some sort of mutually agreed-upon physical demarcation. We are equally passionate about books and records as we are about beer, and believe with this energy the business would flourish in the Village Center.

In summary regarding our town center:

Surrounding towns are making small Main Streets work, despite the online ease of shopping for pretty much anything these days. Last month was my 30-year anniversary of living in my home here in East Hampton. We have such a passionate, extremely intelligent and committed group of small businesses downtown right now. In my thirty years here, I have never seen a collective of folks with such current success and future potential. I hope, with your support, we can add to this momentum.” Chairman Zatorski addressed the recommendations made by Chatham Health District, the Fire Marshal and the Chief of Police and was told by Mr. DeCarli that the recommendations will be addressed by the applicant when they receive approval from the Planning & Zoning Commission and when construction commences. Mr. DeCarli provided a brief history of the parcel as well as a brief explanation of a tavern permit. He stated that parking should not be an issue because there is on-site parking, street parking and 2 lots nearby. Ms. Mullen stated that her preliminary floor plan shows 28 interior seats and 34 exterior as well as 3 ground level exits. Chairman Zatorski asked for public comments at this time. Ann Maynard of 402 Lake Vista Drive spoke in favor of the application. William Denunzio of 40 Spice Hill spoke in favor. Peter Aarrestad of 21 Bay Road spoke in favor. Kim Perrotta of 5 Nicholas Court spoke in favor. Chairman Zatorski made a motion to close the public hearing for PZC-19-003: Sheila Mullen, 91 Main St., for a Special Permit to sell alcohol as an accessory to a used book/record shop. Map 06A/Block 60/Lot 3. The motion was seconded by Mr. Rux.

Vote: 7-Yes; 0-No. The motion passed. Chairman Zatorski made a motion to approve the application of PZC-19-003: Sheila Mullen, 91 Main St., for a Special Permit to sell alcohol as an accessory to a used book/record shop. Map 06A/Block 60/Lot 3 with the following conditions: the handicap space as per police request and Town Staff be demarcated for the rear of the building, all permits and approvals are obtained from the regulatory departments before occupancy and to the satisfaction of the Town Staff, the operating hours are no earlier than 11 a.m. and no later than 10 p.m. (7 days a week), the open mic be restricted on the interior of the building with permitted open mic on the outdoors to be restricted to acoustic open mic only, Town Staff be notified prior to the start of construction and notified at the end of construction, the maximum occupancy (approved by Town Staff and the Fire Marshal) be posted on the interior and exterior of the front and the rear of the business. The motion was seconded by Mr. Rux. ***Vote: 7-Yes; 0-No. The motion passed.***

B. PZC-19-004: Theater Square, LLC., 11 North Main St., for a Special Permit for a frozen

dairy shop. Map 01A/Block 39A/Lot 28A. Mr. DeCarli explained that Abeezy Frozen Yogurt shop was operating at this location without a Special Permit and now Mr. Haller would like to re-open the shop so this application is to obtain a Special Permit so that the correct paperwork can be filed and the business can continue. Chairman Zatorski reminded the members that a Cool Sculpting business was previously approved for this location but that the funding for it fell through. Mr. Haller explained that he would like to open an ice cream shop and not a frozen yogurt shop. They will be adding slide windows for walk up customers (no drive thru) but other than that there will be minimal interior changes made. They will be keeping the indoor seating layout as well as the outdoor seating. Chairman Zatorski opened the public hearing at this time. The only individual that was present was the applicant. Chairman Zatorski made a motion to close the public hearing for PZC-19-004: Theater Square, LLC., 11 North Main St., for a Special Permit for a frozen dairy shop. Map 01A/Block 39A/Lot 28A. The motion was seconded by Mr. Rux. ***Vote: 7-Yes; 0-No. The motion passed.*** Chairman Zatorski made a motion to approve the application for PZC-19-004: Theater Square, LLC., 11 North Main St., for a Special Permit for a frozen dairy shop. Map 01A/Block 39A/Lot 28A with the following conditions: Town Staff be notified prior to the start of construction and at the end of construction, all permits from regulatory departments and Town be obtained prior to opening the business and to the satisfaction of Town Staff, the hours of operation are to be not before 11 a.m. and not after 11 p.m. and for the following reason: this application is a continuation of an existing business that has existed in that same location for several years prior to this application. Mr. Rux seconded the motion. ***Vote: 7-Yes; 0-No. The motion passed.***

6. New Business: None.

7. Old Business:

- A.** Updates to Sec. 3.5 Lake Pocotopaug Protection Zone – Continued to the next regularly scheduled meeting on May 1, 2019.
- B.** Amendments to Regulation requiring Public Hearing for new Commercial construction. Continued to the next regularly scheduled meeting on May 1, 2019.

8. Planner's Report – Mr. DeCarli suggested tabling his report to the next regularly scheduled meeting.

9. Set Public Hearing(s) for May 1, 2019 – No public hearings set.

10. Adjournment: Mr. Rux made a motion to adjourn at 7:58 p.m. The motion was seconded by Mr. Gauthier. The vote was unanimous in favor.

Respectfully submitted,
Christine Castonguay,
Recording Clerk

