

Town of East Hampton  
**Planning and Zoning  
Commission**  
Regular Meeting April 7, 2021 – 7:00 P.M.  
Virtual Meeting

**MINUTES**

**1. Call to Order and Seating of Alternates:**

Chairman Zatorski called the meeting to order at 7:01 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. Hintz, Jr. at this time.

**2. Approval of Minutes:**

**A. March 3, 2021 Regular Meeting:** Mr. Rux made a motion to approve the March 3, 2021

Regular Meeting minutes as written. The motion was seconded by Mr. Sennett. **Vote: 7-Yes; 0-No**

Communications, Liaison Reports, and Public Comments:

**3. Communications:**

Mr. DeCarli informed the Commission that the Application for a Zone Change on Long Hill Road was withdrawn for the following reason: the applicant included in his application a 1.5 acre lot but was not aware that the first cut was done in 1967 therefore in order to avoid proceeding with incorrect information, the applicant is withdrawing the application and the 1.5 acre lot is being added to the Subdivision Application he submitted. Mr. DeCarli explained how to navigate during the public hearing if people wish to speak. The instructions were also presented on the screen.

**Liaison Reports:**

Mr. Kowalczyk attended the Regional Plan of Conservation meeting – they are completing the Regional Plan of Conservation draft and it will be sent out for public comments soon.

Mr. Sennett attended the March 8<sup>th</sup> meeting. There was one application: 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 that was approved.

Chairman Zatorski stated that Inland Wetlands items will be covered under the appropriate agenda items.

The following Commission members did not have anything to report: Mr. Gauthier, Mr. Rux, Ms. Wright, Mr. Tammaro and Mr. Hintz, Jr.

Chairman Zatorski asked for public comments at this time that did not relate to Agenda Items: 5A, 5B, 5C or 5D. The following individuals spoke in opposition to Agenda Item 6B: Margaret McCutcheon of 35 Schoolhouse Lane, Mr. Mackeown of 47 Keighley Pond Rd., Sheila Daniels of 40 Long Hill (Sheila added to her opposition that she would like to see an open process and best practice when processing applications), Anne McKinney of 44 Long Hill Rd. and Kyle Dostaler of 56 William Drive voiced concern about potential water issues/testing for the 8 lots proposed for Agenda Item 6B. There were no further comments.

**4. Read Legal Notice for April 7, 2021:** Staff read the legal notice for the record.

**5. Public Hearings for April 7, 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 May 5, 2021. Mr. Rux made a motion to continue Application PZC-20-024: Paula Free, 249 West High St., for a Special Permit per Sec. 8.4 Motor Fuel Filling Station with proposed convenience store in the Commercial Zone, Section 5.2 Map 06/Block 12/Lot 1B to the next regularly scheduled meeting on May 5, 2021 per the request of the applicant. The motion was seconded by Mr. Tammaro. *Vote: 7-Yes; 0-No*
- B. Application PZC-21-005: JCG Properties, LLC., 9 Middle Haddam Road,** for a 2- lot subdivision. Map 01C/Block 9/Lot 5. Christine Gustavson presented. They want to divide the property at 9 Middle Haddam Road into 2 lots: one 5- acre lot along Middle Haddam Road and one 12.5 -acre lot. They are interested in purchasing the proposed 5 -acre lot that fronts Middle Haddam Road. The 12.5 -acre lot will only be accessible via Oakum Dock and will remain undeveloped. The Inland Wetland and Watercourse Agency approved the subdivision at their March meeting. Chairman Zatorski asked for public comments at this time. Jennifer Mikulski of 100 Daly Road asked for clarification of the subdivision, Stuart Winkvist of 11 South Main Street asked for clarification about open space and first cut of the property. There were no further comments. Mr. Rux made a motion to close the public hearing for Application PZC-21-005: JCG Properties, LLC., 9 Middle Haddam Road, for a 2- lot subdivision Map 01C/Block 9/Lot 5. The motion was seconded by Mr. Tammaro. *Vote: 7-Yes; 0-No.* Mr. Hintz, Jr. made a motion to approve Application PZC-21-005: JCG Properties, LLC., 9 Middle Haddam Road, for a 2- lot subdivision Map 01C/Block 9/Lot 5 with an effective date of 4/16/2021. The motion was seconded by Mr. Rux. *Vote: 7-Yes; 0-No.*
- 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. He asked Chairman Zatorski to canvas the Commission to ensure no pre-determination either for or against the application and that none of the Commission members have signed any of the petitions. He asked that this be done based on the recent publicity (media coverage and articles). Chairman Zatorski asked each member individually if they had any pre-determination of the application or participation with the petitions or if they have made any comments about the application: Chairman Zatorski stated that he had no pre-determination nor did he sign any petitions or made any comments for or against this application. The following members made the same statement: Mr. Rux, Mr. Hintz, Jr., Mr. Sennett, Mr. Gauthier, Mr. Kowalczyk, Mr. Tammaro, Mr. Puglielli and Ms. Wright. Attorney Jezek explained that the application is for the properties that the applicant owns at the intersection of Main Street and Rte. 16 (a 500' map of the intersection was available on screen). The first property is 5 Colchester Ave which is the blue raised ranch which is furthest to the east on Rte. 16, the second is 1 Colchester Ave which is the existing Food Bag, further north on Main Street is 157 Main which has a brick multi-family structure directly behind the Food Bag (currently not occupied and not suitable for habitation) and a multi-family on the northern edge of the property. The gas station has been in existence since the late 1940's and when the Town adopted the Zoning Regulations in 1961, the zone was changed to R-2. They are requesting to change the zone for all the properties to Commercial from R-2. The applicant would like to merge the properties together to form a single site and to change the zone to a single Commercial zone. There are 8 arterial roads in East Hampton and 2 are located at the intersection of Rte. 16 and Main Street. The POCD (page 111) states "the purpose of identifying the streets is to encourage economic revitalization." The other arterial roads in East Hampton are dedicated to uses other than residential therefore the residential use at the intersection of Rte. 16 and Main is inconsistent

with the POCD. Mark Smith, P.E. with CNG Environmental presented the Existing Conditions Plan that shows 5 curb cuts: 3 at the Food Bag (2 are very close to the intersection), one at 157 Main St. and one at 159 Main St. A portion of the parking lot at Food Bag exists over the property line and the canopy for the pumps is on the property line. The proposed plan was presented next. The proposal is to move the gas station/convenient store to the 159 Main Street location to accommodate for proper vehicle circulation. The amount of curb cuts will be reduced to 2 and will be as far away from the intersection as possible. The canopy will have 4 fueling islands with traffic circulation. There will be extensive landscaping at the intersection as well as the north and east perimeter of the combined property. Jack Belowich, Business Development Manager for Atlantis Marketing addressed the media coverage and newspaper article. He gave a brief history of Atlantis Marketing and what they are proposing to do. He added that they are being transparent and would like to work with the residents and the Town. Attorney Jezek extended an invite to the Commission members and any other appropriate persons for a site visit to better perceive what is involved in the application. At this time Chairman Zatorski opened the public hearing. Mr. DeCarli began by reading a list of the names of people who submitted letters pertaining to this application and gave a brief summary of what the letters entailed. The following 46 people below submitted letters of **opposition**. The names, addresses (if provided) and a brief summary of their opposition are as follows:

1. Ron McCutcheon, owner of 153 Main St.: concerned about traffic, light pollution, preservation of historic buildings, commercial creeping and mentions that there are a number of signatures on the petition.
2. Ronald and Lois McCutcheon, owners of 153 Main St.: same concerns as Ron's first letter and added quiet enjoyment of properties and contrary to the POCD.
3. Robert Balda of 15 Colchester Ave.: negative impact to the historic residential zone.
4. Ryan Bothamley – 141 Main St.: property value, destruction of rural character of Main St. 5. and inconsistent with the POCD.
5. Heidi Bothamley – 141 Main St.: negative impact to the historic neighborhood and inconsistent with the POCD.
6. Victoria Fielding – 30 South Main St.: Historic nature, safety walking along Main St. and residential character.
7. Susan Ondas – 34 Chatham Fields Rd.: negative impact to historical nature and inconsistent with POCD.
8. Kenneth Dodson – 148 Main St.: doesn't comply with the POCD, spot zoning, destroy character of Main St.
9. Audrey and Gabriel Stein – 124 Main St.: opposes overexpansion of convenient store.
10. Margaret McCutcheon Faber – concerned about the Charles Strong historical house, inconsistent with the POCD and destruction of residential nature of Main Street.
11. Margaret McCutcheon Faber on behalf of "Save Historic Main Street": concerned about the Charles Strong house, the residential and historic nature of Main Street and a note that there is a great deal of support for the Strong House (additional documents were submitted with the letter).
12. Kate Avery – 14 Edgerton St.: historic nature of Main St., restoration of her home, safety and overdevelopment of the area.
13. Margaret Malley and Joshua Beres – 17 Dziok Dr.: oversized gas station, historic nature of area, large gas station downtown exists
14. Irene Kuck – 11 South Main St.: noise, trash, lighting, traffic, property values and overall destruction of neighborhood.
15. Attorney Richard Roberts – Halloran and Sage: lack of consistency with the POCD (additional documents submitted with letter).
16. Marion Keogh – 148 Main St.: Commercial will destroy the gateway to downtown.
17. Kathy Sanderson – South Main St.: safety and destruction of historical nature.

18. Erin Day (no address provided): destruction of historic charm and community feel, safety walking on Main St. and preservation of open space.
19. Devon Hill Kovaci – Old West High St.: another gas station not need nor is a drive thru.
20. Brian Avery – 14 Edgerton St.: destruction of peaceful neighborhood, safety and historic nature of area.
21. Amy Ordonez – 116 Main St.: losing charm of historic Main St. and possible expansion of Commercial Zone down Main St.
22. Jessica Joseff – 29 Old Chestnut Hill Rd.: character of area, air pollution and traffic.
23. Kevin Day (no address provided): destruction of historic value of Main St.
24. Cathy Horan (no address provided): not in best interest for historical Main St.
25. Paul Hoffman (no address provided): roads are not used as commercial corridors, no need for larger store.
26. Maureen and Jim Friedman – 66 Viola Dr.: charm of Main St. and historical buildings.
27. Denise Sawyer (no address provided): character of Main St. and the historical buildings.
28. Leslie Cygan – 26 Edgerton St.: lack of consistency with the POCD, no need for large store in historic neighborhood.
29. Eileen Higgins (no address provided): sufficient amount of gas stations in town and strip malls not part of a rural community
30. Charles and Bonnie Goodrich – 137 Main St.: negative impact to historical area
31. Jacqueline Benedetto (no address provided): pollutants into the ground water, pollutants extended for lighting, excessive trash and noise, Commercial will not improve the historic area
32. Brian Holdt – owner of Airline Cycles: negative impact to historic area. The letter was on behalf of the “Village Center Merchants” and signed by Lori Caldwell and Barbli Noel
33. Carli Villa (no address provided): disturbance to the community, historic homes being demolished and decrease in property values.
34. Amy Leitch (no address provided): area should remain residential.
35. Lori Caldwell – 70 Main St.: too close to existing homes, does not want historic home demolished, noise pollution, added traffic and safety issues.
36. Noel Sanborn – 146 Main St.: does not want character of area to change with zone change.
37. Jennifer Mikulski – 100 Daly Rd.: proximity to Village Center, expansion of Food Bag not necessary, future issues if zone is changed and does not want character of area changed.
38. Christopher Bitel (no address provided): tranquility and culture of Main St., commercial profits over the residents of the Town.
39. Adam Knouse – 146 Main St.: does not want overdevelopment, possible expansion of Commercial could ruin Main St.
40. Susan Popielaski – owner of ECO Coffee House: negative impact to the Village Center
41. Robert Perreault – 8 Old Coach Rd.: not in the best interest of historical Main St., many gas stations in Town, expansion not necessary.
42. Hanna Monahan – 18 Main St.: historic preservation, devalue residential investments, negative impact to the new gas station downtown.
43. Helen Bonoff (no address provided): spot zoning, devalue property values and not consistent with the POCD.
44. Sherri Muncy – 38 Mott Hill: negative impact to historical area and inconsistent with the POCD.
45. Linda Schroth – 47 Spellman Point: noise, littering and traffic
46. Dennis and Jeri Bothamley – 31 Barbara Ave.: destruction of 2 residential homes, inconsistent with the POCD.

In addition to the letters of opposition there were 3 petitions that were submitted: one was for owners within the 500’ radius of the proposed zone change, another for residents within a 500’ – 2000’ radius and the last was for residents outside the 2000’ radius. There was also a petition for

residents who are in support of the store remodel and improvement. There was one letter of support from Kevin Lawton (no address provided) supports the increase in tax revenue and the improvement to safety with proposed site plan and reduction in curb cuts.

Mr. DeCarli explained how to navigate through the speaking portion of ZOOM. The following members of the public spoke in opposition (summaries of comments are only included for those who did not submit a letter that was recorded above: Jennifer Mikulski of 100 Daly Rd., Adam Knouse of 146 Main St., Margaret McCutcheon- Faber of 45 Schoolhouse Lane in Middle Haddam, Chris Briggs of 19 Barton Hill: concerned about losing historic charm, Kate Avery of 14 Edgerton Rd., Heidi and Ryan Bothamley of 141 Main St, Daniel Finn of 14 Abbey Road: historical nature will change, Mark McMillan of 2 Bevin Court: potential accidents, erosion of historical character, Stuart Lindquist of 11 South Main St.: risks to wells and condition of his property, Cathy Sanderson of Main St., Leslie Cygan of 26 Edgerton St., Nora Feely agrees with others who spoke in opposition, Jodie Brazel of 8 Colchester Ave.: potential well and water issues, garbage and displacement of residents.

At this time Chairman Zatorski stated that there were many more people who would like to speak but that there are many more items on the agenda and it is getting late therefore he would like to continue the public hearing to the next meeting and that he would like to do a site visit and asked Town Staff to coordinate that with the Commission members. Mr. Rux made a motion to continue the 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 to the next regularly scheduled meeting on May 5, 2021. The motion was seconded by Mr. Sennett. **Vote: 7-Yes; 0-No.** The motion passed. Mr. Sennett made a motion to continue 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 to the next regularly scheduled meeting on May 5, 2021. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No.** The motion passed. Chairman Zatorski stated that the Commission will review all the letters received for this application and that the members of the public who wish to speak will be heard next month.

- D. Application PZC-21-006: James Marino, Deer Meadow,** for a Special Permit for an Accessory Apartment Map 35/Block 95/Lot 7-44. Mr. Marino presented. He wants to add an in-law apartment to a new home he is construction. The main living space will be occupied by the owner. The proposal he submitted indicated a 1174 sq. ft. addition but the Regulations only allow 900 sq. ft therefore he was advised that he will have to reduce his proposal by 154 sq. ft. Chairman Zatorski asked for public comments at this time. Jennifer Mikulski of 100 Daly Road spoke in support of the application. There were no further comments. Mr. Rux made a motion to close the public hearing for Application PZC-21-006: James Marino, Deer Meadow, for a Special Permit for an Accessory Apartment Map 35/Block 95/Lot 7-44. The motion was seconded by Mr. Hintz, Jr. **Vote: 7-Yes; 0-No.** Mr. Rux made a motion to approve Application PZC-21-006: James Marino, Deer Meadow, for a Special Permit for an Accessory Apartment Map 35/Block 95/Lot 7-44 with the following conditions: the accessory apartment does not exceed 900 sq. ft. and it is to be reviewed and approved by the Building Department and the Building Official and for the following reasons: it meets the Regulations and follows the intent of the Accessory Dwelling Unit Regulation with an underlying zone in this open space subdivision of R-4. Mr. Hintz, Jr. seconded the motion. **Vote: 6-Yes; 1-No (Mr. Sennett)**

## **6. New Business:**

- A. Application PZC-21-008: Po's Rice and Spice, 97 Main St.,** Site Plan Modification for 2 concrete pads, a stone patio, fencing, gravel parking lot and greenery Map 06A/Block 57/Lot 1A. Mr. Tammaro recused himself from this application. Chairman Zatorski seated Mr. Kowalczyk. Po Fong presented. She would like to start on Phase 1 since it does not need IWWA oversight.

Phase 1 consists of an outdoor patio with associated walkway and a concrete pad for a freezer. There will be processed stone with gravel on top for the seating area. The freezer pad will be enclosed with access to it from inside. Tony Flannery of 117 Abbey provided a brief narrative of what Phase 2 will include: the gravel parking lot, the plantings and erosion protection. He added that there is an active application with the Inland Wetlands and Watercourse Agency for Phase 2. Chairman Zatorski stated that what needs to be reviewed is a site plan modification for Phase 1 which consists of a concrete pad and a stone patio and that Phase 2 will be presented at the May 5, 2021 regular meeting. Mr. Rux made a motion to approve Phase 1 of Application PZC-21-008: Po's Rice and Spice, 97 Main St., for a Site Plan Modification for (1) concrete pad and a stone patio with a potential enclosure and an associated walkway that is not in the Upland Review Area Map 06A/Block 57/Lot 1A for the following reasons: it is consistent with the Regulations and it is helping a local business in Town. The motion was seconded by Mr. Gauthier. **Vote: 7-Yes; 0-No.** Mr. Rux made a motion to continue Application PZC-21-008: Po's Rice and Spice, 97 Main St., for Phase 2 of a Site Plan Modification for a concrete pad, fencing, gravel parking lot and greenery Map 06A/Block 57/Lot 1A to the next regularly scheduled meeting on May 5, 2021. The motion was seconded by Mr. Hintz, Jr. **Vote: 7-Yes; 0-No.**

- B. Application PZC-21-009: Long Hill Estates, LLC.,** for an Eight (8) Lot Subdivision on Long Hill Road. Map 06/Block 12/ Lot 8. Mike Schaller (representative of Long Hill Estates) stated the proposal is for an 8- lot subdivision and that it is a revision of a previously submitted application. There is no open space being offered due to agreements with the abutters and that soil testing was done for the 8 lots. Attorney Timothy Furey of 43 Bellevue Avenue in Bristol, CT. represented the applicant. He explained that the plan was revised to include the 1 ½ acre lot that was incorrectly considered a free cut. He asked that the Commission set a public hearing for this application. Mr. Sennett spoke as a single member stating that he would like to see open space. Attorney Furey explained that based on the topography and nature of it makes the open space unfavorable because they are smaller and need to be owned or maintained by the community. Mr. DeCarli added that the application was referred to the Conservation Lake Commission for their review and comments. He predicts that open space or conservation easements may be discussed. Chairman Zatorski stated that as a single Commissioner he would like to see the drainage calculations and provisions for stormwater runoff. Attorney Furey stated that the information will be available at the next meeting. Mr. Hintz, Jr. inquired about the communication with the Middle Haddam District. Attorney Furey explained that the Middle Haddam Historic District Commission has jurisdiction over physical structures and physical construction within the historic district and that they believe that a portion of this property is not in the Historic District based on the original mapping. He added that the applicant submitted a proposed Colonial house to the Commission for their comments and to encourage dialogue for a productive working relationship. Mr. Rux made a motion to set a public hearing for Application PZC-21-009: Long Hill Estates, LLC., for an Eight (8) Lot Subdivision on Long Hill Road Map 06/Block 12/Lot 8 for the next regularly scheduled meeting on May 5, 2021. The motion was seconded by Mr. Sennett. **Vote: 7-Yes; 0-No.**

*At this time Chairman Zatorski unseated Mr. Kowalczyk and seated Mr. Tammaro.*

- C. 8-24 Review: Acceptance of donated land Map 12/Block 36/Lot 8 - West High Street.** Mr. DeCarli explained that this parcel is 3.22 acres adjacent to the Middle School and has wetlands on it. It has been for sale for many years and is a good preservation piece and possible expansion to the athletic fields. Chairman Zatorski made a motion to provide favorable comment to the Town Council to accept the donated land Map 12/Block 36/Lot 8 – West High Street because it will benefit the Town. Mr. Gauthier seconded the motion. **Vote: 7-Yes; 0-No**
- D. 8-24 Review: Acceptance of donated land – Fire Station #2 Parking Map 01C/Block 7/Lot 6B.** Mr. DeCarli explained that there are 2 parcels at this location: one consists for the Cobalt Firehouse and the other is being donated to the Town to use as a parking lot for the Fire House. It

is a necessity to have the parking there in order for the Firehouse to function. He had one recommendation: to combine the parcels when the Town takes ownership of both. Chairman Zatorski made a motion to provide the Town Council with favorable comment to accept the donated land for Fire Station #2 Parking Map 01C/Block 7/Lot 6B because parking is necessary for the Fire Station and it is a benefit to the Town. Mr. Rux seconded the motion. **Vote: 7-Yes; 0-No**

- E. 8-24 Review: Purchase of Christopher Property 7.5 acres Map 4A/Block 45/Lot 29** – Mr. DeCarli explained that Christopher Brook provides 26% of fresh water to the Lake Pocotopaug and it is a critical point for water entering the lake. The Town is interested in this because of the opportunity that it affords for stormwater mitigation and improvement of water quality of the lake. The Town has received a grant from DEEP and has worked with the owners of the property to increase the lot size and obtain an easement that would allow the Town to retain control of the shoreline of Christopher Pond. It is consistent with the 9 elements of the watershed plan and is consistent with the POCD in terms of preserving the land and helping with the quality of the lake. Chairman Zatorski made a motion to provide favorable commentary to the Town Council to purchase the Christopher Property 7.5 acres Map 4A/Block 45/Lot 29 for the following reasons: it is critical for lake water management and water quality for Lake Pocotopaug. Mr. Rux seconded the motion. **Vote: 7-Yes; 0-No.**
- F. Update to Subdivision Regulations Sec. IV.10** – A public hearing was previously scheduled for May 5, 2021.
- G. Discussion: Pools and lot coverage** – *Continued to the next regularly scheduled meeting on May 5, 2021.*

**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 May 5, 2021.
- B. Discussion: Home Based Occupations** – Chairman Zatorski continued the discussion: Home Based Occupations to the next regularly scheduled meeting on May 5, 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 May 5, 2021.

- 8. Planner's Report** – Mr. DeCarli informed the members that he continues to work with the Town Attorney regarding 108 Main Street and will update them when he has additional information.

- 9. Set Public Hearing(s) for May 5, 2021** – A public hearing was scheduled for Agenda #6B.

- 10. Adjournment** – Mr. Rux made a motion to adjourn at 10:08 p.m. The motion was seconded by Chairman Zatorski and was unanimous in favor.

Respectfully submitted,

Christine Castonguay  
Recording Secretary