

Town of East Hampton
**Planning and Zoning
Commission**
Regular Meeting May 5, 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, Vice-Chairman Kuhr and Roland Rux, Alternate Member: Mike Kowalczyk and Zoning Official Jeremy DeCarli.

Absent: Alternates: Timothy Puglielli and Ted Hintz, Jr.

Chairman Zatorski seated Mr. Kowalczyk at this time.

2. Approval of Minutes:

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

B. April 29, 2021 Site Walk 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. Mr. Tammaro made a motion to approve the April 29, 2021 Site Walk minutes as written. The motion was seconded by Mr. Rux. *Vote: 4-Yes; 0-No; 3-Abstentions: Mr. Sennett, Mr. Kowalczyk and Mr. Rux.*

Communications, Liaison Reports, and Public Comments:

3. Communications: The only communication was the quarterly newsletter of the CT Federation of Planning and Zoning Agencies.

Liaison Reports:

Mr. Kowalczyk - the Regional Plan of Conservation draft will be open for public comments until June 30th. Comments can be submitted to the website.

Mr. Sennett attended the April 12th meeting. There was one application: Application ZBA-21-004: Miguel and Julianne Roman, 51 Highland Terrace, to reduce the front setback from 50' to 10' to construct a 20' x 40' IG pool with concrete patio Map 18/Block 44/Lot 23G-1 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 and Mr. Tammaro.

Chairman Zatorski asked for public comments at this time that did not relate to Agenda Items: 5A, 5B, 5C or 5D. Margaret McCutcheon of 35 Schoolhouse Lane stated that 2 of the abutters for Agenda #5C did not receive notification of the meeting therefore the application should be postponed. The following individuals agreed with postponing the public hearing for Agenda #5C: Anne McKinney of 44 Long Hill, Sheila Daniels of 40 Long Hill and Mike Cunningham of 54 Long Hill. Peter Pach of 59 Middle Haddam Road wants the notification process fixed as does Ronald McCutcheon of Middle Haddam. There were no further comments.

4. Read Legal Notice for May 5, 2021: Staff read the legal notice for the record.

5. Public Hearings for May 5, 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. Continued to the next regularly scheduled meeting on June 2, 2021 per the request of the applicant.
- B. 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.

The following 34 people below submitted letters of *opposition*. Mr. DeCarli read the names, addresses (if provided) and briefly summarized their reasons for opposition:

Sara Adams – 152 Main St. – does not want a large gas station and is concerned about property values.

Brian Avery – 14 Edgerton – scale and magnitude of gas station too large, will ruin small town charm, should stay residential.

Kate Avery – 14 Edgerton – potential loss of small town charm

John Barker – 78 Haddam Neck Rd. – ruin small town feel

Lorry Belanger-82B Viola Dr. – opposes zone change

Laura Bellini – potential change of character of neighborhood

Heidi Bothamley – 141 Main St. – protect area from spot zoning

Ryan Bothamley – 141 Main St. – too large of a gas station and does not justify a zone change and will ruin the character of the area.

Lisa and Ken Brown– 2 Edgerton St. – wants to maintain the small country feel

Carol Browning – 11 Hayes Road – property values will decrease, noise and light pollution

Tod Browning – 11 Hayes Rd. – will increase traffic and risk of accidents

Leslie Cygan – 26 Edgerton St. – wants to maintain small town charm

Kenneth Dodson – 148 Main St. – commented on the discussion last month about arterial roads.

Margaret Faber McCutcheon – destruction of historic resources, inconsistent with the POCD

Daniel Finn – no increase in tax revenue, possible destruction of historic homes

Kaitlin Finn – Abbey Road – damage to Main Street, impact nature of town.

Maureen Friedman – 66 Viola Dr.- concerned about preserving historic Main Street, larger store would not fit in the area.

Charles and Bonnie Goodrich – 137 Main St. – do not want the demographics changed or demolition of structures.

Cathleen Horan – does not want a large gas station on charming Main Street

Jessica Joseff- 28 Old Chestnut Hill Rd. – will ruin the town character, traffic will increase as well as light and sound.

Marion Keough – 148 Main St. – viewed the buildings during site walk and feels it should not have any bearing on the decision to change the zone.

Adam Knouse – 146 Main St. – wants to maintain the historic charm of the area

Irene Kuck – 11 South Main St. – inconsistent with the POCD

Lori Lechowicz – no larger gas station needed

Jim MacDonald – 18 Hayes Rd. – Plenty of gas exists in a 1 mile radius.

Ronald McCutcheon – Middle Haddam – increased traffic, light pollution, destruction of a historic home, negative impact to small town character.

Ellen Nosal – spot zoning, profits rather than history

Robert Perreault – larger gas station not in the best interest of historic Main Street, does not want Strong House demolished.

Jackie Reardon – 55 South Main St. – spot zoning, will alter the residential area, noise and light pollution.

Noel Sanborn -146 Main St. – not environmentally sound

Linda Schroth – 47 Spellman Point Rd. – inconsistent with the POCD, increased traffic, noise and pollution.

Susan Trudeau – 7 South Main St. – maintain small rural community, increase in traffic and noise and not safe for walkers.

Carli Villa – 3 Stonegate Rd. – increase trash and pollution and is out of sync with the area.

Jordan Werme – 32 Oak Knoll Rd. – concerned about the Strong House and environmental issues, detriment to other businesses.

In addition to the letters there were additional petitions that were submitted. All documents are available to view on the Town website.

Chairman Zatorski opened the public hearing at this time.

The following people spoke in opposition (a brief summary is provided for people opposing this application for the *first time* and who did not comment or have their letter read at the April meeting or this evening):

Brian Avery – 14 Edgerton

Ryan Gora – 3 Dziok – not warranted to be zoned Commercial

Brandt Sanderson – 50 South Main St. – light pollution, litter and chaos

Victoria Fielding – 30 South Main St.

Anne McKinney – 44 Long Hill Rd.

Carli Villa – 3 Stonegate Rd.

Jordan Werme – 32 Oak Knoll Rd.

Daniel Finn – Abbey Rd.

Ken Dodson – 148 Main St.

Sal Nucifora – 147 Colchester Ave. – opposes the application and encouraged the Commission to listen to the public concerns.

Kate Avery – 4 Edgerton St.

Attorney Roberts – Halloran and Sage

Noel Sanborn – 146 Main St.

Irene Kuck – 11 South Main St.

Richard Fielding – 30 South Main St. – increased traffic, safety and spot zoning

Arnold Baker – 17 South Main St. – similar to resistance to the condo proposal in 2007

Adam Knouse – 146 Main St.

Carrie Bosse – 23 Edgerton St. – increased traffic, accidents and safety

Dan Redinger- owns 2 Main St.- trash and traffic

Crystal Chan – 34 Walnut – agrees with others reasons for opposition

Ryan Bothamley – 141 Main St

Kaitlin Finn – Abbey Rd.

Attorney Jezek addressed the comments by providing a chronological perspective of the current gas station. The fuel dispensary at this location has sustained business since 1947. In 1958 the proposed properties were zoned Commercial then changed to Residential in 1990 so it was zoned Commercial for over 3 decades. The sewer project was the biggest change to small businesses in town causing many to cease business operations except for Food Bag. He referred to the POCD that states that there are 6 arterial streets in town and that 2 of those exist at the intersection of Main Street and Rte. 16. He pointed out specific provisions from the POCD: Pg. 87- “Arterial streets are intended to serve major activity centers and expansion of development in these areas.” and “East Hampton’s potential for new economic development, the Planning and Zoning Commission should consider modest expansions of existing Commercial areas and the Planning and Zoning Commission should support Commercial and office development along major transportation corridors.” He added that any decision made by the Planning and Zoning Commission must be consistent with the POCD and that he believes he has made the appropriate references to the POCD that clearly states that this is an area for increased economic activity and is located on the arterial streets. Mr. George Fellner, AIA with Fellner Architects did a historical

architecture assessment of the Strong House at 157 South Main Street and in his letter stated that “in his opinion there is no significant historical architecture value that may be attributed to this building other than its age and family name of the original owner.” The report will be made part of the record and was added to the Town website. Chairman Zatorski asked Mr. DeCarli to research the Strong House and whether it is on the National Historic Registry. Jack Belowich, Business Development Manager provided a brief history of the Atlantis Marketing Group. Mark McMillan of 2 Bevin Court stated that the Strong House is on the National Historic Registry. Mr. Gauthier made a motion to close 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. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No.** Mr. Gauthier 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 June 2, 2021. The motion was seconded by Mr. Sennett. **Vote: 7-Yes; 0-No.**

At 8:42 p.m. Chairman Zatorski called for a 5 minute break. The meeting reconvened at 8:48 p.m. Mr. Kowalczyk was unseated and Vice-Chairman Kuhr was seated.

- C. Application PZC-21-009: Long Hill Estates, LLC.,** for an eight (8) lot subdivision on Long Hill Road Map 06/Block 12/Lot 8. Staff received revised plans late in the day and got them on the Town website before the meeting. There were public comments made earlier about the application not being properly noticed. The applicant rectified the notification issue and it was published in the Rivereast on the 23rd and 30th. Mr. Gauthier made a motion to continue Application PZC-21-009: Long Hill Estates, LLC., for an eight (8) lot subdivision on Long Hill Road Map 06/Block 12/Lot 8 and to postpone the public hearing to the next regularly scheduled meeting on June 2, 2021. The motion was seconded by Mr. Tammaro. **Vote: 7-Yes; 0-No**

- D. Update to Subdivision Regulations Sec. IV.10- Notification Requirements** – Vice-Chairman Kuhr made a motion to accept the update to Subdivision Regulations Sec. IV.10-notification requirements as presented on May 5, 2021 with the following change: 10 days to 15 days prior to the initial public hearing and for the following reason: it will be consistent with the State Regulations. Effective date of May 6, 2021. The motion was seconded by Mr. Gauthier. **Vote: 7-Yes; 0-No.**

6. New Business:

- A. Application PZC-21-011: Big Sky Dream, LLC., 101 Main St.,** Site Plan Modification for parking, landscaping and bay area Map 06A/Block 57/Lot 2. Vice-Chairman Kuhr recused himself. Chairman Zatorski seated Mr. Kowalczyk. Mr. Flannery is proposing plantings along Walnut Avenue that will block the stream area and will continue to the east up to the fence area. There will also be plantings in front of the existing building near the shipping area and continues to the east up to a handicap ramp that will be installed. There will be a 60' x 30' wash bay made up of wood post and beam with burgundy siding and placed on stone with plantings on the north side wall. The bay and plantings were approved by the Inland Wetlands Watercourse Agency. The plantings on the north side of the building were not included in the plans that Mr. Flannery submitted. Mr. Rux made a motion to approve Application PZC-21-011: Big Sky Dream, LLC., 101 Main St., Site Plan Modification for parking, landscaping and bay area Map 06A/Block 57/Lot 2 with the following conditions: that the plantings on the north side of the building are submitted to the satisfaction of Town Staff and that the Design Review Board review and make any modifications for the proposed bay and for the following reasons: this is an improvement to the existing site and it will be consistent with the architecture of the downtown area. Mr. Sennett seconded the motion. **Vote: 7-Yes; 0-No.**

At this time Mr. Tammaro recused himself. Vice-Chairman Kuhr was reseated and Mr. Kowalczyk remained seated.

7. Old Business:

- A. Application PZC-21-008: Po's Rice and Spice, 97 Main St., Site Plan Modification** for Phase II: a dumpster pad, fencing, gravel parking lot and greenery Map 06A/Block 57/Lot 1A. Mr. DeCarli informed the members that the applicant received approval from the Inland Wetlands and Watercourse Agency for this project. The plan dated 3/24/2021 was revised on 4/21/2021 and depicts the additional stormwater retention areas. They are designed and sized for an impervious parking lot but the proposed parking lot will be gravel. The parking area will be graded slightly to ensure that the runoff drains to the stormwater retentions. The Design Review Board has recommended that the applicant wrap plantings around the dumpster pad and to add fencing on the street side of the new seating area. Mr. Rux made a motion to approve Application PZC-21-008: Po's Rice and Spice, 97 Main St., Site Plan Modification for Phase II: a dumpster pad, fencing, gravel parking lot and greenery Map 06A/Block 57/Lot 1A with the following condition that the plan reflects comments or changes from what was presented on 5/5/2021 and for the following reasons: it will be an improvement to the general area, it will resolve drainage issues and with the addition of the plantings it will be attractive and blend in to the downtown central area. The motion was seconded by Vice-Chairman Kuhr. *Vote: 7-Yes; 0-No*
- B. Discussion: Pools and lot coverage** – Continued to the next regularly scheduled meeting on June 2, 2021.
- C. Discussion: Update Sign Regulation to Include PO/R Zone Sign Standards** – Continued to the next regularly scheduled meeting on June 2, 2021
- D. Discussion: Home Based Occupations** – Mr. DeCarli will work on a draft and put together a workshop schedule for the next regularly scheduled meeting on June 2, 2021.
- E. Updates to the Official East Hampton Zoning Map** – Continued to the next regularly scheduled meeting on June 2, 2021.

- 8. Planner's Report** – Mr. DeCarli previously sent staff notes to the members but added that the draft of the POCD is on the RiverCOG website and they are accepting comments until June 30, 2021. He would like to have a discussion with the Commission about the draft to get their comments before the deadline date. The topic will be discussed under Item#6 "New Business" on the June 2, 2021 Agenda. Mr. Tammaro inquired about the use of the parking lot across from Robert's Lakehouse.

- 9. Set Public Hearing(s) for June 2, 2021** – A public hearing was set 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.

- 10. Adjournment** – Chairman Zatorski made a motion to adjourn at 9:49 p.m.; seconded by Mr. Rux. *Vote: 7-Yes; 0-No*

Respectfully submitted,

Christine Castonguay
Recording Secretary