

Town of East Hampton
Planning and Zoning Commission
Regular Meeting
May 6, 2020 – 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, Vice-Chairman Kuhr, Regular Members Roy Gauthier, Roland Rux, Meg Wright, James Sennett and Angelus Tammaro, Alternate Members Mike Kowalczyk, Tim Puglielli, Ted Hintz, Jr. and Zoning Official Jeremy DeCarli.

No Alternates were seated at this time.

2. Approval of Minutes:

A. April 1, 2020 Regular Meeting Minutes – Mr. Sennett made a motion to approve the April 1, 2020 minutes as written. The motion was seconded by Ms. Wright. *Vote: 6-Yes; 0-No; 1-Abstention* (Angelus Tammaro). The motion passed.

3. Communications, Liaison Reports, and Public Comments:

Communications: No communications.

Liaison Reports:

Mr. Gauthier reported that the East Hampton High School Building Committee is waiting for the final meeting to close out the project and to submit a final report. He added that the project came in under budget but did not have exact numbers to share.

Mr. Kowalczyk reported that RPC had a ZOOM meeting: they discussed the details of the presentations to the various towns and how it will work. They plan to start scheduling next month.

Mr. Sennett reported that ZBA did not have an April meeting.

Chairman Zatorski stated that IWWA items will be covered under agenda items 5D & 5E.

Mr. Rux, Ms. Wright, Mr. Tammaro and Vice-Chairman Kuhr did not have reports. The Alternates did not have reports either.

4. Read Legal Notice for May 6, 2020: Staff read the legal notice for the record.

At this time, Chairman Zatorski asked if there were any public comments pertaining to anything other than Agenda item numbers 5A, 5B, 5C, 5D or 5E. Mr. DeCarli unmuted the public attendees. Susan Lowe asked if the questions she submitted were received by the Commission. Mary Ann Dostaler of 56 Williams Drive advocated for the Home Based Occupations opportunity and the forthcoming discussion. There were no further public comments.

5. Public Hearings for May 6, 2020:

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. The applicant requested an extension to the June 3, 2020 meeting. Mr. Sennett made a motion to continue the public hearing 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 to the next regularly scheduled meeting on June 3, 2020. Mr. Tammaro seconded the motion. Vice-Chairman Kuhr added to the motion: “per the applicant’s request”. Mr. Sennett seconded the motion with the change. *Vote: 7-0.* Vice-Chairman Kuhr made a motion to continue the 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 to the next regularly scheduled meeting on June 3, 2020 per the applicant’s request. Mr.

Tammaro seconded the motion. **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. The applicant requested an extension to the June 3, 2020 meeting. Vice-Chairman Kuhr made a motion to continue the public hearing for Application PZC-20-002: Stanislaw Oleksenko, 11 Cone Road, 4 lot subdivision of 14.766 acres parcel Map 6/Block 36/Lot 6A to the next regularly scheduled meeting on June 3, 2020 per the applicant's request. The motion was seconded by Mr. Sennett. **Vote: 7-0.** Mr. Gauthier made a motion to continue the Application PZC-20-002: Stanislaw Oleksenko, 11 Cone Road, 4 lot subdivision of 14.766 acres parcel Map 6/Block 36/Lot 6A to the next regularly scheduled meeting on June 3, 2020 per the applicants's request. The motion was seconded by Mr. Rux. **Vote: 7-0**

Mr. Gauthier stated for the record that Chairman Zatorski was referring to Agenda items 5A and 5B as 6 A and 6B in error.

- C. Application PZC-20-004: Lisa Sherman, 50 Main St.,** for a Zone Change: R-1 to PO/R. Map 02A/Block 47/Lot 25. The applicant was not on the ZOOM call. Chairman Zatorski felt it would be prudent to continue the application to the next meeting because the applicant was not present, the public hearing hasn't been opened yet and no decision has been made for agenda item 7A. Mr. Gauthier made a motion to continue Application PZC-20-004: Lisa Sherman, 50 Main St., for a Zone Change: R-1 to PO/R Map 02A/Block 47/Lot 25 to the next regularly scheduled meeting on June 3, 2020. The motion was seconded by Mr. Tammaro. **Vote: 7-0.**
- D. Application PZC-20-008: Town of East Hampton, Edgemere Condominium Beach Property,** for a Special Permit to locate Lake Aeration Compressor, Sec. 4.1.D Map 19/Block 63B/Lot 27. Mr. DeCarli stated that he spoke with DEEP and after reviewing the application documents, they felt that the project is fully under the jurisdiction of the Planning and Zoning Commission. John Tucci (system designer) presented. The housing for the compressor and control units for the system will be in a custom built 8' x 8' shed. The area will be excavated and placed on a gravel bed and concrete deck footers for support with ground anchors to hold it in place. The shed will be small and custom built to fit in with the character of the Town. It will be made of 2 x 6 construction, will be insulated, it will have a 4' double door and there will be no windows. The primary function of the shed is to create a weatherproof and sound insulated enclosure for the compressor that drives the aeration system. Mr. Tammaro inquired about the noise level from the generator. The noise has an ambient level from 10' with a decibel level of approximately 38. Sound testing will be done after construction is complete. Going into the shed, there will be 200 Amp underground power. Coming out on the lake side, there will be a 2" central air pipe from the compressor that will be buried under ground into an air manifold into splits it into individual lines that go into the lake. The air manifold will be housed in a custom box that will look like a 2' high custom made bench with the 2" line entering underneath. The 27 individual air lines will be bundled and run underground out to the lake approximately 150'. The lines are made up of PVC and are flexible and dense so it will sink and stay in place. The members discussed liability responsibilities. Mr. Rux suggesting reaching out to Pocotopaug Water Power Company and informing them of the project. Vice-Chairman Kuhr inquired about flexibility with the permit for any future changes that may occur within reason. Alternate Ted Hintz, Jr. stated for the record that he feels that Vice-Chairman Kuhr should recuse himself from this Application and Agenda #5E. Vice-Chairman Kuhr stated that he wants to be available to answer any questions and that he will abstain from voting. Chairman Zatorski asked for public comments at this time. There were no comments. Mr. Tammaro made a motion to close the public hearing for Application PZC-20-008: Town of East Hampton, Edgemere Condominium Beach Property, for a Special Permit to locate Lake Aeration Compressor, Sec. 4.1.D Map 19/Block 63B/Lot 27. The motion was seconded by Mr. Rux. **Vote: 6-Yes; 1-Abstention (Vice-Chairman Kuhr).** Mr. Rux made a motion to approve Application PZC-20-008: Town of East Hampton, Edgemere Map 19/Block 63B/Lot 27 for the following reason: the project is for the betterment of the lake and it meets the Regulations and with the following conditions: final plans be submitted to Town Staff for approval prior to the start of construction. The motion was seconded by Mr. Sennett. **Vote: 6-Yes; 1-Abstention (Vice-Chairman Kuhr).**

E. Application PZC-20-009: Town of East Hampton, 60 Spellman Point Rd., for a Special Permit to locate Lake Aeration Compressor, Sec. 4.1.D Map 09A/Block 70/Lot 11. Vice-Chairman Kuhr stated that he will not be recusing himself and will not be voting on this application but that he would like to be available for questions. Chairman Zatorski seated Mr. Kowalczyk at this time. Mr. DeCarli stated that this project is similar to 5D, it is further away from the street, closer to the lake and has a 15' wide access easement that will not be paved. John Tucci stated that the narration and details from 5D apply to this application. The shed at this location will be bigger (10'x16') with a sound proof section and storage space. The shed size meets the setback requirements. Chairman Zatorski asked for public comments at this time. Mr. Tammaro made a motion to close the public hearing for Application PZC-20-009: Town of East Hampton, 60 Spellman Point Rd., for a Special Permit to locate Lake Aeration Compressor, Sec. 4.1.D Map 09A/Block 70/Lot 11. The motion was seconded by Mr. Rux.

Vote: 7-Yes; 0-No. Mr. Sennett made a motion to approve Application PZC-20-009: Town of East Hampton, 60 Spellman Point Rd., for a Special Permit to locate Lake Aeration Compressor, Sec. 4.1.D Map 09A/Block 70/Lot 11 for the following reason: the project is for the betterment of the lake and it meets all requirements and with the following condition: final plans be submitted to Town Staff for approval prior to the start of construction. The motion was seconded by Mr. Gauthier. **Vote: 7-0** At this time (8:02 p.m.), Chairman Zatorski unseated Mr. Kowalczyk and Vice-Chairman Kuhr resumed his position.

6. New Business:

A. Application PZC-19-011: Roncalli Institute, 49 Oakum Dock, for an extension to file the Special Permit and Site Plan approval that was issued on February 5, 2020 for an Assembly Hall. Map 02/Block 9A/Lot 4. Mr. DeCarli explained that the applicant is waiting for final details from the Dept. of Public Health before they can finalize the final site plan which means they cannot file the Mylar within the 90 days per the State Statute. Vice-Chairman Kuhr made a motion to approve an extension for Application PZC-19-011: Roncalli Institute, 49 Oakum Dock, for an extension to file the Special Permit and Site Plan approval that was issued on February 5, 2020 for an Assembly Hall Map 02/Block 9A/Lot 4 for the reason: the Commission has the statutory right to do so. The motion was seconded by Mr. Rux who offered the following correction: to omit "the Commission has the statutory right to do so" and to add "per the Applicant's request". Vice-Chairman Kuhr amended his motion to omit "the Commission has the statutory right to do so" and to add "per the Applicant's request". The amended motion was seconded by Mr. Tammaro. **Vote: 7-0**

B. Discussion: Update Sign Regulation to Include PO/R Zone Sign Standards. Mr. DeCarli explained that the PO/R Regulation (Sec. 5.4.A) refers to Sec. 7.2 in the Regulations for details about signage for PO/R zones. The issue is that Sec. 7.2 does not have standards specific to the PO/R zone therefore it needs to be updated. The members agreed to continue the discussion at the next regularly scheduled meeting on June 3, 2020.

C. Discussion: Home Based Occupations – Mr. DeCarli prepared an information packet for the members that includes Home Based Occupation Regulations from surrounding towns. He explained that there was a Home Based Occupations Section in our Regulations but was removed in 1990 when the Regulations were updated and that it would be prudent to discuss drafting a Regulation for it since the COVID-19 pandemic and the overall changes in technology in the 21st century. The members agreed to add the discussion for home based occupations to the next meeting agenda for June 3, 2020.

D. Discussion and Possible Action: Outdoor only seating at Restaurants during COVID-19 pandemic. There is discussion at the State level about an upcoming executive order for possibly re-opening restaurants by May 20th for outdoor dining only. Mr. DeCarli prepared a draft resolution to expedite the process for restaurants. The resolution would give Mr. DeCarli the power to review site plans and grant a temporary permit on an administrative level with an effective and expiration date. The site plan review will have the oversight of the Chatham Health District, the Fire Marshal, the Police Chief and the Building Official (if applicable). The members agreed to extend the expiration date to August 5th (90 days) in the event of unpredictable changes. Chairman Zatorski made a motion for the following resolution: The Planning and Zoning Commission of the Town of East Hampton approves the following: The Planning and Zoning Official of the Town of East Hampton, acting as the Zoning Enforcement Officer (ZEO), is permitted to review and approve where otherwise permissible Zoning Regulations of the Town of East Hampton, temporary Site Plan modifications for sit- down restaurants to allow for outdoor seating in accordance with any Executive

Orders or other orders that may be issued by the Office of the Governor of the State of CT in reaction to the COVID-19 pandemic. Said Site Plan Modifications may only be issued to restaurants specified in any orders from the State and shall be temporary in nature with an effective and expiration date set by the ZEO. Said temporary approvals may be extended beyond the set expiration date only if the ZEO is given the authority to do so by this body and any orders from the State determine the necessity of such extension. This resolution is for site plan changes only for a temporary duration. The authority granted to the Zoning Enforcement Officer in this resolution expires August 5, 2020 unless extended to a later date by this body at its regular meeting on August 5, 2020. Any site plan modifications issued by the ZEO in accordance with this resolution are temporary in nature and shall include an effective and expiration date. Any and all site plan modification issued by the ZEO must adhere to all other requirements of the Zoning Regulations of the Town of East Hampton and any other applicable State and local laws, regulations or permit approvals. This authority shall not extend to other business ventures or Special Permit approvals. If any restaurant owner wishes to make said changes permanent, an application must be submitted to the Planning and Zoning Commission for review in accordance with the Zoning Regulations. The motion was seconded by Mr. Rux who added that temporary structures be included in the review process for the safety of the residents. **Vote: 7-0**

7. Old Business:

- A. Application PZC-20-003: Lisa Sherman, for an Amendment to Zoning Regulation 5.4.A PO/R Zone.** The applicant was not present for the meeting. Mr. Rux made a motion to continue Application PZC-20-003: Lisa Sherman, for an Amendment to Zoning Regulations 5.4.A PO/R Zone to the next regularly scheduled meeting on June 3, 2020. The motion was seconded by Mr. Tammaro. **Vote: 7-0**
- B. Updates to Sec. 3.1 Lake Pocotopaug Protection Zone – *The vote was unanimous to continue Updates to Sec. 3.1 Lake Pocotopaug Protection Zone to the next regularly scheduled meeting on June 3, 2020.***
- C. Updates to the Official East Hampton Zoning Map. *The vote was unanimous to continue Updates to the Official East Hampton Zoning Map to the next regularly scheduled meeting on June 3, 2020.***

8. Planner's Report – There was no report. Mr. Gauthier stated that the EDC did a presentation many years ago regarding home based occupations and that the information may be helpful to Mr. DeCarli.

9. Set Public Hearing(s) for June 3, 2020 – Public hearings were continued for agenda items 5A, 5B and 5C. No public hearings were set.

Adjournment – Mr. Rux made a motion to adjourn at 9:11 p.m. Ms. Wright seconded the motion. The vote was unanimous in favor.

Respectfully submitted,

Christine Castonguay
Recording Secretary