

Town of East Hampton  
**Planning and Zoning Commission**  
**Regular Meeting**  
June 3, 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, Angelus Tamaro and James Sennett (Mr. Sennett entered the meeting at the start of Agenda #5B), Alternate Members: Mike Kowalczyk, Tim Puglielli, Ted Hintz, Jr. and Zoning Official Jeremy DeCarli.

Mr. Kowalczyk was seated at this time (he was unseated after Agenda #5B).

**2. Approval of Minutes:**

**A. May 6, 2020 Regular Meeting Minutes** – Mr. Rux made a motion to approve the May 6, 2020 minutes as written. The motion was seconded by Mr. Tamaro. ***Vote: 6-Yes; 1-Abstention (Vice-Chairman Kuhr), 0-No. The motion passed.***

**3. Communications, Liaison Reports, and Public Comments:**

**Communications:** None.

**Liaison Reports:**

Mr. Gauthier reported that the East Hampton High School Building Committee is waiting for the final meeting to be scheduled to close out the project.

Mr. Kowalczyk reported that the RPC met and are preparing for the first round of public meetings for the Regional Plan of Conservation and Development.

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

Mr. Rux, Ms. Wright, Vice-Chairman Kuhr, Mr. Tamaro, Mr. Puglielli and Mr. Hintz, Jr. did not have reports.

***At this time, Chairman Zatorski asked for public comments related to anything except Agenda Items 5A, 5B or 5C. Larry Lowe of 46 Walnut Ave. commented that he did not see the list of comments he submitted under “Communications” on the agenda. There were no further comments.***

**4. Read Legal Notice for June 3, 2020:** Staff read the legal notice for the record.

**5. Public Hearings for June 3, 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 July 1, 2020 meeting. Mr. Rux made a motion to continue 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 July 1, 2020 per the request of the applicant. Mr. Tamaro 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. Chairman Zatorski stated that the Fire Chief is concerned about the length of the access road to the houses and because the road is private, there is a risk of disrepair thereby possibly inhibiting the access of emergency vehicles. He added that if this application is approved, the following condition should be applied: an agreement created and approved by Town

Staff about the responsibility of the road maintenance. Frank Magnotta, P.E. presented. The project is for the creation of 4 building lots (2 in the rear and 2 in front). There will be 2 access driveways to the lots that will be private and paved with the maintenance responsibility shared as well. Storm water from both access drives will go to a large detention basin on Cone Road that is designed to basin on Cone Road, individual detention basins have been designed for each of the proposed lots to handle the house and driveway runoff from each lot. There is a conservation easement that is over 2 acres in size and encompasses some wetlands and upland area. The wetlands permit was issued and the Chatham Health District has submitted their approval. Details were added to the plans at the request of the Town Engineer as well as box turtle protection procedures and a narrative from DEEP regarding recommendations and procedures. The revised plans were submitted with a revised date of May 28, 2020. Mr. Tammaro stated that he would like to see an approved maintenance agreement in place for the access drives. Chairman Zatorski agreed. Attorney Law (the Applicant's Attorney) agreed with Mr. Tammaro and stated that he has begun drafting one and will submit it for review and approval. Chairman Zatorski opened up the public hearing at this time. There were no public comments. 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 July 1, 2020. The motion was seconded by Mr. Rux. **Vote: 7-0**. Mr. Kuhr made a motion to continue 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 July 1, 2020. The motion was seconded by Mr. Rux. **Vote: 7-0**

*At this time, Mr. Kowalczyk was unseated and Mr. Sennett was seated.*

- 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 requested in writing to continue the application to the next meeting on July 1, 2020 meeting.

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 July 1, 2020 per the request of the applicant. The motion was seconded by Vice-Chairman Kuhr. **Vote: 7-0**

## **6. New Business:**

- A. Application PZC-20-010: Edgewater Hill Enterprises, East High St.,** for a Re-Subdivision for 2 lots. Map 10A/Block 85/Lot 5C. David McKay, P.E. from Boundaries, LLC. presented. The proposed lot abuts Rte. 66 and is 0.66 acres that will be a mixed use Commercial building (MS2). The second lot is 7.12 acres and is a future phase of residential apartment buildings. The remaining land in the middle of the property is 42.2 acres and is intended to be re-subdivided in the future for future phases of construction as the Master Plan is built out. It is consistent with the MUDD zone and the Master Plan and is continuing in the phased style of development. Vice-Chairman Kuhr made a motion to set a public hearing for Application PZC-20-010: Edgewater Hill Enterprises, East High St., for a Re-Subdivision for 2 lots Map 10A/Block 85/Lot 5C for the next regularly scheduled meeting on July 1, 2020. The motion was seconded by Mr. Rux. **Vote: 7-0**
- B. Application PZC-20-011: Edgewater Hill Enterprises, East High St.,** for a site plan review for a new mixed use building in accordance with the MUDD Zone Master Plan. Map 10A/Block 85/Lot 5C. David McKay, P.E. presented. This building will be a mirrored image of the existing MS1 residential use. This is the second phase of the Master Plan. They have provided the parking and circular drive information. The storm water from the proposed area will be managed in a storm water basin up towards the front of the property adjacent to the right of way to Rte. 66. The basin will also serve as a temporary sedimentation trap for any construction disturbances as well as provide peak rate and water quality volume of the storm water runoff. There is an application pending for the Inland Wetlands and Watercourse Agency and the plan is being reviewed by the Town Engineer. It is consistent with the Master Plan. Mr. Rux commented that there was a traffic light proposed in 2012 but that the new Town Hall was not part of the configuration at that time. Mr. DeCarli stated that the DOT and Tighe and Bond have been working on a traffic study of Rte. 66 for a while now and the Town Hall will be included. Mr. Gauthier made a motion to continue Application PZC-20-011: Edgewater Hill Enterprises, East High St., for a site plan review for a new mixed use building

in accordance with the MUDD Zone Master Plan Map 10A/Block 85/Lot 5C to the next regularly scheduled meeting on July 1, 2020. The motion was seconded by Mr. Rux. **Vote: 7-0**

- C. Application PZC-20-012: Theater Square, 11 North Main St.,** for a Site Plan Modification for a 25 x 25 deck and a crosswalk with stop sign. Map 01A/Block 39A/Lot 28A. Chuck Haller, owner of the property presented. The proposal is in response to the COVID guidelines for business re-openings. They want to construct a 25 x 40 deck to create a safe sitting area that won't impede on other businesses in the complex. The proposal was presented to the Inland Wetlands and Watercourse Agency. The application that was submitted stated 25 x 25 but they have changed it to 25 x 40. The drive thru area in the back of the building for the ice cream shop is a hazard because when cars get backed up in line, there is no room to pass so they are proposing to install a 30" block wall and to widen the area so cars can pass in a bypass lane. Chairman Zatorski stated that as a single Commissioner, he would like to see more formal plans for the proposed work to the drive thru. Mr. Hintz, Jr. stated that he has experienced the back up in the drive thru and confirmed that it is a safety issue. Mr. Rux made a motion to approve Application PZC-20-012: Theater Square, 11 North Main St., for a Site Plan Modification for a 25' x 40' deck as described by the applicant, a crosswalk with a stop sign to add a drive aisle behind the building with the modifications described Map 01A/Block 39A/Lot 28A with the following conditions: a full set of plans be submitted to the Zoning Official prior to construction, landscaping be added for areas that do not impinge on wetlands and that it is constructed as presented this evening and for the following reasons: it is consistent with the Plan of Conservation and Development which is to help businesses and is consistent with the East Hampton Planning & Zoning Commission Regulations and the proposed change helps with health, safety and wellness issues. The motion was seconded by Mr. Sennett. **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 requested an extension to the July 1, 2020 meeting. Chairman Zatorski reminded the members that the public hearing for this application was closed on March 4<sup>th</sup> and that they have until October 7, 2020 to decide. Vice-Chairman Kuhr stated that as a single Commission member, he would like to continue the application with hope that the next meeting will be a face to face meeting rather than a Zoom meeting. Vice-Chairman Kuhr made a motion to continue Application PZC-20-003: Lisa Sherman, for an Amendment to Zoning Regulation 5.4.A PO/R Zone to the next regularly scheduled meeting on July 1, 2020 per the request of the applicant and for an in-person, interactive discussion at the next meeting. The motion was seconded by Mr. Rux. **Vote: 7-0**
- B. Discussion: Update Sign Regulation to Include PO/R Zone Sign Standards.** Signs are currently not allowed in the PO/R Zone per the Regulations. Sec. 7.2 (Signs) is referenced but when you read Sec. 7.2 it does not mention the PO/R Zone. The proposal is to add to Sec. 7.2.D: 10 sq. ft. free standing signs in the PO/R Zone but prohibit affixed signs. There is also a proposal for 20 sq. ft. freestanding signs in the VC Zone. Vice-Chairman Kuhr stated that he would like to have an in-person, interactive discussion about this and to give residents the opportunity to voice their concerns. Mr. Tammaro stated that he would like to see the Sign Regulations updated before any decision is made for Agenda #7A. The consensus was to continue the discussion for Update Sign Regulation to Include PO/R Zone Sign Standards to the next regularly scheduled meeting on July 1, 2020.
- C. Discussion: Home Based Occupations** – Mr. DeCarli stated that he felt it is wise to provide some type of framework for individuals interested in a home based occupation because technology has advanced and there has been an increase in home occupations. The data that was collected from surrounding towns indicate a tiered system based on the type of business. Mr. Sennett inquired about past complaints and violations pertaining to home occupations in town and potential fees and licensing. Vice-Chairman Kuhr was concerned about increased traffic potentially damaging existing roads and insurance coverage for the business owner. Chairman Zatorski commented that the transition from Residential to Commercial is blurred when a Residential home has employees working there. Mr. Gauthier would like to see feedback from the Economic and Development Committee. Chairman Zatorski asked Town Staff to review the Planometrics report and to create a report that is less complex. The consensus was to continue the discussion of Home Based Occupations to the next regularly scheduled meeting on July 1, 2020.
- D. Updates to Sec. 3.1 Lake Pocotopaug Protection Zone** – Mr. Sennett made a motion to set a public hearing for Updates to Sec. 3.1 Lake Pocotopaug Protection Zone to the next regularly scheduled meeting on July 1, 2020. Mr. Rux seconded the motion. **Vote: 7-0**
- E. Updates to the Official East Hampton Zoning Map** – It was agreed to continue Updates to the

Official East Hampton Zoning Map to the next regularly scheduled meeting on July 1, 202

**8. Planner's Report** – Mr. DeCarli stated that he emailed a detailed report to the members to review. He added that the process for temporary outdoor dining has been successful and that activity in town has increased (pools, decks, etc). A Special Meeting was tentatively scheduled for June 15<sup>th</sup> for the shed to house the equipment for the Lake Aeration project. An email will be sent to the members confirming the date.

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**9. Set Public Hearing(s) for July 1, 2020** – A public hearing was set under Agenda Items#6A and # 7D.

**Adjournment** – Mr. Tammaro made a motion to adjourn at 9:17 p.m., seconded by Mr. Gauthier. The vote was unanimous in favor.

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Respectfully submitted,

Christine Castonguay  
Recording Secretary