

Town of East Hampton
Planning and Zoning Commission
Special Meeting
August 19, 2020 – 6:00 P.M.
Virtual Meeting

MINUTES

1. Call to Order and Seating of Alternates:

Chairman Zatorski called the meeting to order at 6:00 p.m.

Present: Chairman Zatorski, Vice-Chairman Kuhr, Regular Members: Roland Rux, Angelus Tammaro and James Sennett, Alternate Member: Mike Kowalczyk and Zoning Official Jeremy DeCarli.

Absent: Roy Gauthier, Meg Wright, Tim Puglielli and Alternate Mr. Hintz, Jr.

Chairman Zatorski seated Mr. Kowalczyk at this time.

Chairman Zatorski informed everyone that there is another meeting scheduled for 7 p.m. therefore the Agenda Items will need to be discussed quickly to be able to adjourn before the 7 p.m. meeting.

2. Approval of Minutes:

A. July 1, 2020 Regular Meeting Minutes: Vice-Chairman Kuhr made a motion to approve the July 1, 2020 minutes as written. The motion was seconded by Mr. Tammaro. **Vote: 5-Yes; 1-Abstention (Mr. Rux).**

3. Communications, Liaison Reports, and Public Comments:

Communications: None.

Liaison Reports:

Mr. Sennett reported that the 8/10/2020 Zoning Board of Appeals meeting was postponed to 8/24/2020.

Mr. Kowalczyk will provide a report at the next meeting.

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

Vice-Chairman Kuhr did not have anything to report.

Mr. Tammaro and Mr. Rux did not have items to report.

Chairman Zatorski asked for public comments at this time regarding anything that does not pertain to Agenda Items: 5A, 5B, 5C or 5D. Larry Lowe, 46 Walnut Avenue inquired about Application PZC-20-003 still being on the agenda under old business. Chairman Zatorski explained that it is a procedural in nature and went on to explain the procedure in detail. There were no further public comments.

4. Read Legal Notice for August 19, 2020: Staff read the legal notice for the record.

5. Public Hearings for August 19, 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 next regularly scheduled meeting on September 2, 2020. Vice-Chairman Kuhr 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 September 2, 2020 per the request of the applicant. The motion was seconded by Mr. Sennett. **Vote: 6-0**

B. Application PZC-20-004: Lisa Sherman, 50 Main St., for a Zone Change: R-1 to PO/R. Map

02A/Block 47/Lot 25. Vice-Chairman Kuhr 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 September 2, 2020. The motion was seconded by Mr. Rux.

Vote: 6-0

- C. Application PZC-20-013: Peter & Sheila Engel, 11 Markham Rd., for a Re-subdivision for 3 lots. Map 35/Block 91/Lot 2-3A.** Joel Fuller, Civil Engineer, surveyed the property and presented: they would like to re-subdivide the land behind 11 Markham Rd. into 3 lots thereby creating 2 building lots for family. Frontage is on Rte. 16 and access to the back lots will be via easements from Markham Rd. Soil testing has been done and 2 sites have been deemed acceptable. The East Hampton Inland Wetlands and Watercourse Agency has granted a permit. They will be leaving 25.6 acres untouched and labeled as a non-building lot. Sheila Engel stated that it is currently in PA 490 Forest so it will not be built on. Chairman Zatorski opened the public hearing at this time. There were no comments.

Mr. Rux made a motion to close the public hearing for Application PZC-20-013: Peter & Sheila Engel, 11 Markham Rd., for a Re-subdivision for 3 lots Map 35/Block 91/Lot 2-3A. The motion was seconded by Vice-Chairman Kuhr. **Vote: 6-0.** Mr. Rux made a motion to approve Application PZC-20-013: Peter & Sheila Engel, 11 Markham Rd., for a Re-subdivision for 3 lots Map 35/Block 91/Lot 2-3A for the following reasons: it complies with the East Hampton Planning and Zoning Regulations and it was approved by the East Hampton Inland Wetlands and Watercourse Agency and with the following conditions: the PA 490 will remain in place, the large amount of available land will be considered open space and covered by PA 490, if there is any further activity on this property it would have to be approved by the Planning and Zoning Commission. Vice-Chairman Kuhr seconded the motion. **Vote: 6-0.**

- D. Updates to Sec. 3.1 Lake Pocotopaug Protection Zone** – Chairman Zatorski asked if there were any public comments. There were no comments. Vice-Chairman Kuhr made a motion to continue Updates to Sec.3.1 Lake Pocotopaug Protection Zone to the next regularly scheduled meeting on September 2, 2020. The motion was seconded by Mr. Rux. **Vote: 6-0**

6. New Business:

Chairman Zatorski stated that Agenda Items 6A, B, C, D, E, F and G will be added to Agenda #9 (Set Public Hearings) at the same time.

- A. Application PZC-20-016:** James Marino, 106 Main St., for a zone change: VC to VHO (4.5) Map 02A/Block 48/Lot 3-1. Chairman Zatorski stated that Agenda Items 6A and 6B will be presented together. Joel Fuller presented. This is a small lot of .46 acres and they would like to construct 2 small duplex units in one building. The parking will be in the rear with a driveway along the southerly property line. The driveway will have a 12" pipe and the end with grass matting to avoid erosion in the area. The well will be a standard drilled well and no testing has been done yet. Mr. DeCarli explained that the VC Zone allows commercial use on the ground floor and residential on the floors above whereas the VHO Zone is an overlay zone that allows residential on the ground floor which includes duplexes therefore what they are proposing fits well in the area. The proposal will go to the Design Review Board.
- B. Application PZC-20-015:** James Marino, 106 Main St., for a Site Plan Review for a duplex Map 02A/Block 48/Lot 3-1. Discussed under Agenda Item 6A.
- C. Application PZC-20-017:** Atlantis Marketing, for an Amendment to the Zoning Regulations: to amend Section 5.2 and add Sec. 5.2.C.6. Gasoline or motor fuel filling stations in conjunction with a retail store in the Commercial Zone. Agenda Items: 6C and 6D will be presented at this time. Attorney Jezek presented. The proposal is to merge 1 Colchester Avenue and 157 Main Street and change the zone to commercial so the current Food Bag can be expanded. The Amendment to the Zoning Regulations would be to add Sec. 5.2.C.6 "Gasoline or motor fuel filling stations in conjunction with a retail store in the Commercial Zone." Mark Smith (Surveyor with Atlantis Marketing) stated that there will be a filling station with a drive thru and a QSR food service operation. There will be 5 islands under a canopy that will be laid out according to the Commercial Zone requirements. Curb cuts will be added to work well with the intersection of Main St. and Colchester Avenue. There will be plenty of room for vehicle circulation. The drive thru can be

accessed from Main Street and Colchester Avenue with room for stacking and bypassing. There proximity to the residential property line. Mr. DeCarli reminded the Commission that the applications being heard this evening are strictly for a Zone Change and Amendment to the Regulations and that a Site Plan Review will be forthcoming and that those inquiries can be made at that time.

- D. Application PZC-20-018:** Atlantis Marketing, 157 Main St. for a zone change from R-2 to Commercial for future merge with 1 Colchester Avenue. Map 07A/Block 56/Lot 24. Discussed under Agenda #6C.
- E. Application PZC-20-019:** East Hampton Rotary Club Foundation, 45 Daly Rd. for a Special Permit for Commercial Recreation, Map 33/ Block 87/ Lot 3. Attorney Barber presented. The property was donated to the Rotary 4 years ago and they would like to use the property but without a Special Permit they cannot. He went on to provide several ideas/options for the potential use of the property.
- F. Application PZC20-020:** Jacqueline Montanez-Colon, 46 Skinner St. for a Special Permit to operate a car repair and used car sales business in the Industrial Zone (Sec 5.3.C), Map 20/ Block 48C/ Lot 17A. Ms. Montanez-Colon stated that she would like to have a used car dealership and repair shop. It will be primarily used cars. The Zoning Board of Appeals has approved the location. The current building is a 2 unit building and they would like to have the business on the first floor with parking in front.
- G. 8-24 Review:** Acceptance of Salmon Run Phase III Road – Deer Meadow. Mr. DeCarli informed the members that there are some outstanding items and suggested that the Commission hold off on this Review until they are resolved. Chairman Zatorski stated that he would like to continue Agenda Item# 6G to the next regularly scheduled meeting on September 2, 2020.

At this time Chairman Zatorski jumped to Agenda Item# 9 to set the public hearings for next regularly scheduled meeting on September 2, 2020.

7. Old Business:

- A. Application PZC-20-003: Lisa Sherman, for an Amendment to Zoning Regulation 5.4.A PO/R Zone.** Continued to the next regularly scheduled meeting on September 2, 2020.
- B. Discussion: Update Sign Regulation to Include PO/R Zone Sign Standards** – Continued to the next regularly scheduled meeting on September 2, 2020.
- C. Discussion: Home Based Occupations** – Continued to the next regularly scheduled meeting on September 2, 2020.
- D. Updates to the Official East Hampton Zoning Map** – Continued to the next regularly scheduled meeting on September 2, 2020.

- 8. Planner's Report** – Mr. DeCarli asked the Commission to increase the duration of the outdoor dining order to October. Chairman Zatorski made a motion to continue the Outdoor Dining Regulation through to the October 7, 2020 regularly scheduled meeting. The motion was seconded by Mr. Rux. Vote: 6-0

9. Set Public Hearing(s) for September 2, 2020 – Chairman Zatorski made a motion to set a public hearing for September 2, 2020 for the following Agenda Items:

- 6A. Application PZC-20-016: James Marino, 106 Main St., for a zone change: VC to VHO (4.5) Map 02A/Block 48/Lot 3-1
- 6B. Application PZC-20-015: James Marino, 106 Main St., for a Site Plan Review for a duplex Map 02A/Block 48/Lot 3-1
- 6C. Application PZC-20-017: Atlantis Marketing, for an Amendment to the Zoning Regulations: to amend Section 5.2 and add Sec. 5.2.C.6. Gasoline or motor fuel filling stations in conjunction with a retail store in the Commercial Zone.
- 6D. Application PZC-20-018: Atlantis Marketing, 157 Main St. for a zone change from R-2 to Commercial for future merge with 1 Colchester Avenue. Map 07A/Block 56/Lot 24
- 6E. Application PZC-20-019: East Hampton Rotary Club Foundation, 45 Daly Rd. for a Special Permit for Commercial Recreation, Map 33/ Block 87/ Lot 3
- 6F. PZC20-020: Jacqueline Montanez-Colon, 46 Skinner St. for a Special Permit to operate a car repair and used car sales business in the Industrial Zone (Sec 5.3.C), Map 20/ Block 48C/ Lot 17A

The motion was seconded by Mr. Rux and a comment was added by Vice-Chairman Kuhr to add to the motion the language that is written on the agenda for items 6A, 6B, 6C, 6D, 6E and 6F. Mr. Rux

seconded the addition to the motion. ***Vote: 6-0***

Adjournment – Mr. Sennett made a motion to adjourn at 6:57 p.m. The vote was unanimous in favor.

Respectfully submitted,

Christine Castonguay
Recording Secretary