

Town of East Hampton
Planning and Zoning Commission
Regular Meeting
August 1, 2018 – 7:00 P.M.
East Hampton Town Hall Meeting Room

MINUTES

1. Call to Order and Seating of Alternates:

Chairman Kuhr called the meeting to order at 7:00 p.m.

Present: Chairman Kuhr, Vice-Chairman Zatorski, Regular Members, Roy Gauthier, James Sennett, Meg Wright, Rowland Rux and Angelus Tammaro. Alternate Member Michael Kowalczyk was present as well as Planning and Zoning Official Jeremy DeCarli.

Absent: Alternate Member Tim Puglielli

2. Approval of Minutes:

A. July 11, 2018 Regular Meeting – Vice-Chairman Zatorski made a motion to approve the July 11, 2018 meeting minutes with any corrections the members may have. The motion was seconded by Mr.Sennett. *Vote: 5-Yes; 2 Abstentions (Mr. Rux and Mr. Tammaro) 0-No. The motion passed.*

3. Communications, Liaison Reports, and Public Comments:

Communications: Mr. DeCarli presented a letter from the State of CT Siting Council regarding the cell tower agreement at 94 East High Street and a letter that he sent to Attorney Grady with a summarization of the items that need to be corrected or completed at the Whispering Woods Development. The letter is available at the East Hampton Planning and Zoning Office.

Liaison Reports:

Mr. Gauthier stated that the East Hampton High School Building Committee met. The blue water issue continues. The Town Manager and the Chatham Health District are working to resolve the issue.

Mr. Kowalczyk stated that the Lower CT River Valley Regional Planning Commission did not have a meeting.

Mr. Sennett stated that the ZBA meeting is not until August 13th.

Vice-Chairman Zatorski stated that items from the Inland Wetlands and Watercourse Agency do not concern the Commission.

Mr. Rux did not attend the Economic Development Commission meeting.

Ms. Wright did not have anything to report.

Mr. Tammaro had nothing to report.

Chairman Kuhr stated that he did not attend the Lake Commission meeting but he did attend the Town Council meeting. They discussed possibly setting a fee structure for Airbnb's. Mr. DeCarli added that the Town Attorney submitted a draft zoning regulation

and ordinance to the Town Council to review. Both will be reviewed by the Planning and Zoning Commission in the future. Mr. Gauthier stated that his neighbor has raked up milfoil from the lake and asked if anyone was aware of that issue. A brief discussion followed.

At this time, Chairman Kuhr opened the meeting to public comments regarding anything that is not related to agenda items 5a, 5b or 5c. There were no public comments so Chairman Kuhr closed the public comments at this time.

4. Read Legal Notice for August 1, 2018: The agenda states that there is no legal notice for August 1, 2018 which is incorrect. Mr. DeCarli read the legal notice for August 1, 2018.

5. Public Hearings for August 1, 2018:

A. PZC-18-014 – Aaron Tyler, 13 North Main St., for a Special Permit for a Café Sec. 5.2.C. Map 01A/Block 39A/Lot 28B. Vice-Chairman Zatorski read into the record the letter the applicant sent requesting an extension to the next regularly scheduled meeting on September 5, 2018. Chairman Kuhr asked if there were any public comments. There were none. Vice-Chairman Zatorski made a motion to continue the public hearing for PZC-18-014 – Aaron Tyler, 13 North Main St., for a Special Permit for a Café Sec. 5.2.C. Map 01A/Block 39A/Lot 28B to the next regularly scheduled meeting on September 5, 2018. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No. The motion passed.** Vice-Chairman Zatorski made a motion to continue the application of PZC-18-014 – Aaron Tyler, 13 North Main St., for a Special Permit for a Café Sec. 5.2.C. Map 01A/Block 39A/Lot 28B to the next regularly scheduled meeting per the applicants written request to the Town Planner. The written request is dated July 30, 2018. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No. The motion passed.**

B. PZC-18-011 – Ryan Noir, 7 Sequonia Trail to add “Formula Business” to Sec. 5.2.C. Map 09A/Block 74/Lot. Mr. Noir explained that he would like to add Item# 21 to Section 5.2.C which would be labeled “Formula Business”. Formula businesses are any type of commercial businesses that use a trademark or logo that is shared by 15 or more commercial businesses. He stated that it would give the Commission the ability to determine if the business is a good fit for the community or location and gives them more discretion in terms of hours of operation as well as the option to deny the application based on the terms of his proposed amendment. Mr. DeCarli paraphrased the Town Attorneys comments from an email dated 7/18/2018: “My observations are: 1. It can be done legally, but must be drafted narrowly and with a mind of promoting a legitimate governmental concern as set forth in the POCD. 2. It should be limited in its scope geographically to a village district, or lake district, or other geographic region within the commercial zone. 3. Its language describing “formula” or

“standardized” should follow that of Coronado or Fairfield.” Mr. DeCarli explained that it should be tied to a specific goal in the POCD and went on to add that the way the Formula Business proposal is written, it would apply to 25,000 square feet (or less) retail buildings within the Commercial zones.

Chairman Kuhr opened it up to public comments. Wayne Rand of 12 Billow Rd. Old Saybrook, CT. asked the Commission to postpone this application so that the public has an opportunity to comment on this. Winifred of 8 South Wangonk Trail spoke in support of this application. Danielle Noir (the Applicant’s wife) provided clarity about the reason for the proposed amendment as well as the scope of the proposal. Vice-Chairman Zatorski made a motion to continue the application of PZC-18-011 – Ryan Noir, 7 Sequonia Trail to add “Formula Business” to Sec. 5.2.C. Map 09A/Block 74/Lot 233 to the next regularly scheduled meeting on September 5, 2018. The motion was seconded by Mr. Gauthier. **Vote: 7-Yes; 0- No.**

The motion passed.

Vice-Chairman Zatorski made a motion to continue the application of PZC-18-011 – Ryan Noir, 7 Sequonia Trail to add “Formula Business” to Sec. 5.2.C. Map 09A/Block 74/Lot 233 to the next regularly scheduled meeting on September 5, 2018. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No. The motion passed.**

- C. PZC-18-015 – Global Self Storage, LLC.,** 182 East High St., for a Special Permit (Sec. 7.6) for commercial excavation, fill and grading of 4.88 acres. Map 32/Block 85/Lots 7B and 7C. Pat Benjamin, P.E. from Bascom & Benjamin in Durham, CT. presented. He stated that the owner owns 2 parcels of land in the Commercial zone. Lot 7B has 8.15 acres and Lot 7C has 2 acres with an existing house and driveway. The owner would like to create a building platform on 4.8 acres of the combined 10 acres.

Currently it is difficult to market the property because the land is comprised of wethersfield soils and exposed ledge and the elevations fluctuate and drop in the rear of the property causing water to run down to the flagged wetlands area into a 15” culvert across Bear Swamp Road. There is an area of cut which is approximately 25,000 cubic yards and an area of grading and fill (approximately 8,000 cubic yards). There would be approximately 17,000 cubic yards of material (ledge included) to be removed. The owner has an opportunity to receive 6000 cubic yards of fill (no ledge) from the Dollar General site to use to create a platform. There is a large sediment basin in front (80’x120’and 5’ deep) that will collect the water in the front of the property. Other than a bond requirement there will also be silt fence and hay bales around all disturbed areas and the work will be done approximately 300’- 400’ from the wetlands. The rock blasting/crushing will be done 400’ from the edge of the road. The proposed hours for site work is Monday through Friday from 7 a.m. to 5 p.m. and Saturday from 8 a.m. until 4 p.m. Vice-Chairman Zatorski stated that his personal concerns are the noise and the material being tracked onto Rte. 66. Mr. Benjamin stated

that there will be a temporary entrance with an anti-tracking pad in place and that the rock crusher equipment will be on site along with specification sheets that include the decibels which will be provided to the Commission. He added that the State of CT DOT routinely monitor Rte. 66 and that if there are issues they will require the owner to wash the road. Mr. Tammaro asked if the Town Engineer has reviewed the plans for this project. Mr. Rux stated that as a single Commissioner he feels it is a must for the Town Engineer to review the project. In an attempt to diminish the run-off, Mr. Benjamin offered to add a 10" pipe that will run to the rear of the property with a riprap level spreader.

Chairman Kuhr asked for public comments at this time. Wayne Rand 12 Billow Rd. Old Saybrook, CT. (applicant) stated that he would like to replace the 10" pipe with a 15" pipe to divert the water to the rear of the property and not onto Rte. 66.

There were no further comments. Vice-Chairman Zatorski stated that as a single Commissioner he would like additional information and to have the Town Engineer review the documents for the following: ranges and frequency of noise for the rock crusher, sizing of the pipe, the track pad construction, review of the erosion and sedimentation controls and any recommendations for changes or upgrades. Mr. Gauthier added that he would like the blasting to follow the same parameters as the Butler Construction operation. Vice-Chairman Zatorski made a motion to continue the public hearing for PZC-18-015-Global Self Storage, LLC., 182 East High St., for a Special Permit (Sec. 7.6) for commercial excavation, fill and grading of 4.88 acres. Map 32/Block 85/Lots 7B and 7C. The motion was seconded by Mr. Rux. ***Vote: 7-Yes; 0-No. The motion passed.***

Vice-Chairman Zatorski made a motion to continue the application of PZC-18-015-Global Self Storage, LLC., 182 East High St., for a Special Permit (Sec. 7.6) for commercial excavation, fill and grading of 4.88 acres. Map 32/Block 85/Lots 7B and 7C to the next regularly scheduled meeting on September 5, 2018. The motion was seconded by Mr. Sennett. ***Vote: 7-Yes; 0-No. The motion passed.***

6. New Business:

A. PZC-18-017 – Dollar General, 197 East High St., Site Plan Modification

for signage for new Dollar General. Map 32/Block 71/Lot 1-2. Mr. DeCarli stated that the applicant name on the agenda is incorrect. The correct name is Dollar General and not Morgan & Molly, LLC. Darcie Roy from National Sign presented 2 proposed signs. The first is a 5' x 10' x 1' high monument sign that will be 25' from the curb line and will not obstruct any views. It will be a double sided, aluminum framed with an acrylic matte face and will be externally illuminated by 3 black goose neck light fixtures on each side. The second sign will be a 58 sq. ft. wall sign with black bolt letters to raceways and will also be illuminated by black goose neck light fixtures. The goose neck light fixtures will be installed 17 ½" above the top of the letters. Vice-Chairman Zatorski made a motion to approve Application PZC-18-017-Dollar General, 197 East High St., Site Plan Modification for signage

for the new Dollar General. Map 32/Block 71/Lot 1-2 for the following reason: it is in compliance with our existing regulations and with the following conditions: that the signs follow illumination hours as per existing site plan and are to the satisfaction of Town Staff, that the photometric footprint does not substantially change from the plans submitted for the existing photometric plan, that it is consistent with the materials submitted with the application on 7/6/2018 and to the satisfaction of Town Staff. Mr. Rux seconded the motion. **Vote: 7-Yes; 0-No.**
The motion passed.

B. Preliminary Review: Skyline Estates, LLC – Proposed Modification to Road Design, Skyline Estates, Phase II. Mr. Rux recused himself and Mr. Kowalczyk was seated at this time. Patrick Benjamin, P.E. from Bascom & Benjamin, LLC. presented. He read into the record a letter he sent to Mr. DeCarli (dated 7/27/2018) regarding Skyline Estates, Phase II, Modification to Subdivision Approval for Road Width (the letter will be filed with the minutes). He explained that the project is currently approved for a 26' road width but that subsequent to that approval, the regulations were changed therefore he is requesting the modification of the road width to 24' for 15 lots. Mr. DeCarli reminded the members that this is a preliminary discussion and that if a formal application is submitted, it will be reviewed by the Police Chief and the Fire Marshal. A brief discussion followed about the study of Phase I that was done by Anchor Engineering. Mr. Rand stated that the goal is to finish Sunrise and pave the top surface this year to get the road accepted for Phase A then finish Phase B next summer. He added that by eliminating the sidewalks, it would decrease the amount of impervious surface as well as decreasing the amount of water runoff. Mr. Sennett asked Mr. DeCarli to research the road width requirements from surrounding towns.

Vice-Chairman Zatorski stated that as a single Commissioner, he is in favor of the sidewalks because it gives pedestrians a place to walk and in emergency situations it provides more area for emergency vehicles to maneuver. Chairman Kuhr suggested doing an analysis of the water run off with and without sidewalks. Mr. Gauthier suggested submitting 2 applications: one application for the reduction of the road width and one for the elimination of the sidewalks.

C. Preliminary Review: West High Enterprises, LLC – Proposed Daycare, 207 West High Street – Map 12/Block 36/Lot 2. Mr. Rux returned and Mr. Kowalczyk was unseated at this time. Pat Benjamin, P.E. from Bascom & Benjamin, LLC. presented. He stated that 207 West High St. is 1.7 acres with an existing home and is Commercial zoned.

They are proposing the development of an 8000 sq. ft. building to market as a daycare. There will be a sidewalk in front, a 30' wide entrance on Long Crossing, (2) 24' wide aisles, parking for 36 cars per our regulations, a cross easement for the school buses to enter on 201 West High St. property on a 24' wide paved road and exit onto Long Crossing. With the building and parking they will be at 43% of

the maximum lot coverage. There will be one sign along Rte. 66 and (2) building mounted signs. There is a fenced in area of approximately 15,000 sq. ft. for a proposed play area. The proposed landscaping and buffers meet the current landscape regulations. They are working with the Chatham Health District for a proposed septic system and an additional system for the other half of 201 West High Street. Vice-Chairman Zatorski made a motion to set a public hearing for the next regularly scheduled meeting on September 5, 2018 for West High Enterprises, LLC – Proposed Daycare, 207 West High Street –Map 12/Block 36/Lot 2. The motion was seconded by Mr. Sennett. **Vote: 7-Yes; 0-No.**
The motion passed.

7. Old Business:

A. Alcohol Regulations –Proposed amendments to Zoning Regulations Sec. 8.4.B

Alcoholic Beverages. Mr. DeCarli explained that this has been an ongoing discussion and provided a recap of the reason for the proposed addition of a 3rd exception under Sec. 8.4.B. The proposed amendment would directly affect the Village Center and the Edgewater Hills development. The Special Permit would allow the Commission to allow it within the 500’ radius. A public hearing is required before any decision is made to adopt the amendment. Some of the members concerns were: the lack of discretion over the type of business, safety issues, the language and Mr. Gauthier added that he would like to see the Special Permit tied to a specific business. Mr. DeCarli stated that he will address the issues and suggested that the discussion be continued to the next regularly scheduled meeting.

B. Sign regulations – Proposed amendments to Zoning Regulations Sec. 7.2

Outdoor Signs. Mr. DeCarli presented the members with the comments from the Town Attorney after his review of our current Sign Regulations. He asked the Commission to review the comments and recommendations prior to setting a public hearing.

8. Planner’s Report – Chairman Kuhr inquired about the status of the temporary trailer that was at Sports on 66. Mr. DeCarli said that it was purchased by someone and relocated and that the expected use is to replace the existing storage building with the trailer. It is not connected to electricity, septic or a water source nor will it ever be. It is in violation at the current location and Mr. DeCarli is working with the owner to resolve the trailer issue and blight issues. Mr. DeCarli said there was a meeting with Dollar General today. The meeting included the Fire Marshal, the Chatham Health District, Public Works and WPCA. They would like to break ground by mid - September and be open for business by the end of November. They applied for zoning, building and demolition permits to start the process. Chairman Kuhr asked about the measures of containment of the water run off at the site and then asked for staff to monitor the

project.

Mr. Gauthier inquired about the status of the Black Walnut Artisan Bread Company at 81 Main Street. Mr. DeCarli explained that the owner submitted a building permit application as well as architectural plans on July 31, 2018. Mr. Kowalczyk informed the members that Tyler Seifert (the Eagle Scout who erected a boat house at Sears Park) will be honored and Mr. Kowalczyk will be attending the ceremony. He asked for a letter of congratulations from the Commission to present to Mr. Seifert.

9. Set Public Hearing(s) for September 5, 2018 – The public hearings were previously set under Agenda Item numbers: 5a, 5b, 5c and 6c.

10. Adjournment: Vice-Chairman Zatorski made a motion to adjourn 10:07 p.m. The vote was unanimous in favor. The meeting was adjourned.

Respectfully submitted,

Christine Castonguay
Recording Clerk