

Town of East Hampton
Planning and Zoning Commission
Regular Meeting
September 5, 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, Regular Members, James Sennett, Meg Wright (left at 9:59), Rowland Rux (arrived at 7:08 p.m.). Alternate Members Michael Kowalczyk and Tim Puglielli were present as well as Planning and Zoning Official Jeremy DeCarli.

Absent: Vice-Chairman Zatorski, Regular Members Roy Gauthier and Angelus Tammaro. Chairman Kuhr seated Mr. Kowalczyk and Mr. Puglielli.

2. Approval of Minutes:

A. August 1, 2018 Regular Meeting – Mr. Sennett made a motion to approve the August 1, 2018 minutes. The motion was seconded by Mr. Puglielli. Chairman Kuhr requested the following changes: Under agenda item #2: add the word “clerical” before the word “corrections” and to omit the words “may have” and replace with “had”, on page 2: add “what he thought” to be milfoil and on page 3: add the last name for Winifred. Mr. Sennett amended his motion to approve the August 1, 2018 minutes with the suggested corrections. Mr. Puglielli seconded the amended motion. ***Vote: 5 Yes; 0-No. The motion passed.***

B. August 15, 2018 Special Meeting – Mr. Sennett made a motion to approve the August 15, 2018 minutes as written. Mr. Puglielli seconded the motion. ***Vote: 2-Yes; 0-No; 3-Abstentions.*** Because 3 of the Commission members abstained, the approval of the August 15, 2018 special meeting minutes was continued to the next regularly scheduled meeting on October 3, 2018.

The vote was unanimous in favor.

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

Mr. Sennett stated that he did not attend the ZBA meeting.

Ms. Wright did not have anything to report.

Mr. Puglielli had nothing to report.

Chairman Kuhr stated that he did not attend the Lake Commission meeting.

At this time, Chairman Kuhr opened the meeting to public comments regarding anything that is not related to agenda items 5a, 5b, 5c or 5d. Mary Ann Dostaler of 56 William Drive stated that she attended the Town Council meeting and voiced her concerns about regulating Air BNB's. There were no further comments so Chairman Kuhr closed the public comments at this time. Mr. Rux arrived at this time (7:08 p.m.).

4. Read Legal Notice for September 5, 2018: Read into the record by Town Staff.

5. Public Hearings for September 5, 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. Mr. Tyler presented. He stated that he is asking for a Special Permit for a Café and provided a summary of the menu and hours of operation. He stated that he has received favorable comments from the State of CT DPH and the Chatham Health District regarding the well. John Martucci, P.E. addressed the concerns of Anchor Engineering regarding ground water drainage. He stated that they can add an underdrain in the bio basin to drain the water to the southwest corner of the property so the system will drain and function properly. He stated that the majority of the comments from Anchor Engineering were technical in nature. He furthered that the original plan had 1 underground detention system and the revised plan has 2. Mr. Rux inquired about a bond for the project. Chairman Kuhr opened the meeting to public comments. Attorney Furey of 43 Bellevue Avenue in Bristol, CT stated that he would like to have the applicant withdraw the previously approved site plan and spoke in favor of the revised plan. Mr. Tyler stated that the work that will be done according to the revised plan. There were no further comments. Mr. Sennett made a motion to close 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. The motion was seconded by Ms. Wright. **Vote: 6-Yes; 0-No. The motion passed.** Mr. Rux made a motion to approve 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 based on the current plan dated 8/12/18 as the latest revision with updates to the water and runoff calculations. With the following conditions: Erosion and Sedimentation bond be set per Town Staff according to the recommendations from support staff if it hasn't already been set by the Inland Wetlands Watercourse Agency and that it receives approval from the Chatham Health District, that it is in compliance with our Regulations, that it meets Town Staff approval and that Town Staff is notified prior to and at the completion of construction. The motion was

seconded by Mr. Sennett. **Vote: 6-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 presented. He is asking to add a section to 5.2.C of the current Regulations. He provided the members with a draft of the addition that was presented at the last meeting. He explained that the intent is to allow for a public hearing for any large businesses or national chains who apply for Special Permits. Because the draft is based on Fairfield county’s regulation, Mr. Sennett asked for feedback from the Planner in Fairfield. Mr. Kowalczyk stated that he is concerned about the defined use as being commercial and that it may prohibit it in other zones. He suggested setting it to a certain size as to refrain from making it a burden to smaller franchises. Mr. Rux was concerned about micro-managing. Chairman Kuhr opened it up to public comments. Attorney Furey of 48 Bellevue Avenue in Bristol, CT spoke against the application. Danielle Noir (the applicants’ wife) 7 Sequonia Trail explained the intent of the application in detail. Mary Ann Dostaler of 56 William Drive spoke in favor of the application. John Cellino, 60 East Shore Drive, Niantic, CT spoke against the application as a property owner in East Hampton.

The applicant signed a request to extend the public hearing application PZC-18-011 – Ryan Noir, 7 Sequonia Trail to add “Formula Business” to Sec. 5.2.C. Map 09A/Block 74/Lot to the next regularly scheduled meeting on October 3, 2018. Mr. Rux made a motion to continue the public hearing for 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 to the next regularly scheduled meeting on October 3, 2018. The motion was amended to add “because the applicant requested the extension”. The modified motion was seconded by Mr. Sennett. **Vote: 6-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. Attorney Furey of 43 Bellevue Avenue in Bristol, CT explained that the applicant would like to excavate the property to make it a buildable site. The property is in the lake watershed and they have complied with those requirements and have received approval. The property is designed to be totally self-contained for a 100 year storm. A total of 4 acres to the front of the site will be excavated and graded.

The rear of the property is wooded and they are staying the appropriate distance from the wetlands regulated area. The parcel is abutted by Commercial and DD Zones to the rear. The total cut of property to be removed from the site is 25,172 cubic yards of material. Approximately 17,000 cubic yards of rock will be removed from the site by way of 8 truckloads a day. The silt fence and erosion and sedimentation controls will be in place making the site self-contained. They propose the rock crusher be at the center of the site and will be 75-80 decibels. They propose the work to be done Monday through Friday from 7 a.m. to 5 p.m.

with no weekend work. They are requesting a one-year permit to complete the work. Chairman Kuhr opened it up for public comments. There were no comments. Mr. Puglielli made a motion to close the public hearing for 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. The motion was seconded by Mr. Sennett.

Vote: 6-Yes; 0-No. The motion passed. Mr. Rux made a motion to approve 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 with the stipulation that Town Staff be notified before construction begins, that the activity complies with the Regulations, that the Erosion and Sedimentation bond is set by Town Staff, that the Anchor Engineering report be included with this motion, that appropriate blasting be performed, that all agencies are notified before, during and after blasting to provide the Town with notice should they deem monitoring necessary, notification of abutters as well, that it complies with the prints with the revised date of 8/23/18 (4 sheets total), the hours of work are Monday through Friday 7 a.m. to 5 p.m. with a maximum of 20 days of rock crushing, the permit is good for one year and the Erosion and Sedimentation Controls must be in place prior to construction and satisfactory to Town Staff. The motion was seconded by Mr. Sennett. ***Vote: 6-Yes; 0-No. The motion passed.***

- D. PZC-18-018 – West High Enterprises, LLC., 207 West High St.,** for a Special Permit Sec. 5.2 for a Proposed Daycare. Map 12/Block 36/Lot 2. Attorney Furey of 43 Bellevue Avenue in Bristol, CT. presented. He explained that the application is for a Special Permit for new construction of an 8,000 sq. ft. daycare at the rear of the property at 207 West High Street which also has frontage along Long Crossing Road and abuts other Commercial zoned properties. There is an existing home on the property that will be maintained.
- The proposed plans will allow vehicles to drive to the front door to pick up and drop off the children safely. The plan includes 36 parking spaces and 2 handicap. The landscaping plans are in compliance with the regulations. They are proposing 1 freestanding sign and 2 building mounted signs. The stormwater is allowed to exit through and conjoin with the stormwater drainage system on the 201 West High Street side using the basins that were constructed for that.
- Although there has been no comment from the Chatham Health District thus far, Attorney Furey stated that there is adequate water and sewer at the location. The property can be accessed and exited via West High Street and Long Crossing to ensure traffic safety. Attorney Furey explained that the traffic on Long Crossing may increase a bit but that the traffic will be sporadic during the business hours of 7 a.m. until 6 p.m. The applicant met with the Design Review Board and adopted their recommendations. The building will be a stick built design and sided with stone clapboard with stone veneer in the lower front.

The building was originally planned to be 16' in height which was reduced to 12' per their recommendation. It is designed with 14,700 sq. ft. of fenced in play area. Roxann Bartone of 48 Copper Beech Lane in Portland who is the director of KOCO Daycare and the potential renter explained the intention of the application and her vision for the new building as far as safety and compliance are concerned. She stated that the current facility that she is in does not meet current standards therefore she is looking to relocate. Chairman Kuhr opened it up to public comments at this time. Linda Johnson of 21 Long Crossing Road spoke about the narrow road and traffic. Leonard Johnson of 21 Long Crossing Road voiced his concerns about the traffic and safety issues. Rick Berkenstock of 13 Viola Drive supported the application. At this time (9:59 p.m.), Ms. Wright left the meeting. Derek Embree of 14 Long Crossing Road was concerned about the outdoor lighting affecting his property. Chairman Kuhr asked for a 5 minute break at this time (10:14 p.m.). The meeting resumed at 10:20 p.m. Mr. Rux made a motion to close the public hearing for application PZC-18-018 – West High Enterprises, LLC., 207 West High St., for a Special Permit Sec. 5.2 for a Proposed Daycare. Map 12/Block 36/Lot 2. The motion was seconded by Mr. Puglielli. ***Vote: 5-Yes; 0-No. The motion passed.*** Mr. Rux made a motion to approve the application of PZC-18-018 – West High Enterprises, LLC., 207 West High St., for a Special Permit Sec. 5.2 for a Proposed Daycare. Map 12/Block 36/Lot 2 because it conforms to the Regulations and with the following conditions: that the bus entrance and exit be from West High Street (Route 66) and that Long Crossing Road be used primarily for access of private and emergency vehicles, that the lighting around the building be appropriately dimmed especially the parking lot to mitigate as much as possible any light spillage onto abutting properties on Long Crossing Road or West High Street (Rte. 66), that the Chatham Health District provides approval of the septic systems and well location and if approvals are not received then the applicant will have to return to the Planning and Zoning Commission, that we have on file satisfactory feedback from other Regulatory Departments (Police, Fire and Fire Marshall), that it complies with the prints dated 8/23/2018 (5 pages) and that the applicant notifies Town Staff prior to and upon completion of construction to the satisfaction of Town Staff. The motion was seconded by Mr. Sennett. ***Vote: 5- Yes; 0-No. The motion passed.***

6. New Business:

- A. PZC-18-019 – Skyline Estates, LLC** – Reduce road width from 26' to 24' Skyline Estates, Phase II, Highland Terrace. The applicant requested tabling this application until the next regularly scheduled meeting on October 3, 2018. Chairman Kuhr granted the request.
- B. PZC-18-020: Skyline Estates, LLC** – Remove sidewalks from station 28-40 to remove impervious areas Skyline Estates, Phase II, Highland Terrace. The applicant requested tabling this application until the next regularly scheduled

meeting on October 3, 2018. Chairman Kuhr granted the request.
A brief discussion followed about the open space regulations and the cul-de-sac regulations.

7. Old Business:

- A. Alcohol Regulations –Proposed amendments to Zoning Regulations Sec. 8.4.B Alcoholic Beverages.** The members briefly discussed the possibility of opening a restaurant in the DD Zone. This agenda item was tabled to the next regularly scheduled meeting on Oct 3, 2018.

- B. Sign regulations – Proposed amendments to Zoning Regulations Sec. 7.2 Outdoor Signs.** This agenda item was tabled to the next regularly scheduled meeting on October 3, 2018.

- C. Clerical updates to Zoning Regulations; various sections.** This agenda item was tabled until the next regularly scheduled meeting on October 3, 2018.

8. Planner’s Report – Mr. DeCarli asked for clarification about the first floor apartment uses. The current regulations specify the uses allowed for 75% of the space but does not specify what the uses are for the other 25%. Whispering Woods will be on an upcoming Planning and Zoning agenda for road acceptance. The owner of the Food Bag on the corner of Colchester Ave. and Main St. would like to remove the existing house and expand the gas station. Chairman Kuhr inquired about the status of the trailer on Rte. 151. Mr. DeCarli explained that it is a complicated issue but that it is being addressed. He furthered that the Building Official met with the Attorney for the Conservator and that the property owner has been made aware that the trailer needs to be removed. Dollar General has received building permits. A ground breaking ceremony for the new Town Hall and Police Department is scheduled for September 28, 2018.

9. Set Public Hearing(s) for October 3, 2018 – None.

10. Adjournment: Mr. Kowalczyk made a motion to adjourn at 11:04 p.m. The motion was seconded by Mr. Rux. The vote was unanimous in favor.

Respectfully submitted,

Christine Castonguay
Recording Clerk