

Town of East Hampton
Planning and Zoning Commission
Regular Meeting
April 4, 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, James Sennett, Rowland Rux, Roy Gauthier, Meg Wright and Angelus Tammaro. Alternate Members Michael Kowalczyk and Tim Puglielli were present as well as Planning and Zoning Official Jeremy DeCarli.

Absent: Alternate Jason Jozefiak.

2. Approval of Minutes:

A. March 22, 2018 Special Meeting – Vice-Chairman Zatorski made a motion to approve the March 22, 2018 minutes with the suggested revisions. The motion was seconded by Mr. Sennett. ***Vote: 6-Yes; 1-Abstain (Mr. Gauthier). The motion passed.***

3. Communications, Liaison Reports, and Public Comments:

Communications: Mr. DeCarli stated that there are no communications.

Liaison Reports:

Mr. Gauthier stated that the East Hampton High School Building Committee continues to meet regarding the blue water issue.

Mr. Kowalczyk attended the River COG Regional Planning Committee meeting and reported the following: they had 1 referral from Portland for a text change to their B2 General Business Zone to allow medical marijuana dispensaries. The B2 Zone does not border any towns so they found no intermunicipal impacts. They discussed various legislative issues pertaining to the Regional Plan of Conservation Development.

Mr. Sennett stated that the Zoning Board of Appeals heard the following applications: Application ZBA-18-000, Sheryl Oken / Pizzuto Builders, 55 O'Neill Ln, Variance to reduce the side setback from 15' to 7.2' and to increase the impervious coverage from 22.2' to 22.7' to expand the SE corner of kitchen. Map 10A/Block 83/Lot 21. The application was approved. Application ZBA-18-001, Paul Cerreta, 39 Cobalt Rd., to reduce front setback from 50' to 19' to construct an attached garage with a 2nd floor. Map 01A/Block 47/Lot 4-2. The application was approved.

Application ZBA-18-002, RJM Builders, 26 Mountain Trail, to reduce the side setback from 15' to 5.4' to construct a garage. Map 10A/Block 78/Lot 4. The application was approved.

Vice-Chairman Zatorski stated that there was no report for the Inland Wetlands and Watercourse Agency meeting but the items can be discussed as the agenda items are discussed.

Mr. Rux did not have a report.

Ms. Wright did not have a report.

Mr. Tammaro did not have a report.

At this time, Chairman Kuhr asked for any public comments about anything that is not on the agenda. There were no comments.

4. Read Legal Notice for April 4, 2018: Mr. DeCarli read the legal notice for April 4, 2018.

5. Public Hearings for April 4, 2018:

A. PZC-17-026, A. Tyler Renovation, 13 North Main St., for a Commercial Site Plan Review. Map 1A/Block 39A/Lot 28B. Joel Fuller, P.E. presented. He explained that he made some changes to the site plan based on comments and concerns about the buffer between commercial and residential. In an attempt to cover the dumpster and fence, he changed the spacing width of the arborvitaes to 4' on center and added a 1-1 ½ berm. (The arborvitaes will be 4-5' high without the berm). In the rear of the building he proposed 11 10-12' high arborvitaes spaced 5' apart without a berm because the water needs to flow. This will create a visual and noise barrier between their property and the abutters. The west side of the swale will remain natural. In regards to storm water management, the soil scientist will examine the soils over the next 2 years and will submit reports and make any necessary changes. Currently, they have a 12' buffer to their side of the swale which is less than the required 15' but there is an existing watercourse that prevents the full 15'. Chairman Kuhr opened it up to public comments at this time. Brennan Moulthrope of 5 Hills Avenue stated that he appreciated some of the changes made but added that he would like to see an 8' fence, 15' vegetation buffer, construction not to continue past 7 p.m. every evening and expressed his concerns about the building not being safe. Amber Golomski of 71 North Main Street expressed her concerns about safety, security, privacy and hours of construction. Chairman Kuhr addressed the safety of the building and requested a letter from the Building Official stating that the building is in state compliance. Vice-Chairman Zatorski read aloud Section 5.2 E-1 of the Regulations which states that the commercial to residential buffer must be 15' wide and a minimum of 5' in height so he suggested that the applicant plant taller arborvitaes. Mr. Fuller explained that there will be a 50 x 50 building constructed in the future that will have handicap access and parking, a service walk in the rear, a front entrance with an island and that the drainage will be directed to the bio basin. Mr. Rux suggested omitting the Special Permit for a brewery from the application since it was withdrawn. Mr. Tyler stated that he will sign the rear entry "employee only" and that he agrees with the hours of construction being 7a.m. until 7 p.m. Vice-Chairman Zatorski made a motion to close the public hearing for PZC-17-026, A. Tyler Renovation, 13 North Main Street, for a Commercial Site Plan Review excluding the Special Permit for a brewery. Map 1A/Block 39A/Lot 28B. The motion was seconded by Mr. Gauthier. **Vote: 7-Yes; 0-No. The motion passed.** Vice-Chairman Zatorski made a motion to approve the application of PZC-17-026, A. Tyler Renovation, 13 North Main Street, for a Commercial Site Plan Review excluding the Special Permit for a brewery. Map 1A/Block 39A/Lot 28B because this meets our regulations, it is an improvement to the property and drainage and with the following conditions: the fence surrounding the dumpster shall be a minimum of 1' higher than the height of the dumpster with a maximum height of 8 ½' high, that the plantings and the trees are a minimum of 6' tall or taller as described this evening by the representative of the developer and

forms a visual barrier, construction times are to be 7 a.m. to 7 p.m. with no construction on Sunday, the small lot is to be signed as proposed this evening in accordance with approval of Town Staff, Town Staff is already notified of construction and be advised of any construction changes or deviation from the plans, Town Staff be notified at the end of construction prior to occupancy and that the plans are in accordance with the plans submitted to Town Staff with revisions up to and including changes of April 4, 2018. Mr. Rux seconded the motion.

Vote: 7-Yes; 0-No. Motion passed.

- B. PZC-17-019 – Harry Freeman, 138 East High St., Amendment to Zoning Regulation: DHD Zone-Diverse Housing Development.** Mr. Freeman sent a letter to Mr. DeCarli requesting the withdrawal of the application. The letter is dated April 4, 2018 and was read into the minutes by Vice-Chairman Zatorski. The letter will be filed with the minutes.
- C. PZC-18-001 – Roncalli Institute, Dan Loos, 49 Oakum Dock Rd., for a Special Permit for R-2 Zone (church allowed with special permit Section 4.2.D.1.E). Map 02/Block 9A/Lot 4.** A letter was submitted by Dan Loos from Roncalli Institute requesting a postponement of the public hearing to the next Planning and Zoning meeting on May 2, 2018. The letter is dated 4/3/2018 and was sent to the Planning and Zoning Commission. Vice-Chairman Zatorski read the letter into the minutes. (The letter will be filed with the minutes). Vice-Chairman Zatorski made a motion to postpone the public hearing for application PZC-18-001 – Roncalli Institute, Dan Loos, 49 Oakum Dock Rd., for a Special Permit for R-2 Zone (church allowed with special permit Section 4.2.D.1.E). Map 02/Block 9A/Lot 4 to the next regularly scheduled meeting on May 2, 2018. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No.** The motion passed.
- D. PZC-18-005 – Dean Brown – 26 Barton Hill, Amendment to Zoning Regulation: Section 8.4,I (B&B). Map 02A/Block 47/Lot 40.** Mr. Brown stated that he would like to have small group gatherings for less than 60 people. Mr. Kowalczyk stated that the Town of Chester considers weddings and special events to be an incidental use to the residential character of the property. A brief discussion followed about the term “incidental” and how it applies to commercial use. Chairman Kuhr asked for any public comments. There were no comments. Vice-Chairman Zatorski made a motion to continue the public hearing of the application PZC-18-005 -Dean Brown-26 Barton Hill, Amendment to Zoning Regulation: Section 8.4,I (B&B) Map 02A/Block 47/Lot 40 to the next regularly scheduled meeting. 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-18-005 – Dean Brown – 26 Barton Hill, Amendment to Zoning Regulation: Section 8.4,I (B&B). Map 02A/Block 47/Lot 40 to the next regularly scheduled meeting. Mr. Rux seconded the motion. **Vote: 7-Yes; 0-No. The motion passed.**
- E. PZC-18-006 – Garrett Homes, LLC – 197 East High Street, Commercial Site Plan Approval for 28,856 sq. ft. commercial site plan with retail store in the Lake Pocotopaug Protection Area. Map 32/Block 71/Lot 1-2.** Matt Bruton from BL Companies presented. He stated the lot is 1.3 acres and zoned commercial. They are proposing a 7500 sq. ft. retail building with 27 parking spaces with access via a single driveway along East High Street. The utilities are available either onsite or in

the road. Topography varies from 578 to 566. They have presented to the Design Review Board and have incorporated their comments into the elevation plans. In regards to storm water, they are proposing a plan that is consistent with the 2004 DEEP Storm Water Management guidelines. There are storm water basins in the front, side and rear. There are erosion and sediment controls around the site as well as a 15' buffer and 5' tall arborvitaes to create a visual barrier between both the residential side and commercial sides. The proposed building will have a colonial New England appearance with architectural shingles, windows in the front and along the side, gooseneck lighting and a cupola. He showed the members where the proposed sign will be placed but stated that he is not here for the approval of the sign. At this time, Mr. Bruton addressed some of the concerns Mr. DeCarli had with the site plan that were outlined in a letter he sent to Mr. Eucalito of Garrett Homes, LLC. on February 28, 2018. Mr. Bruton stated that he made the following changes due to the letter: he added 5' tall evergreens to the 15' buffer along the residential side, the light fixtures will be no more than 17' tall, he provided the members with a sample of the proposed sign, they increased the depth of the sidewalks to avoid having vehicles overhanging on the sidewalks, a metal guardrail was added to the rear of a small retaining wall near the dumpster pad and he pointed out 2 Stormceptor 900 Hydrodynamic Separators that are on the plan. Vice-Chairman Zatorski stated that he would like to see an updated plan for the lighting once it is complete. Mr. Tammaro stated that he feels that the updates to the official East Hampton Zoning Map should be approved before action is taken on this application. Chairman Kuhr opened it up to public comments. Jennifer Palma of 3 Wangonk Trail spoke in opposition to this application. Jennifer Mikulski of 100 Daly Road commented that it meets requirements. Judy Isele of 31 Wangonk addressed her concerns for the integrity of the lake and safety. Dorene Nablo of 43 Bay Road talked about the lack of sidewalks along Lake Road. Jim Curtis of 1 Wangonk Trail voiced his concerns for the lake and traffic. Gary Ransom of 4 Namonee Trail talked about snow removal issues and traffic. Barbara Doherty of 95 Young Street showed support for the application. Ryan Noir of 7 Sequonia Trail spoke against the application as did Susan Palen of 6 Sequonia. Danielle Noir of 7 Sequonia Trail addressed concerns regarding traffic, road infrastructure, lights, sidewalks, noise and pollution. Fred Greenburg, traffic engineer with BL Companies stated that a traffic study was done in October and the findings were as follows: an increase in traffic by 1 to 1 ½%, there will be excellent sight distance therefore there should be no issues entering or exiting the site and approximately 11,000 daily traffic on Route 66. Mr. Bruton went on to address some of the concerns voiced by members of the public. Vice-Chairman Zatorski made a motion to continue the public hearing for the application of PZC-18-006 – Garrett Homes, LLC – 197 East High Street, Commercial Site Plan Approval for 28,856 sq. ft. commercial site plan with retail store in the Lake Pocotopaug Protection Area Map 32/Block 71/Lot 1-2 to the next regularly scheduled meeting on May 2, 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-18-006 – Garrett Homes, LLC – 197 East High Street, Commercial Site Plan Approval for 28,856 sq. ft. commercial site plan with retail store in the Lake Pocotopaug Protection Area Map 32/Block 71/Lot 1-2 to the next regularly scheduled meeting on May 2, 2018. The motion was seconded by Mr. Sennett. **Vote: 7-Yes; 0-No. The motion passed.**

At this time (9:22), Vice-Chairman Zatorski requested a 5 minute break. Chairman

Kuhr granted the break. The meeting resumed at 9:30. Chairman Kuhr moved agenda Item#G to the next agenda item to be heard.

G. Updates to the Official East Hampton Zoning Map – Mr. DeCarli pointed out some of the changes, corrections and updates that were incorporated into the Zoning Map. Chairman Kuhr opened it up to public comments. Tom Adams of 20 North Hollow Road asked for clarity as did Judy Isele of 31 Wangonk Trail and Ryan Noir of 7 Sequonia Trail. Vice-Chairman Zatorski made a motion to close the public hearing for the Updates to the Official East Hampton Zoning Map. Mr. Rux seconded the motion. **Vote: 7-Yes; 0-No. The motion passed.** Vice-Chairman Zatorski made a motion to adopt the Updates to the Official East Hampton Zoning Map as presented to us with a date of March 7, 2018 and to include the memo and narrative dated March 7, 2018 from Jeremy DeCarli to the Planning and Zoning Commission and for the following reasons: to reflect the actual underlying zoning to correct our map and with an effective date of April 20, 2018. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No. The motion passed.**

At this time Chairman Kuhr recused himself and Vice-Chairman Zatorski was appointed as acting Chairman.

F. PZC-18-008- Kevin Kuhr – 60 Spellman Point, Special Permit Sec. 8.4.M for Accessory Dwelling Unit – Detached. Map 09A/Block 70/Lot 11. Mr. Kuhr presented to the members. He stated that he has a garage with storage space above that he would like to make into an apartment with 1 bedroom, a bathroom, a kitchen, a closet and space for a washer and dryer and a 16' x 16' deck. Access to the apartment will be via an enclosed stairway inside the garage. The total square feet of the space is 38' x 30'. Eversource will be putting in a new pole. There will be one meter on the garage with an above wire from the new pole to the garage and an underground wire from the garage to the house. There will be a grinder pump in the garage that will pump to the existing sewer. Mr. Kuhr stated that he would like to have a living space that is more energy efficient. There was a lengthy discussion about the total square footage of the dwelling unit. The total square footage was determined to be 900 square feet per the following calculations: the main dwelling space is 912 sq. ft. with the addition of the dormer area it increases it to 972 sq. ft. and with the deduction of the 72 sq. ft. staircase it totals 900 sq. ft. Acting Chairman Zatorski asked for public comments at this time. Dorene Nablo of 43 Bay Road asked when apartments were made acceptable in the regulations. Susan Rubega of 65 Viola Drive was concerned about the extra traffic on the narrow street. Barbara Doherty of 95 Young Street spoke in favor of the application. Mr. Rux made a motion to close the public hearing for PZC-18-008- Kevin Kuhr – 60 Spellman Point, Special Permit Sec. 8.4.M for Accessory Dwelling Unit – Detached. Map 09A/Block 70/Lot 11. The motion was seconded by Mr. Tammaro. **Vote: 6-Yes; 0-No. The motion passed.** Mr. Rux made a motion to approve the application of PZC-18-008- Kevin Kuhr – 60 Spellman Point, Special Permit Sec. 8.4.M for Accessory Dwelling Unit – Detached. Map 09A/Block 70/Lot 11 with the following conditions: that Town Staff review the size to ensure that the size is under or equal to 900 square feet, that it meets all our other regulations, that Town Staff be notified prior to the start of residential construction or interior construction, Town Staff be notified at the end of construction, it meets all necessary requirements and that the C.O. is obtained prior to occupancy. The motion was seconded by Mr. Gauthier.

Vote: 6-Yes; 0-No. The motion passed.

6. New Business: None.

7. Old Business: None.

8. Planner's Report: Mr. DeCarli presented the following: The Town Council asked the Planning and Zoning Commission to review the TIF District Plan and discuss at the next meeting. Susan Popielaski from ECO Coffee, 82 Main Street would like to offer a local brew at her business once or twice a week but her business is located within 350' of a church therefore Mr. DeCarli asked the Commission if there was any interest in reducing the prohibited areas that are defined in the Regulations. Mr. DeCarli stated that he has received several inquiries about whether or not medical marijuana dispensaries would be allowed. He asked the Commission for clarification. The members openly discussed the topic and the consensus was that they did not support the allowance of medical marijuana dispensaries.

9. Set Public Hearing(s) for May 2, 2018: None.

10. Adjournment: Vice-Chairman Zatorski made a motion to adjourn at 10:54 p.m. The motion was seconded by Ms. Wright. The vote was unanimous in favor.

Respectfully submitted,

Christine Castonguay
Recording Clerk