

Town of East Hampton
Planning and Zoning Commission
Regular Meeting
May 2, 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. April 4, 2018 Regular Meeting – Vice-Chairman Zatorski made a motion to approve the April 4, 2018 minutes with the following corrections: on page 5, Item# F; the total square footage of the space should be 38' x 30', CL&P should be changed to Eversource, the sentence that states “space that is more energy efficient” it should be changed to “living space” and Mr. Kuhr stated that he mentioned a 16' x 16' deck that was not mentioned in the minutes. Mr. Sennett seconded the motion.

Vote: 7-Yes; 0-No. The motion passed.

3. Communications, Liaison Reports, and Public Comments:

Communications: Mr. DeCarli presented the members with a quarterly newsletter from the CT Federation of Planning and Zoning Agencies as well as a letter from Mr. Patrick Reinhard regarding the Fat Orange Cat Brewery.

Liaison Reports:

Mr. Gauthier stated that the East Hampton High School Building Committee continues to have an issue with blue water.

Mr. Puglielli did not have a report.

Mr. Kowalczyk was unable to attend the River COG Regional Planning Committee meeting.

Mr. Sennett stated that the Zoning Board of Appeals did not have any applications therefore their meeting was cancelled.

Vice-Chairman Zatorski stated that there was nothing from the Inland Wetlands and Watercourse Agency meeting that needed to be discussed.

Mr. Rux stated that he and Ms. Wright attended a workshop pertaining to the Water Development Task Force. The purpose of the workshop was to draft a presentation for the Town Council. Mr. Rux submitted the documents he received at the workshop which included facts and figures and explained that it was presented to the Town Council for them to consider and decide. He did not attend the Economic Development Commission meeting.

Ms. Wright commented that the Water Development Task Force did a great job with their recommendation to Town Council.

Mr. Tammaro attended the April 16 Design Review Board meeting and stated that there

was a discussion about the lighting not conforming to the regulations at the NAPA and Belltown Auto buildings. Also on the agenda was a sign for Black Birch & Grace on 95 Main Street which was approved subject to the approval of Town Staff.

At this time, Chairman Kuhr asked for any public comments about anything that does not pertain to agenda item numbers 5a, 5b or 5c.

Mary Ann Dostaler of 56 William Drive spoke in support of The Black Walnut Artisan Bread Co. and its location in the Village Center. Jennifer Palma of 3 Wangonk Trail also spoke in support of the Black Walnut Artisan Bread Co. Chairman Kuhr asked for any other comments. There were no further comments so he closed the public comments.

A. Bob Atherton, East Hampton Commission on Aging – East Hampton 2017

Commission on Aging Survey. Mr. Atherton began by explaining the missions and goals of the Commission on Aging then went on to present the results of the survey they circulated around East Hampton. The focus of the survey was on housing, health and transportation. There were 3200 surveys distributed and they received 269 responses. He went on to provide a brief summary of the comments.

4. Read Legal Notice for May 2, 2018: Not required.

5. Public Hearings for May 2, 2018:

A. 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. Chairman Kuhr stated that the applicant requested to withdraw the application. The request was made in writing by Mr. Loos and dated 4/30/2018. The letter will be filed with the minutes.

B. PZC-18-005 – Dean Brown – 26 Barton Hill, Amendment to Zoning Regulation: Section 8.4, I (B&B). Map 02A/Block 47/Lot 40. Chairman Kuhr stated that the applicant requested in writing to postpone the application to the next regularly scheduled PZC meeting on June 6, 2018. The letter will be filed with the minutes.

C. 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, LLC. presented to the members. He began by responding to the recommendations Mr. DeCarli made in a letter dated 4/17/18. Mr. Bruton pointed out the suggested changes on the site plan which included: the zoning compliance table, the consideration of a stone area near the north corner parking lot to prevent erosion, indication of roof drainage, landscaping between the front of the building and the sidewalk and a request to submit a revised lighting plan. Mr. DeCarli stated that he has no further outstanding recommendations and went on to explain that the traffic study was done by BL Companies in October and the results were in line with the DOT traffic counts which are done in August. The revised lighting plan was presented and discussed. Chairman Kuhr opened it up to public comments. Jessie Livingston of 92 Laurel Ridge asked about the total number of parking spaces. Jennifer Palma of 3 Wangonk Trail stated that the traffic issues were not addressed. Dave Mechanic of 11 South Ridge commented on the traffic study. Jim Milardo of 186 Lake Drive spoke about issues with the storm drains and asked if there were any changes to the Lake Drive and Rte. 66 intersection. Marge Mechanic of 11 South Ridge asked if the building blends with the other commercial buildings. Winifred Riedinger of 8 South Wangonk Trail spoke against the traditional yellow Dollar

General sign and commented on the traffic study. Susan Palen of 6 Sequonia Trail commented on the traffic issues. Danielle Noir of 7 Sequonia Trail suggested adding a fence and commented on the headlights and trash. Patti Milardo of 186 Lake Drive requested clarification. Mary Ann Dostaler of 56 William Drive inquired about the possibility of receiving comments from the local traffic authority after the public hearing is closed. Vice-Chairman Zatorski made a motion to close 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. The motion was seconded by Mr. Sennett. ***Vote: 7-Yes; 0-No. The motion passed.*** Vice-Chairman Zatorski made a motion to approve 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 for the following reasons: it meets our regulations, we have favorable comments from the Design Review Board, the East Hampton Conservation Lake Commission, WPCA, the Fire Marshal as well as other relevant commentary from other cognizant bodies within town and with the following conditions: Town Staff be notified prior to the start of construction, all E&S controls are in place prior to the start of construction with the approval of Town Staff, the Mylars be filed, along with standard Mylars the plans and construction be in accordance with the plans dated April 30, 2018 by BL Companies, LLC. of 100 Constitution Plaza in Hartford, CT., the landscaping plans LL-1 be included in the Mylar set, this does not cover the approval of DN-5 signage and permits for signage will be a separate application, maintenance be in accordance with the plans dated April 30, 2018, the applicant would be required to return to the Planning and Zoning Commission if the State DOT changes the curb cut and/or requires a modification of this permit. The motion was seconded by Mr. Rux. Mr. Gauthier requested the following statement be documented: public safety was considered by the Commission and there were no comments received from the traffic authority.

Vote: 7-Yes; 0-No. The motion passed.

The members took a 5 minute break at 8:44 p.m. and returned at 8:49 p.m.

6. New Business:

- A. PZC-18-009 – Jill and Karin Bromley, 19 Flanders Rd.,** for a Special Permit for a 60' x 100' Commercial Stable. Map 26/Block 85/Lot 29. Jill and Karin presented. Jill is a child adolescent therapist as well as doing animal assisted therapy. She has an office in Glastonbury and would like to consolidate to have one farm based counseling practice. She proposes building a new 6 stall barn with 2 offices in the front. The property is 16.8 acres and the proposed building will be on top of the hill behind the existing riding arena for privacy purposes (the hill and arena are behind the existing house). Their goal is to be as green as possible so they are proposing composting bathrooms. The project will be reviewed by the Chatham Health District. They are requesting a Special Permit for Commercial Stable Use to build a stable to house their therapy offices. Vice-Chairman Zatorski made a motion to set a public hearing for the next regularly scheduled meeting on June 6, 2018 for the application of PZC-18-009 – Jill and Karin Bromley, 19 Flanders Rd., for a Special

Permit for a 60' x 100' Commercial Stable. Map 26/Block 85/Lot 29. The motion was seconded by Mr. Rux. ***Vote: 7-Yes; 0-N. The motion passed.***

B. PZC-18-010 – Christian Michalowski, Black Walnut Artisan Bread Co., LLC, 81 Main St., for a commercial site plan review Map 06A/Block 61/Lot 6. Christian presented. He would like to open a bread shop at 81 Main Street in the Village Center. At this time, it will be a “grab & go” service. He will be baking 50-70 loaves of bread a day. He is in contact with the Chatham Health District regarding the regulation of the commercial kitchen and with the Fire Chief for any requirements. There are 7 existing public parking spots to the right of the building and some across the street but the applicant states that he will request a waiver. He went on to review the proposed layout: a kitchen with a pizza oven, a range, a hood, a 3 bay sink, a hand sink, a point of sale system and basically a bakery configuration with a counter and a display case. The business will be 80% bread and 20% cookies and cakes which will be sold retail and wholesale. He will also have 2 tables inside and maybe 2 tables outside but definitely under 15 people. He has contacted Tim Smith from the WPCA and has an email from him stating that he has no issues. The building is on public water, sewer and is on a gas line. Vice-Chairman Zatorski made a motion to approve the application of PZC-18-010 – Christian Michalowski, Black Walnut Artisan Bread Co., LLC, 81 Main St., for a commercial site plan review and a waiver of the parking regulations Map 06A/Block 61/Lot 6 for the following reasons: it is a business that will be located in town, it meets our regulations, we have commentary from Town Staff that it meets regulations, WPCA has commented favorably via email (a copy of the email is filed in the town file for this application) and with the following conditions: that the Chatham Health District is contacted and that we receive favorable commentary to the satisfaction of the Town Staff, Town Staff be notified prior to the start of construction at this site and that it be inspected and it be granted a final C.O. prior to the start of operations. The motion was seconded by Mr. Sennett. Mr. Rux amended the motion to add the statement: Town Staff receive commentary from the Fire Marshal. Mr. Sennett seconded the amended motion. ***Vote: 7-Yes; 0-No. The motion passed.***

C. PZC-18-011 – Ryan Noir, Amendment to Zoning Regulation: Section 5.2.C. Mr. Noir of 7 Sequonia Trail presented. He would like to add Item#21 “Formula Business” under Section 5.2.C Uses with Special Permit. “Formula Business” means any type of commercial business establishment that uses a trademark, logo, service mark or other mutually identifying name or symbol that is shared by 15 or more commercial businesses (other than a “formula fast food restaurant”) and which maintains any standardized (“formula”) array of service and/or merchandise, décor, business method, architecture, layout, uniform, or similar, standardized feature. Mr. Noir explained that his proposed amendment would add special requirements for those types of businesses to obtain a Special Permit. It would give the Commission the ability to determine the location, if the establishment is a good fit for the town image and to determine the hours of operation. Furthermore, it would give the Commission a broader discretion as well as the option to deny the application. Danielle Noir of 7 Sequonia Trail commented that it also gives the Commission the ability to alter the image of the business to fit the character of the area. The data that was collected by the applicant was based off the Regulations for California so the Commission asked him to do some more research specifically to the State of CT. Vice-Chairman Zatorski made a motion to set a public hearing for the July 11, 2018

Planning & Zoning Commission meeting to give the applicant ample time to prepare. The motion was seconded by Mr. Gauthier. **Vote: 7-Yes; 0-No. The motion passed.**

- D. 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 stated that he would like to put in a breakfast deli in the front section of the existing building that would serve breakfast and lunch. The hours of operation would be Monday thru Friday 6 a.m. to 2 p.m. and Saturday and Sunday 7 a.m. to 2 p.m. Vice-Chairman Zatorski made a motion to set a public hearing for the next regularly scheduled meeting on June 6, 2018 for 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. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No. The motion passed.**
- E. TIF District** – Mr. DeCarli explained that TIF stands for Tax Increment Financing and that it's a financing tool for distressed downtown areas. It's an initiative of the Town Council who are interested in implementing it throughout the Village Center and surrounding areas. Chairman Kuhr stated that as an individual Commission member, he feels this should be delayed a few years due to upcoming projects that will increase taxes. Vice-Chairman Zatorski made the following motion: "We think it is a good idea to further investigate the TIF District but that careful attention needs to be paid to the tax burden of the town in setting this up and the burden of individual business owners that are inside this district. Will that have a dampening effect on business formation in the district that it's suppose to help? All previously mentioned concerns need to be looked at prior to any implementation." Mr. Sennett seconded the motion. **Vote: 7-Yes; 0-No. The motion passed.**
- F. Alcohol Regulations – Proposed amendments to Zoning Regulations Sec. 8.4.B Alcoholic Beverages.** Mr. DeCarli stated that our current regulations restrict alcoholic beverage sales within 500' of certain institutions. He is proposing the addition of the sale of alcohol for on-site consumption to Section 8.4.B.1.b to our current regulations ("Sale of alcohol for on-site consumption in the C, VC or MUDD Zones may be approved within 500 feet of the uses described in Section 8.4.B.1.b above when the Commission determines that such sale will not adversely affect the health, safety, or morals of persons attending said facility.") Vice-Chairman Zatorski stated that as a single Commission member he would like to give a sit down eatery the ability to sell alcoholic beverages and offered the example: ECO Coffee House being able to sell Fat Orange Cat Brewery products. Vice-Chairman Zatorski suggested the continuation of Alcohol Regulations – Proposed amendments to Zoning Regulations Sec. 8.4.B Alcoholic Beverages to the next regularly scheduled meeting on June 6, 2018 under "Old Business".

7. Old Business: None.

8. Planner's Report: Mr. DeCarli addressed the letter Mr. Reinhart submitted regarding the Fat Orange Cat Brewery. Mr. Reinhart is requesting that the owners submit in writing the following: that all patrons will park on-site and not on Jacobson Farm Road and that patrons will not stay longer than 45 minutes. Mr. DeCarli said that he told Mr. Reinhart that once the parking lot is complete, he as the Zoning Official will require that all patrons parking will be on-site and if there is any parking off-site, a notice of violation will be issued. He informed the members that the owners of the NAPA building need to pave the parking lot, landscaping, finish site work and submit lighting plans. They installed lighting that is non-compliant. Waves restaurant was given several letters of violation for the

business sign they have posted. The sign remains so the Commission asked Mr. DeCarli to act upon the violation because this has been ongoing since the beginning of winter. They also asked Mr. DeCarli to draft a list of people/businesses who are not in compliance with the signage regulation.

9. Set Public Hearing(s) for June 6, 2018: Public hearings were previously set under Agenda Items: 6a and 6d. The Commission set a Public Hearing for Item# 6C for July 11, 2018.

10. Adjournment: Vice-Chairman Zatorski made a motion to adjourn at 10:22 p.m. The vote was unanimous in favor. The meeting adjourned.

Respectfully submitted,

Christine Castonguay
Recording Clerk