

Town of East Hampton
Planning and Zoning Commission
Special Meeting
March 22, 2018 – 7:00 P.M.
T-Bell Room East Hampton High School

MINUTES – Revised 4/4/2018

1. Call to Order and Seating of Alternates:

Chairman Kuhr called the meeting to order at 7:10 p.m.

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

Absent: Regular member Roy Gauthier and Alternates Jason Jozefiak and Tim Puglielli.

2. Approval of Minutes:

A. February 7, 2018 Regular Meeting – Vice-Chairman Zatorski made a motion to approve the February 7, 2018 meeting minutes as written. The motion was seconded by Mr. Rux. *Vote: 5-Yes; 2-Abstain (Mr. Tamaro and Ms. Wright). The motion passed.*

3. Communications, Liaison Reports, and Public Comments:

Communications: Mr. DeCarli shared the following communications: 2 letters from the CT Siting Council regarding modification to the cell phone towers at 151 Young Street and 1 Public Works Drive and a letter from the Town Manager re-appointing Michael Kowalczyk as an Alternate for the Planning and Zoning Commission. Chairman Kuhr stated that at the February meeting the members met with the Town Attorney in a special session regarding 197 East High Street. He stated that in the 1998 minutes, it states that the property is zoned Commercial but that the maps were not updated depicting that and that it was a clerical error. A few months back, the motion did not pass to change it to a Commercial Zone but unbeknownst to the Commission, it already was zoned Commercial. The Commission met with the Town Attorney and voted that the property is zoned Commercial.

Liaison Reports:

Mr. Kowalczyk attended the Lower CT River Valley Regional Planning Commission and reported the following: they discussed a regional update to GIS wetland maps. They will be updating the regional database that will be made available to the member towns. They also discussed various state issues such as proposed tolls.

Mr. Tamaro did not have a report.

Mr. Sennett stated that ZBA met this month but that Mr. Sennett did not receive the minutes from that meeting therefore he will report on it next month.

Vice-Chairman Zatorski stated that there was no report for the Inland Wetlands and

Watercourse Agency meeting.

Mr. Rux did not have a report.

Ms. Wright stated that the Water Development Task Force did not meet in February but did meet on March 8th: they discussed the Tighe and Bond study that was presented to the Town Council. The Town Council requested that they do a phasing program which they did and presented to the Town Council. Chairman Kuhr said that the results of the phasing program will be distributed to the members of the Commission by Town Staff. At this time, Chairman Kuhr opened the meeting to public comments regarding anything that is not a public hearing. Mr. Reinhard of 7 Jacobson Farm Road spoke about his frustrations regarding the parking of the patrons of The Fat Orange Cat Brewery along Jacobson Farm Road. Steve Jones of 3 Jacobson Farm Road re-iterated some of Mr. Reinhard's concerns but stated that he is in favor of the new proposed parking plan for the brewery. There were no other public comments so Chairman Kuhr closed the public comments at this time.

4. Read Legal Notice for March 22, 2018: Mr. DeCarli read the legal notice for March 22, 2018.

5. Public Hearings for March 22, 2018:

A. PZC-17-024, Christian Michalowski of the Black Walnut Artisan Bread Co., 201B West High St. for a Special Permit for a bakery. Map 12/Block 36/Lot 3-1. **Application withdrawn.**

B. PZC-17-026, A. Tyler Renovation, 13 North Main St., for a Commercial Site Plan Review and Special Permit for a brewery. Map 1A/Block 39A/Lot 28B. Mr. DeCarli informed the Commission that the request for a Special Permit for a brewery has been withdrawn. Joel Fuller (licensed land surveyor) presented. He presented site plans that he stated go back to the original proposal for the existing building. He said there is a bio basin on the property as well as a small access on Hills Ave. for parking spaces which is problematic due to the drainage ditch that comes off Hills Ave. and because the swale fills up with debris. The Town has an easement on their property and the existing swale is not a natural one so they propose a pipe that comes down further grade to clear up a bad scenario. They have worked extensively with Inland Wetlands and have received their approval. He added that the basin was designed using the 2004 DEEP Storm Water Management manual. He referred back to the site plan and pointed out the arborvitae that were added for screening and to treat the storm water. Vice-Chairman Zatorski stated that Commercial properties require a 15' buffer and that the site plan presented this evening shows a row of arborvitae and some grass which is not sufficient. Chairman Kuhr opened it up to public comments at this time. Vice-Chairman Zatorski read a letter from the Theater Square manager (Mr. Wayne Rand) regarding storm water management. The letter will be filed with

the minutes. Melissa Moulthrop of 5 Hills Avenue read an email that her husband sent to Town Staff which spoke against the application. Mr. Fuller addressed some of the concerns regarding the water issue by stating that he put in a 86' pipe to alleviate the back up and that there are no changes to the drainage patterns. The applicant requested in writing an extension to the next regularly scheduled Planning and Zoning meeting on April 4, 2018. Vice-Chairman Zatorski made a motion to continue the Public Hearing for PZC-17-026, A. Tyler Renovation, 13 North Main St., for a Commercial Site Plan Review. Map 1A/Block 39A/Lot 28B since the applicant has requested an extension of this application and public hearing and that the extension was accepted by the Commission. Mr. Rux seconded the motion. **Vote: 7-Yes; 0-No. Motion passed.** Vice Chairman Zatorski made a motion to continue the application of PZC-17-026, A. Tyler Renovation, 13 North Main St., for a Commercial Site Plan Review. Map 1A/Block 39A/Lot 28B to the next regularly scheduled meeting on April 4, 2018. The motion was seconded by Mr. Sennett. **Vote: 7-Yes; 0-No. The motion passed.**

C. PZC-18-000 – Hubert Butler Construction, 9 Young St., for a Special Permit Renewal for excavation. Map 20/Block 33/Lot 7A. Greg Fedus of Fedus Engineering presented. He stated that they are here for their annual Special Permit renewal for excavation at 9 Young Street. Brian Gombotz from Hubert Butler Construction stated that they are at the cusp of phase 3, erosion controls are in place, they blasted 12 times since the last Special Permit and will do one more time and that will be the end. He added that they blast in the middle of the day when no one is home but that the neighbors are notified and there were no complaints from neighboring streets. They predict 2-3 blastings this time. Chairman Kuhr opened it up to public comments at this time. Mark Philhower of 212 White Birch inquired about the need to re-apply or if an extension is needed for the original plan. Vice-Chairman Zatorski made a motion to close the public hearing for PZC-18-000 – Hubert Butler Construction, 9 Young St., for a Special Permit Renewal for excavation Map 20/Block 33/Lot 7A. Mr. Rux seconded the motion. **Vote: 7-Yes; 0-No. Motion passed.** Vice-Chairman Zatorski made a motion to approve the application of PZC-18-000 – Hubert Butler Construction, 9 Young St., for a Special Permit Renewal for excavation. Map 20/Block 33/Lot 7A since it meets our regulations, it is a yearly renewal and because they have presented the plans to the satisfaction of the Commission and Town Staff. Mr. Sennett seconded the motion. **Vote: 7-Yes; 0-No. The motion passed.**

D. PZC-17-019 – Harry Freeman, 138 East High St., Amendment to Zoning Regulation: DHD Zone-Diverse Housing Development. Mr. Freeman presented. He addressed the concerns and suggestions from the previous meeting and created Section E (Open Space Diverse Housing Development) under 6.3 of the HOD Regulations (use permitted with Special Permit) with no requirement to preserve units as affordable housing and with the following requirements: it must be a

previously approved HOD project, it must be a higher percentage of open space (30% being proposed) and that the densities, maximum setbacks, impervious surface coverage, minimum front, rear and side yard setbacks, maximum building height and maximum building coverage has remained as delineated in the original HOD project that was previously approved. A common interest community will be required due to the private roads. The units will be attached single family dwellings with no more than 6 per building. All the buildings of flats will be on a single level with elevators. What they have in this proposed regulation is in compliance with the Conservation of Development and that the Special Permit requires any work to go before the Planning and Zoning Commission. Chairman Kuhr stated that it negates the purpose of the HOD Regulations by adding Section E. Chairman Kuhr opened it up to public comments. Mark Philhower of 212 White Birch stated that DHD and HOD needs to be separate. Judy Isele of 57 Wangonk Trail spoke against the application. George Coshow of 26 Shipyard Road spoke against the application. Steve Motto of 207 Hog Hill explained why HOD is an issue in this town. Barbara Doherty of 95 Young Street spoke against the application. Diane Gorrick of 33 Wangonk spoke against the application. Cathy Mayo of 50 Wangonk Trail spoke against the application. Lisa Motto of 207 Hog Hill explained why the regulation change is needed. Beverly Bruton of 97 Young Street spoke against the application. Alannah Coshow submitted a letter of opposition to the application and asked Vice-Chairman Zatorski to read it into the minutes. The letter will be filed with the minutes. Mr. Freeman requested in writing an extension to the next scheduled meeting on April 4, 2018. Vice-Chairman Zatorski made a motion to continue the public hearing for PZC-17-019 – Harry Freeman, 138 East High St., Amendment to Zoning Regulation: DHD Zone-Diverse Housing Development to the next regularly scheduled meeting on April 4, 2018. The motion was seconded by Mr. Sennett. ***Vote: 6-Yes; 1-No (Mr. Rux). The motion passed.*** Vice-Chairman Zatorski made a motion to continue the application of PZC-17-019 – Harry Freeman, 138 East High St., Amendment to Zoning Regulation: DHD Zone-Diverse Housing Development to the next regularly scheduled meeting on April 4, 2018 because the applicant requested an extension to the next regularly scheduled meeting. The motion was seconded by Ms. Wright. ***Vote: 6-Yes; 1-No (Mr. Rux). The motion passed.***

E. 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. Applicant requested postponement to April 4, 2018 meeting. Vice-Chairman Zatorski made a motion to continue the application of 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 April 4, 2018. The motion was seconded by Mr. Sennett. ***Vote: 7-Yes; 0-No. The motion passed.***

F. PZC-18-002 – Town of East Hampton, East High Street, for a Special Permit and

Site Plan Approval for a new municipal Town Hall and Police Department – Map 10A/Block 85/Lot 5D. John Faulise of Boundaries, LLC. presented. He began by informing the Commission that they have received approvals from Conservation Lake Committee, Design Review Board, Inland Wetlands and from Anchor Engineering who reviewed the sheet plan set, drainage calculations and the erosion and sediment control plan. He re-iterated the project: 19,000 sq. ft. building for the new Town Hall and Police Department, 2 access sites from 2 locations (one will be an emergency entrance), the driveway widths were increased to 20' per the Fire Marshall and increased to 24' at the Rte. 66 access to the public and town staff parking area. Vice-Chairman Zatorski voiced his concern about the 24' increase going further up from the Rte. 66 access point. The Fire Marshall also asked to identify the fire lanes on the plan which they did. Mr. Faulise stated there is no increase to storm water run off along the side of Edgewater Circle. He submitted a memo from Mark Vertucci, P.E. (Traffic Engineer with Fuss & O'Neill, Inc.) which stated that he reviewed the access point from Rte. 66 and that it conforms with the DOT standards. Keith Beaver (Landscape Architect with Didona Associates) went into extensive detail regarding the types of plantings being proposed and the locations. Chris Legiadre from Amenta Emma Architects discussed the building layout in extensive detail.

Chairman Kuhr opened it up to public comments. George Pfaffenbach (member of the Building Committee) voiced his concern over the fact that there is no rear door entrance. Barbara Doherty of 95 Young St. asked about the access sites. Vice-Chairman Zatorski made a motion to close the public hearing for PZC-18-002 – Town of East Hampton, East High Street, for a Special Permit and Site Plan Approval for a new municipal Town Hall and Police Department – Map 10A/Block 85/Lot 5D. The motion was seconded by Mr. Rux. ***Vote: 7-Yes; 0-No. The motion passed.*** Vice-Chairman Zatorski made a motion to approve the application of PZC-18-002 – Town of East Hampton, East High Street, for a Special Permit and Site Plan Approval for a new municipal Town Hall and Police Department – Map 10A/Block 85/Lot 5D in accordance with progress plan print dated March 7, 2018 95% submission with the following conditions: that the cooperation with Town Staff continues, and that the road from Rte. 66 to the loop road around the Town Hall be widened to 24' from the existing 20' shown on all the maps, any field changes be approved by Town Staff and for the following reasons: this is consistent with our regulations and we have the recommendation from Town Staff for these plans and for this construction. Mr. Sennett seconded the motion. ***Vote: 7-Yes; 0-No. The motion passed.***

G. Modification to Section 8.4.L of the East Hampton Zoning Regulations – Farm Brewery. Mr. DeCarli stated that there has been no change to the draft since January and that it is intended to define a Farm Brewery. Chairman Kuhr opened it up to the public for comments. Patrick Reinhard of 7 Jacobson Farm Road commented on the parking. Vice-Chairman Zatorski made a motion to close the

public hearing for the application of Modification to Section 8.4.L of the East Hampton Zoning Regulations – Farm Brewery. Mr. Rux seconded the motion.

Vote: 7-Yes; 0-No. The motion passed. Vice-Chairman Zatorski made a motion to approve the Modification to Section 8.4.L of the East Hampton Zoning Regulations – Farm Brewery with an effective date of 4/1/2018 and with all typos corrected. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No. The motion passed.**

At this time (10:15), Chairman Kuhr called for a 5 minute break. The meeting resumed at 10:20 p.m.

6. New Business:

A. **PZC-18-005 – Dean Brown – 26 Barton Hill**, Amendment to Zoning Regulation:

Section 8.4.I (B&B). Mr. Brown presented to the Commission. He stated that he would like to have small events and to expand the parking area to accommodate the guests. The events would be either inside or outside and only for a few hours. Vice-Chairman Zatorski made a motion to set a Public Hearing for the application of PZC-18-005- Dean Brown, 26 Barton Hill, Amendment to Zoning Regulation: Section 8.4.I (B&B) to the next regularly scheduled meeting on April 4, 2018. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No. The motion passed.**

B. **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, it's a commercial lot and is in the Lake Pocotopaug overlay district. They are proposing a 7500 sq. ft. retail building with 29 parking spaces with access along East High Street controlled by DOT. Utilities available either onsite or in the road. Storm water management will comply with regulations and LED site lighting is being proposed. Mr. Rux stated that if the project is 50 – 100' from the nearest catch basin then he suggests that the applicant add a catch basin to prevent any future issues and to communicate with Public Works. The applicant will be increasing the landscape design based on comments by the Design Review Board and will be presenting that at the next meeting. Vice-Chairman Zatorski made a motion to set a Public Hearing for the next regularly scheduled meeting on April 4, 2018 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.**

C. **PZC-18-007 – Mairi's Place – 29 West High St.**, Commercial Site Plan Modification – Map 01A/Block 47/Lot 4-2. Ken Barber presented. He began by correcting the following typos on the narrative that he submitted: Under Item#1 "Lighting Fixtures": the correct word is stock, not sock. Under Item #2 "Proposed Sign": The word phot in the 3rd sentence should be photo. Under Item #7 "Curb Cut": There will not be a curb cut. He explained that he is proposing the removal of the existing

garage and replacing it with a parking area. There will be a stockade/wood fence with shrubbery around the outside to disguise the dumpster. Mr. Barber asked for an exception to add a green barrier on the vacant lot next to his. The asphalt for the parking area will be 3" deep. The sign will be similar to The Lucky Goat and Chatham Dental to maintain uniformity. There is a porch in the rear of the building that will be removed in the future and replaced with a stairway. Vice-Chairman Zatorski made a motion to approve the application of PZC-18-007 – Mairi's Place-29 West High St., Commercial Site Plan Modification – Map 01A/Block 47/Lot 4-2 in accordance with plans prepared by Dutch & Associates dated 2/5/2018. Approved for the following reasons: this is an improvement to the property, it meets all of our regulations and it has been reviewed by Town Staff and with the following conditions: Town Staff be notified prior to the start of construction, Town Staff is advised especially during construction that all sedimentation controls are in place, Town Staff is notified prior to the application of the paving to be sure that the base is prepared properly and that the paving is to the correct thickness and that Town Staff be notified when construction is complete. The motion was seconded by Mr. Tamaro. ***Vote: 7-Yes; 0-No. The motion passed.***

Vice-Chairman Zatorski requested that the Commission move Agenda Item# 7A (under "Old Business") to be heard next. Chairman Kuhr approved the request.

7. Old Business:

A. PZC-18-004- Sheila Mullen/Fat Orange Cat Brewery – 47 Tartia Road, Site Plan Modification to expand existing parking area. Map 27/Block 55/Lot 2. Sheila Mullen presented. She stated that the Fire Marshall requested increasing the driveway to 20' width with 24' between parking spots in the rear where there is 2 way traffic. There will be a total of 82 parking spaces that will contain all of her patrons on her property and nowhere else. There was a brief discussion among the Commission members regarding making a motion or setting a public hearing for next month in order to give the public an opportunity to comment on this application. Vice-Chairman Zatorski made a motion to approve the application of PZC-18-004 – Sheila Mullen/Fat Orange Cat Brewery – 47 Tartia Road, Site Plan Modification to expand existing parking area. Map 27/Block 55/Lot 2 with the following conditions: That all erosion and sedimentation controls are in place prior to the start of construction and that the concerns of the cognizant authorities such as the police are addressed by the applicant and approved for the following reasons: it improves an existing condition which is the parking problem that has been re-curent on this particular piece of property. The motion was seconded by Ms. Wright. ***Vote: 5-Yes; 2-No (Chairman Kuhr and Mr. Rux). The motion passed.***

6D. 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. Chairman Kuhr recused himself at this time and motioned to have Vice-Chairman Zatorski Chairman for this application. Chairman Zatorski made a motion to set a public hearing for 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. The motion was seconded by Mr. Rux. ***Vote: 6-Yes; 0-No. The motion passed.***

6E. Updates to the Official East Hampton Zoning Map – Chairman Kuhr returned and resumed his seat as Chairman. Vice-Chairman Zatorski made a motion to set a public hearing for the updates to the Official East Hampton Zoning Map to the next regularly scheduled meeting on April 4, 2018. The motion was seconded by Mr. Rux. ***Vote: 7-Yes; 0-No. The motion passed.***

7. Old Business:

A. PZC-18-004- Sheila Mullen/Fat Orange Cat Brewery – 47 Tartia Road, Site
Plan Modification to expand existing parking area. Map 27/Block 55/Lot 2. –
Moved to after Agenda Item# 6C.

8. Planner’s Report – Mr. DeCarli said he will share his report at the April 4th meeting.

9. Set Public Hearing(s) for April 4, 2018 – The public hearings were previously set under Agenda Item #'s: 6A, 6B, 6D and 6E.

10. Adjournment: Vice-Chairman Zatorski made a motion to adjourn 11:22 p.m. The motion was seconded by Ms. Wright. The vote was unanimous in favor. The meeting was adjourned.

Respectfully submitted,

Christine Castonguay
Recording Clerk