

Town of East Hampton
Planning and Zoning Commission
Regular Meeting
January 6, 2021 – 7:00 P.M.
Virtual Meeting

DRAFT MINUTES

1. Call to Order and Seating of Alternates:

Chairman Zatorski called the meeting to order at 7:02 p.m.

Present: Chairman Zatorski, Vice-Chairman Kuhr, Regular Members: Meg Wright, Angelus Tamaro, Roy Gauthier, James Sennett and Roland Rux (arrived at 7:18 during Agenda #5A), Alternate Members: Tim Puglielli, Mike Kowalczyk and Ted Hintz, Jr. and Zoning Official Jeremy DeCarli. Alternate Member Tim Puglielli was seated at this time.

Chairman Zatorski added the following item to the agenda: Item #6D: Election of Officers.

2. Approval of Minutes:

A. December 2, 2020 Regular Meeting: Mr. Sennett made a motion to approve the December 2, 2020 minutes as written. The motion was seconded by Mr. Gauthier. *Vote: 5-Yes; 2-Abstentions (Ms. Wright and Mr. Puglielli).*

3. Communications, Liaison Reports, and Public Comments:

Communications: None.

Liaison Reports:

Mr. Gauthier stated that the High School Building Committee has disbanded and that the project closed under budget. To his knowledge the water issues were resolved.

Mr. Kowalczyk stated that the RPC had a public workshop on 12/21/2020 and the final will be on 1/11/2021.

Mr. Sennett stated that the Zoning Board of Appeals did not meet in December.

Chairman Zatorski stated that there were no Inland Wetlands and Watercourse Agency items that pertain to Planning and Zoning.

Mr. Tamaro, Ms. Wright, Mr. Rux, Mr. Puglielli, Mr. Hintz, Jr. and Vice-Chairman Kuhr did not have items to report.

Chairman Zatorski asked for public comments at this time and asked that the comments not pertain to Agenda Items #5A, 5B or 5C. There were no comments.

4. Read Legal Notice for January 6, 2021: Staff read the legal notice for the record.

5. Public Hearings for January 6, 2021:

A. Application PZC-20-025: Z Incorporated / Cobalt Health Care, 29 Middle Haddam Rd., for a Special Permit and Site Plan Modification for a 2698 sq. ft. addition. Map 01C/Block 9/Lot 7. Chris Hill from Blue Moon Design stated that they are proposing a single story 2698 sq. ft. addition for physical therapy and a kitchen. The existing garage and house will be demolished to build the addition and to eliminate any increase in lot coverage. Pat Benjamin, P.E. stated that the addition will be on the north side of the building. The parking area was re-aligned. The lot coverage is 41.8% and will be reduced to 4.1%. The grading will be the same with the proposed addition. There will be no cuts. Arborvitae will be planted to serve as a buffer. The project is in review with the Chatham Health District and has been approved by the Middle Haddam Historic District Commission. Construction will take approximately 6 months. Chairman Zatorski asked for public comments at this time. Sylvia Demore of 3 Fern Lane stated that the gate on Fern Lane is frequently open and there are issues with the septic. William Demore of 3 Fern Lane was also concerned about the gate and septic and the

deterioration of the road. Paul Rapo of 50 Middle Haddam Road asked if there were any comments about this application from the Middlesex Land Trust. Jane Kinney Knotek of 10 Fern Lane stated that there are large storage containers on the property and there are landscaping issues. Mark Zagorski (applicant) stated that the septic is monitored professionally and that there are no issues that he is aware of, the landscaping will be addressed as well as the gate issue and the temporary storage containers will be removed at some point. Chairman Zatorski stated that the issues with Fern Lane, the landscaping, the septic and the gate continue to be addressed and unresolved. There were no further public comments. Vice-Chairman Kuhr made a motion to close the public hearing for Application PZC-20-025: Z Incorporated/Cobalt Health Care, 29 Middle Haddam Road, for a Special Permit and Site Plan Modification for a 2698 sq. ft. addition Map 01C/Block 9/Lot 7. The motion was seconded by Mr. Sennett. **Vote: 7-Yes; 0-No.** Mr. Tammaro made a motion to approve Application PZC-20-025: Z Incorporated/Cobalt Health Care, 29 Middle Haddam Rd., for a Special Permit and Site Plan Modification for a 2698 sq. ft. addition Map 01C/Block 9/Lot 7 with the following conditions: Town Staff to be notified prior to start of construction, all permits and approvals must be obtained by all relevant state and local agencies prior to the issuance of construction permits, final approval must be obtained from the Chatham Health District and State Department of Public Health prior to the issuance of construction permits, the access gate at Fern Lane is to be kept in place and locked with access provided to the Fire Department, landscaping along Fern Lane and the western property line must be improved to the satisfaction of Town Staff and Staff is to investigate the source of a sewage smell as discussed and any issues must be corrected prior to the issuance of a Certificate of Occupancy. The motion was seconded by Mr. Puglielli. **Vote: 7-Yes; 0-No.**

Chairman Zatorski unseated Mr. Puglielli at this time and seated Mr. Rux.

B. Proposed Text Amendment to Sections 2.2, 4.2, 4.3, 4.4 and 8.4 to allow Veterinary Clinics in the R-2, R-3 and R-4 Zones. Mr. DeCarli explained that the goal for the text amendment is to allow veterinary clinics in the R-2, R-3 and R-4 Zones with a Special Permit. The Town Attorney reviewed the draft and made comments that were shared with the members. The members reviewed the draft and made the following suggestions: Change the term Verterinary Hospital to Veterinary Clinic, reduce the fence requirement from 7' to 6', reduce the vegetative buffer from 30' to 15' wide and add the removal of the buffer requirement along undeveloped or preserved properties. The word "overnight" was added to item #4 "All animals shall be kept overnight indoors in a structure located no less than 100 feet from side and rear property lines." At the end of item #9 the following was added: "and be approved by the Design Review Board." It was also suggested that the recommendations from the Town Attorney be added. There were technical difficulties with ZOOM so Chairman Zatorski called for a 7 minute break at 7:57. The meeting resumed at 8:04. Chairman Zatorski asked for public comments. John and Christine Gustavson of 54 Stagecoach Run wanted the definition of clinic versus hospital clarified and provided examples from surrounding Towns who allow them in residential areas. Attorney Grady of 10 Oakum Dock Rd. did not agree with the comparison to other Towns and felt that there should be flexibility. Pam Hatfield of 37 Fern Lane felt that a buffer should be placed along the Land Trust border. Doug Bonoff of 8 Spice Hill spoke as a member of the Middlesex Land Trust and answered some of the Land Trust questions. There were no further public comments. Vice-Chairman Kuhr made a motion to close the public hearing for the Proposed Text Amendment to Sections 2.2, 4.2, 4.3, 4.4 and 8.4 to allow Veterinary Clinics in the R-2, R-3 and R-4 Zones. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No.** Mr. Rux made a motion to approve the Proposed Text Amendment to Sections 2.2, 4.2, 4.3, 4.4 and 8.4 to allow Veterinary Clinics in the R-2, R-3 and R-4 Zones with the following changes: the proposed Purpose Section from the Town Attorney be included, the corrections made by the Commission be included and the effective date of the Regulation be January 15, 2021. The motion was seconded by Vice-Chairman Kuhr. **Vote: 7-Yes; 0-No**

C. Application PZC-20-023: JCG Properties, LLC., 9 Middle Haddam Rd., for a Zone Change from R2 to Commercial for approximately 5 acres to operate a veterinary clinic.

6. New Business:

- A. Application PZC-20-024: Paula Free, 249 West High St.,** for a special permit per Sec. 8.4 Motor Fuel Filling Station for a proposed convenience store. Map 06/Block 12/Lot 1B. Mark Smith, P.E. from CNG Environmental stated that there were no changes made to the site plans since the presentation last month. Attorney Jezek stated that an affidavit was submitted in 2019 regarding the acknowledgement of the apartment that existed there for years. He added that 2 additional statements have been recently submitted verifying the existence of the apartment. The apartment predated the zoning regulations and is a pre-existing non-conforming use. Vice-Chairman Kuhr suggested that an address be added to the letters that were submitted. Vice-Chairman Kuhr made a motion to set a public hearing for Application PZC-20-024: Paula Free, 249 West High St., for a special permit per Sec. 8.4 Motor Fuel Filling Station for a proposed convenience store. Map 06/Block 12/Lot 1B for the next regularly scheduled meeting on February 3, 2021. The motion was seconded by Mr. Rux. *Vote: 7-Yes; 0-No.*
- B. Application PZC-20-026: Long Hill Estates, LLC.,** Long Hill Estate Subdivision, for a Zone Change R-2 to C. Map 06/Block 12/Lot 8. Wayne Rand, Manager Member for Long Hill Estates, LLC. presented. The parcel is 1.58 acres that is adjacent to the Sports on 66 building. The parcel has 150' of frontage on Long Hill Road and is approximately 400' deep. They are proposing to construct a parking lot with a small building on the top side of the parcel and are asking the Commission to set a public hearing so they can present their application. Vice-Chairman Kuhr made a motion to set a public hearing for Application PZC-20-026: Long Hill Estates, LLC., Long Hill Estate Subdivision, for a Zone Change R-2 to C. Map 06/Block 12/Lot 8 for the next regularly scheduled meeting on February 3, 2021. The motion was seconded by Mr. Rux. *Vote: 7-Yes; 0-No.*
- C. Application PZC-20-027: Connecticut Contractors Group, LLC.,** Young/Daniel Street Subdivision. Map 13/Block 51/Lot 1. Mark Reynolds, P.E. 63 Norwich Ave. in Colchester presented. The property is a 14 ½ acre parcel between Daniel Street and Rte. 196. The proposal is for 4 new lots and a common driveway. There are wetlands that run southeast to northwest. There is a cross culvert on the southeast portion of the property where a brook runs across the middle of the wetland area. The properties will not drain to another property before it reaches the brook due to the topography therefore runoff will not be an issue. The property fronts Daniel Street and a small portion of Rte. 196. There is a large upland review area where the property fronts on Daniel Street as well as to the rear of the property in the northeast corner. A driveway to access the rear of the property was deemed unfeasible at the Rte. 196 frontage point due to an inadequate site line therefore a common driveway is being proposed along the Daniel Street frontage point with a wetland crossing and subject to a driveway easement and a maintenance agreement. Mr. DeCarli informed Mr. Reynolds that the common driveway can be shared by 3 but that it needs to be 22' wide and paved. The applicant has an active application for wetlands and they comply with the dimensional standards for the R-4 Zone for each of the proposed lots. The culvert at Daniel St. that controls the flow is a 3' diameter culvert. They are proposing a 48" oval pipe that will be set close to the ledge at the bottom of the brook with 300 CY of fill. The Chatham Health District has done soil testing at all of the proposed locations and were deemed suitable for onsite septic. Vice-Chairman Kuhr made a motion to set a public hearing for Application PZC-20-027: Connecticut Contractors Group, LLC., Young/Daniel Street Subdivision. Map 13/Block 51/Lot 1 for the next regularly scheduled meeting on February 3, 2021. The motion was seconded by Mr. Rux. *Vote: 7-Yes; 0-No.*
- D. Election of Officers:** Vice-Chairman Kuhr made a motion to nominate Ray Zatorski as Chairman. Mr. Rux made a motion to close the nomination. *Vote: 7-Yes; 0-No.* Mr. Gauthier made a motion to nominate Kevin Kuhr as Vice-Chairman. Mr. Rux made a motion to close the nomination. *Vote: 7-Yes; 0-No.* Mr. Rux made a motion to accept the nominations for Chairman and Vice-Chairman. The motion was seconded by Mr. Gauthier. *Vote: 7-Yes; 0-No.*

7. Old Business:

- A. Discussion: Update Sign Regulation to Include PO/R Zone Sign Standards** – Chairman Zatorski continued the Discussion: Update Sign Regulation to Include PO/R Zone Sign Standards to the next regularly scheduled meeting on February 3, 2021.
- B. Discussion: Home Based Occupations** – Chairman Zatorski continued the discussion: Home Based Occupations to the next regularly scheduled meeting on February 3,

2021.

C. Updates to the Official East Hampton Zoning Map – Chairman Zatorski continued the Updates to the Official East Hampton Zoning Map to the next regularly scheduled meeting on February 3, 2021.

8. Planner’s Report – Mr. DeCarli provided the members with a report via an email. Mr. Tammaro inquired about the status of Angelico’s: the outdoor seating will be addressed as well as outdoor music, lighting and buffer requirements.

9. Set Public Hearing(s) for February 3, 2021 – Public hearings were set under Agenda Items 6A, 6B and 6C.

10. Adjournment – Mr. Rux made a motion to adjourn at 9:13 p.m. The vote was unanimous in favor.

Respectfully submitted,

Christine Castonguay
Recording Secretary