

Town of East Hampton
**Planning and Zoning
Commission**
Regular Meeting March 1, 2023
Town Hall, Eaton Smith Council
Chambers Room #107 and Virtual
Meeting

DRAFT 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, Meg Wright, Angelus Tammaro, Roy Gauthier, Jim Sennett and Rowland Rux

Alternate Members: Mike Kowalczyk and Matthew Walton

Zoning Official Jeremy DeCarli

Absent: Ted Hintz, Jr

2. Approval of Minutes:

A. February 1, 2023 Regular Meeting: Vice-Chairman Zatorski made a motion to approve the minutes as written. Mr. Sennett seconded the motion. *Vote: 6-Yes; 0-No, 1 Abstention (Chairman Kuhr)*

3. Communications, Liaison Reports and Public Comments: Mr. DeCarli reminded Commission Members of upcoming training opportunities. Mr. Tammaro reported Design Review Board met and approved remodel of Dunkin Donuts and sign for Airline Cycle. Mr. Kowalczyk reported RPC met and noted there is a Metropolitan Transportation Plan and Community Comprehensive Economic Development Plan in draft form and a public hearing is scheduled in March. Kowalczyk noted proposed repair work at a Pameacha Pond in Middletown and a bill is in the legislature for stone walls. The following Commission Members did not have anything to report: Mr. Sennett, Mr. Gauthier, Mr. Rux, Vice-Chairman Zatorski, Ms. Wright and Mr. Walton. Chairman Kuhr asked for public comments at this time. There were no public comments.

4. Read Legal Notice for March 1, 2023: Mr. DeCarli read the legal notice.

5. Public Hearings for March 1, 2023:

A. PZC-23-001: Two Brothers Café LLC, 20 East High, for a special permit per Sec. 5.2.C.2 – Restaurant. Map 05A/ Block 62/ Lot 5A. Eugene and Samuel Valentin, Co-Owners of Two Brothers Café LLC, presented proposed plans to relocate restaurant from Cobalt to old Town Hall, bottom level 2000SF. Chairman Kuhr asked how many parking spots are required. Mr. DeCarli replied the overall location has 58 parking spots and zoning regulations require 10-14 spots for this location. Mr. Rux asked for the location of restaurant entrance. Mr. DeCarli provided location on sitemap. Mr. Rux asked if comments were received by the Fire Marshal. Mr. DeCarli replied no but he briefly

discussed plans with the Fire Marshal and noted the exit doors meet egress requirements per building code. Mr. Rux asked if there is an adequate water source. Mr. DeCarli explained the property owner is working on reestablishing the well as a public water system. Mr. Kowalczyk asked if there is proposed activity to the exterior. Mr. DeCarli noted no modifications and noted previous site plan approval. Mr. Rux asked if there is an access drive around the building. Mr. DeCarli replied yes and briefly discussed. Mr. Sennett asked if there will be designated parking in the future and Mr. DeCarli briefly discussed parking. Chairman Kuhr asked for hours of operation and Mr. Valentin replied 6am-1pm, 7 days a week. Mr. Rux asked if proposed sign is in accordance with zoning regulations. Mr. DeCarli replied yes and briefly discussed previous signage approval. Mr. Kowalczyk asked for clarification for outdoor seating. Mr. DeCarli confirmed they would require Town Staff approval. Mr. Tammaro asked if conditions could be included in approval; specifically, hours of operations. Mr. DeCarli replied yes and briefly discussed conditions to a special permit. Chairman Kuhr asked for public comments. There were no public comments. Vice-Chairman Zatorski made a motion to close the public hearing for application PZC-23-001: Two Brothers Café LLC, 20 East High, for a special permit per Sec. 5.2.C.2 – Restaurant. Map 05A/ Block 62/ Lot 5A. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No** Vice-Chairman Zatorski made a motion to approve application PZC-23-001: Two Brothers Café LLC, 20 East High, for a special permit per Sec. 5.2.C.2 – Restaurant. Map 05A/ Block 62/ Lot 5A for the following reasons: consistent with planning and zoning regulations and it is an existing business in Town locating to a new location. With the following conditions: proper health district approval and building department approval, hours of operation from 5:30am to 6:30pm, signage plan not included in previous site plan must be reviewed by Design Review Board and approved by Town Staff, no outdoor seating allowed without approval by Town Staff and all appropriate approvals from Town Agencies. The motion was seconded by Mr. Rux. *Commission Members amended hours of operation from 5:00am to 8:00pm, Monday to Sunday. Vote: 7-Yes; 0-No*

6. New Business:

- A. PZC-23-002: Michael Bakaj, 37 South Main Street, Zone Change from HOD to R-2, Map 20/ Block 51/ Lot 27.** Mark Reynolds, Professional Engineer, 63 Norwich Avenue, Colchester explained the site is 20 acres between the R2 and R4 zones. Mr. Reynolds explained proposed plans for 22 lot, 27-unit, 40% open space subdivision with public sewer and individual wells. Mr. Reynolds briefly discussed previous approval and current proposal. Mr. Reynolds further discussed proposed open space development in R2 zone. Chairman Kuhr asked for clarification of location on zoning map and Mr. Reynolds provided map with zones. Vice-Chairman Zatorski asked for clarification about site plan provided and proposed zone change. Mr. DeCarli further explained this application in relation to PZC-23-003. Mr. Reynolds confirmed the proposed zone change is for the entire lot. Chairman Kuhr asked if dedicated trust at rear lot is land locked and does it have public access. Mr. DeCarli replied that lot is privately owned land in a trust. Mr. Kowalczyk asked if the property is rezoned could the previous 129-unit site plan be a

valid non-conforming site plan. Mr. DeCarli replied that site plan would be abandoned. Commission Members briefly discussed previous approval and HOD zone. Mr. Tammaro asked if proposed open space would become a conservation easement and Mr. DeCarli replied yes. Mr. Tammaro asked if exception to subdivision requirements for setbacks requirements had jurisdiction by Zoning Board of Appeals. Mr. DeCarli explained open space subdivision regulation for lot size and did not need ZBA approval. Mr. Rux asked if public hearing is required and Mr. DeCarli replied yes. Mr. Reynolds explained the proposed plan is to dedicate as much open space as possible and asked if the Commission was interested in the open space plan. Vice-Chairman Zatorski noted importance of open space. Mr. Gauthier asked for clarification of line on displayed map and Mr. Reynolds explained. Commission Members briefly discussed public hearing. Vice-Chairman made a motion to schedule a public hearing for application PZC-23-002: Michael Bakaj, 37 South Main Street, Zone Change from HOD to R-2, Map 20/ Block 51/ Lot 27 at the next regularly scheduled meeting April 5, 2023. The motion was seconded by Mr. Rux. ***Vote: 7-Yes; 0-No***

B. PZC-23-003: Michael Bakaj, 37 South Main Street, Special Permit for a 22 Lot Open Space Subdivision, Map 20/Block 51/ Lot 27. Mark Reynolds, Professional Engineer, 63 Norwich Avenue, Colchester explained proposed plans for 22-lot open space subdivision with 27 units, including 5 duplexes. Mr. Reynolds noted plans for a low-pressure sewer system and stated he discussed proposal with WPCA. Mr. Reynolds explained there are no direct inland impacts but there is proposed activity in the upland review area and is on IWWA agenda. Mr. Reynolds discussed stormwater will be collected to a retention basin, water will be supplied by individual wells, and potential for up to 11 acres of open space. Chairman Kuhr asked if appropriate amount of water is available for proposed wells and Mr. Reynolds replied yes. Mr. DeCarli noted Town Staff will review proposed plans. Mr. Rux noted he felt underground fire suppression system is important. Mr. Tammaro asked if the proposed duplex be conveyed as single piece of property or separate units. Mr. Reynolds replied as a single piece of property. Vice-Chairman Zatorski made a motion to continue application PZC-23-003: Michael Bakaj, 37 South Main Street, Special Permit for a 22 Lot Open Space Subdivision, Map 20/Block 51/ Lot 27 to the next regularly scheduled meeting April 5, 2023. The motion was seconded by Mr. Rux. ***Vote: 7-Yes; 0-No***

C. CGS 8-24 Review: Acceptance of Donated Land Along Oak Knoll. Mr. DeCarli explained a small piece of property exist in error along Oak Knoll and briefly explained the property's history. Mr. DeCarli explained the current owner would like to donate the piece to the Town at no cost and merge the parcel into Oak Knoll right-of-way. Commission Members briefly discussed the right-of-way. Vice-Chairman Zatorski made a motion to recommend acceptance of the donated land along Oak Knoll to the Town Council to correct mapping error. The motion was seconded Mr. Rux. ***Vote: 7-Yes; 0-No***

D. Discussion: Non-Conforming Lots in the R-1 Zone. Mr. DeCarli referred Commission Members to his written report. Mr. DeCarli explained the Zoning Board of Appeals receive numerous variance applications for setbacks in R1 Zone. Mr. DeCarli compiled data for R1 zone and discussed size requirements. Mr. DeCarli discussed R1 zone history

before zoning regulations. Mr. DeCarli noted alternative ways to address the issue and referred to section 8.2 in Town zoning regulations. Commission Members discussed variances, proposed setbacks, driveway and continuing the discussion to next regularly scheduled meeting. Mr. Tammaro noted he would like feedback from Conservation Lake Commission.

7. Old Business: None.

8. Planner's Report – Mr. DeCarli referred to his written report.

9. Set Public Hearing(s) for April 5, 2023:

10. Adjournment – Vice-Chairman Zatorski made a motion to adjourn at 8:21 p.m., seconded by Mr. Rux. The vote was unanimous in favor. *Vote: 7-Yes; 0-No*

Respectfully submitted,



Cheryl Guiliano
Recording Secretary