

**EAST HAMPTON PLANNING & ZONING COMMISSION
STAFF NOTES**

The following are notes regarding the items as they appear on the June 3, 2020 PZC agenda. Recommended actions are just that, recommendations to the Commission. They should not be construed as requirements.

Prepared By: Jeremy DeCarli
Meeting Date: June 3, 2020

5. Public Hearings for June 3:

- A. Application PZC-20-001: Sports on 66, LLC., 265 West High St.,** for a Special Permit to sell Alcohol as an accessory use. (Sec. 8.4.B). Map 6/Block 12/Lot 20.

The applicant has requested an extension to this application. With the Statutory allowance for extensions, and a further 90 days provided by Executive Order due to COVID 19, this Public Hearing can be opened as late as the September 2, 2020 meeting

Recommended Action: Move to continue the application to the July 1, 2020 Meeting.

- B. Application PZC-20-002: Stanislaw Oleksenko, 11 Cone Road,** 4 lot subdivision of 14.766 acres parcel. Map 6/Block 36/Lot 6A.

Favorable comments have been received from the Chatham Health District. The primary concern comes from the Fire Chief who is concerned about the overall length of access to the houses and the fact that the access road will be private. There is a risk that this access road could fall into disrepair, potentially prohibiting the safe movement of emergency vehicles to the properties within the subdivision in the future.

A maintenance agreement specifically stating who is responsible for maintenance, and the level of maintenance that is to be conducted should be created and approved, as part of the approval process of this subdivision. If the Commission desires to approve this subdivision, it can do so with a condition that a maintenance agreement be created and approved by Staff, including but not limited to the Planner, Fire Chief, Fire Marshal, and Police Chief.

With the Statutory allowance for extensions, and a further 90 days provided by Executive Order due to COVID 19, this Public Hearing can be closed as late as the September 2, 2020 meeting with a decision 65 days after the close of the hearing.

Recommended Action: Move to continue the hearing until a maintenance agreement can be created and accepted by the relevant parties.

- C. Application PZC-20-004: Lisa Sherman, 50 Main St.,** for a Zone Change: R-1 to PO/R. Map 02A/Block 47/Lot 25

This Public Hearing has not yet been opened. If the Commission desires to, it can wait to open the hearing until a later date. However, if the applicant wants to open the Hearing, it would be prudent to do so. As of the time of this writing, we have not heard from the applicant with regard to the June 3 meeting. With the Statutory allowance for extensions, and a further 90 days provided by Executive Order due to COVID 19, this Public Hearing can be opened as late as the September 2, 2020 meeting.

6. New Business:

- A. Application PZC-20-010: Edgewater Hill Enterprises, East High St.,** for a Re-Subdivision for 2 lots. Map 10A/Block 85/Lot 5C

This application has been heard by the IWWA and a decision is pending.

Recommended Action: Set a Public Hearing for this application for July 1, 2020.

- B. Application PZC-20-011: Edgewater Hill Enterprises, East High St.,** for a site plan review for a new mixed use building in accordance with the MUDD Zone Master Plan. Map 10A/Block 85/Lot 5C

This is a Site Plan review in accordance with the MUDD zone and a previously approved Master Plan for the Edgewater Hills development. The application is consistent with the Plan which was reviewed and approved in 2012. The application consists of the build-out of Market Square 2, a mixed use building consisting of three stories and associated site improvements. The ground floor will consist of commercial space, while the upper two floors will be apartments. This will be similar aesthetically to the existing MS 1 which was approved by the Commission in 2017. The application has been heard by the IWWA and is pending approval. The drainage calculations have been sent out the Town Engineer for review.

Recommended Action: Move to continue the application to the July 1, 2020 meeting.

- C. Application PZC-20-012: Theater Square, 11 North Main St.,** for a Site Plan Modification for a 25 x 25 deck and a crosswalk with stop sign and to add a drive aisle behind the building. Map 01A/Block 39A/Lot 28A

Site plan improvements have been proposed for Theater Square which consist of adding a permanent outdoor seating area and creating a second drive aisle in the rear of the building. Since the drive-through began being used for the ice cream shop, significant queuing has led to traffic backing up behind the building blocking access around the rear of the building. The wetlands Agency has determined that these activities can be approved by their upland agent, which removes the requirement for the application to be heard at the June IWWA meeting. There are additional details needed on the plan before the agent can issue an approval which are forthcoming.

Recommended Action: Move to approve the Site Plan with the condition that the Upland Agent must first approve the activities and state that failure to obtain approval from the Agency or its agent will make the Site Plan approval null and void.

7. Old Business:

- A. Application PZC-20-003: Lisa Sherman,** for an Amendment to Zoning Regulation 5.4.A PO/R Zone.

The Public Hearing on this application closed on March 4, 2020. If the Commission desires to, it can wait to render a decision until a later date. With the Statutory allowance for extensions, and a further 90 days provided by Executive Order due to COVID 19, this item can be decided upon as late as the October 7, 2020 meeting.

- B. Discussion:** Update Sign Regulation to Include PO/R Zone Sign Standards.

I have provided language to consider based on previous discussions on the following pages of this report.

Recommended Action: If the Commission feels that the proposed language is acceptable, a hearing date should be set.

C. Discussion: Home Based Occupations

The regulations which were created by Planimetrics for the EDC and proposed but not acted on in 2007 have been located. These proposed regulations provide a good foundation to work with, but discussion needs to be had regarding their validity in today's climate. Technology and work-from-home capabilities have changed dramatically in the thirteen years since that time. The Economic Development Commission should be consulted for their view of what is needed and what makes sense economically in East Hampton. The goal of creating a home occupation regulation is to solve a problem caused by the removal of the regulation in 1990 and the thirty years of lack of guidance, not create a further problem or set up an unobtainable permitting system. Staff is planning to attend the next EDC meeting to update that Commission on the status of the PZC discussion and explain next steps. Members of this Commission are invited to attend as well.

This evening's discussion should be brief and focus on what our next steps will be. My recommendation is that we begin considering what may be acceptable to the Commission and community as a whole, looking at the 2007 EDC recommendation and language from surrounding towns as guidance. I would suggest working with the EDC to update their guidance from 2005. We do not need to reinvent the wheel, but East Hampton has unique qualities not found in some of the surrounding communities that need to be considered when developing language. Some questions to begin considering:

1. Does the Commission want to specify the types of home occupations allowed, or specify the types that are prohibited?
2. Is a tiered system preferable, where some uses are as-of-right and others require a permit?
3. Is a staff review acceptable for certain uses, or should all proposals come to the Commission?
4. If a tiered system is preferred, are all tiers allowed in all zones?
5. What are the dividing lines between types of occupations in a tiered system?

There are many more questions that will need to be considered.

D. Updates to Sec. 3.1 Lake Pocotopaug Protection Zone

This item has been on hold due to the restriction for in-person meetings due to the COVID pandemic. However, as we do not yet know when we will be able to meet in person once again, it may be prudent for the Commission to begin thinking about moving this forward. Good progress had been made prior to the Pandemic which should not go to waste. If the Commission is comfortable, you may want to consider opening a hearing in July or August.

E. Updates to the Official East Hampton Zoning Map

This item should be kept on the agenda until the Main Street applications are decided upon.

8. Planner's Report

Temporary outdoor dining certificates have been successful. So far, four establishments have set up outdoor dining using the guidance and application process that was set forth, with a fifth exploring its options. We were able to coordinate a cross-department effort to expedite the review and approval process. The key with all of these is safety for patrons, particularly as

many are either in or directly adjacent to parking areas and drive aisles.

There has been an uptick in activity in the department. With many people working from home, we have seen a large increase in permit activity and the number of complaints received. We are working as expeditiously as possible with the increased workload.

The Butler gravel yard on Young Street is now closed. I have had very preliminary discussions with an engineer about the next steps for this site. I anticipate that the Commission may see something preliminary in the next 6 months.

I will be meeting with the owners of Food Bag located at the corner of Main Street and Colchester Avenue the week after next to continue the discussion of expanding and reconfiguring that facility. They have purchased the neighboring property along Main Street and are looking to reconstruct the facility. As you may remember, a preliminary site plan was shown to you last year to discuss this possibility. At the time, they were considering a rezoning of the entire corner, but it was suggested by the Commission that rezoning just the parcels for the fueling station was more preferable.

I have had preliminary conversations and seen a preliminary concept plan for an industrial site plan at 98 Middletown Avenue that I believe will be in front of the Commission in the coming months. As you'll recall, this site was the subject of a zone change application last year from I to R-4. The owner has decided to work within the requirements of the industrial zone. I am optimistic about the possibilities on this site.

Town Offices have now moved into the new building at 1 Community Drive. Staff is getting comfortable with the new space and we are looking forward to being able to welcome in the community and use the new large meeting room once it is safe to do so. It provides for great collaboration now that all departments are under one roof.

The Connecticut Brownfields Land Bank has contracted with HRP Associates to conduct a Phase 2 Environmental Assessment and Hazardous Building Materials Assessment for the property at 1 Watrous. Once these are completed, a remediation cost estimate will be developed and the Town will be in a better place to market the property to developers.

As you recall, the Commission issued a Special Permit for two compressor units to feed the lake aeration system. The system is being installed at the Edgemere Beach Association this week and will be nearing completion as the week ends. Unfortunately, the location on Spellman Point may not be an option as we had anticipated. The Town has found an alternate location for the Markham Bay system but a Special Permit will be required for this location. If the Commission is willing, I would ask that a Special Meeting be set for no sooner than June 15 (in order to comply with notification requirements) for a Public Hearing to consider the Special Permit. The Brookhaven Park Association has agreed to allow the Town to place a unit on their beach on Park Road. Details are still being worked out regarding the exact location on the beach and a variance will be required, a hearing for which has been set for June 8.

Section 7.2. Outdoor Signs

A. Purpose

The purposes of this Regulation are to encourage the effective use of signs as a means of communication, to maintain and enhance the aesthetic environment, to further the ability of the Town to attract sources of economic development and growth, to improve pedestrian and traffic safety, to reduce the possible adverse effect of signs on nearby public and private property, and to enable the fair and consistent enforcement of these sign regulations.

B. General Requirements

No sign, billboard, or outdoor advertising structure shall be erected, moved, enlarged, reconstructed, or maintained except in accordance with the following:

1. **Abandonment:** Signs which are unrelated to an active land use, other than a real estate sign or an existing off-premise outdoor advertising sign, shall be considered abandoned or derelict and shall be removed from public view.
2. **Interference with traffic:** No sign shall be permitted at any location, for any purpose, which could interfere with or obstruct the view of traffic or could be confused with any authorized traffic sign, signal or device.
3. **Location:** Free standing signs shall be set back a minimum of fifteen (15') feet from the edge of any paved roadway intended for vehicular traffic or use. All signs must be on the property of the intended use and shall not be within the public right of way. Ingress and egress signs may be located on the property of the intended use, immediately adjacent to the public right of way provided that such signs shall not exceed one square foot in area or twenty-four (24") inches in height.
4. **Height:** Free standing signs shall not exceed ten (10') feet in height. Signs affixed to buildings shall not extend above the highest portion of the building.
5. **Materials:** Signs shall be comprised and constructed of opaque materials and shall not include any translucent or transparent materials or components for the purpose of transmitting or reflecting light from the sign.
6. **Illumination:** Any and all illumination used for the purpose of enhancing the visibility of signs shall be arranged so that all light is concentrated on the sign and no light directly or by reflection shall be cast on the street, sidewalk, or adjacent property.
7. **Free standing signs:** Free Standing signs shall be ground based with the lowest edge of the sign face to be located not greater than thirty-six (36") inches from the ground. This shall be construed as prohibiting signs elevated by poles or other vertical supports unless such elevation does not exceed thirty-six (36") inches.
8. **Grade clearance:** Signs which are affixed to buildings shall provide at least ten (10') feet of clearance from the lowest portion of the sign to grade.
9. **Incidental Signs:** Incidental signs, informational in nature, such as "No Parking", "Loading", etc. shall be permitted subject to review by the Commission. No sign with a commercial message shall be considered incidental.
10. **Prohibited Signs:** All signs not expressly permitted by this regulation are prohibited. Such signs shall include but are not limited to: beacons, pennants, dynamic signs, inflatable advertising devices and temporary signs unless specifically provided for in this regulation or by operation of law.
11. All traffic control signs shall comply with the "Manual on Uniform Traffic Control Devices." (Amended 4/3/02)

Proposed Changes to Section 7.2 for PO/R Zone Signs

C. Signs Permitted in Residential Districts

1. **Resident Identification:** One sign bearing the name and address of the resident of the premises, not to exceed two (2) square feet in area.
2. **Sale of Real Estate:** One non-illuminated, real estate sign not permanently affixed to the subject land or building, pertaining to the sale or lease of the land or building upon which it is displayed, not to exceed four (4) square feet in area.
3. **Sale of Personal Property:** One non-illuminated, sign not permanently affixed to the land or building at which the sale of personal property owned by a person residing on the same premises may be displayed, provided it does not exceed two (2) square feet in area.
4. **Sign Advertising Public Auction/Foreclosure:** One non-illuminated, sign not permanently affixed to the land or building at which a public auction of property may be displayed on the premises to be auctioned, or on which the property is located, provided it does not exceed six (6) square feet in area.
5. **Sign on Construction Sites:** One non-illuminated, sign not permanently affixed to the land or building provided it does not to exceed twelve (12) square feet in area.
6. **Traffic Signs:** State and town traffic locational and directional signs installed for public purposes.
7. **Farm Operations:** Farm operations may include two (2) free-standing signs, or attached to or painted on the wall of an accessory building, or any combination of the above, provided the total area of the sign or signs does not exceed twelve (12) square feet and no sign is located within fifty (50') feet of a street intersection.
8. **Bulletin Boards:** Bulletin boards shall not exceed twelve (12) square feet in area not more than six (6') feet in height above the ground.
9. **Entrance Signs to Commercial Recreation Areas:** One sign at the entrance of a commercial recreation area, not to exceed twenty (20) square feet in area.
10. **Off-Premises Meeting Signs:** Off-premises signs listing the location of an organization's meeting, the time and place of meeting, and other pertinent directional information, shall not exceed three (3) in number and each sign not to exceed three (3) square feet in area.
11. **Identification of Apartment Houses:** Apartment houses may display one sign which shall not exceed twelve (12) square feet in area and shall include the name and address of the building, and the name and address of the management.

D. Signs Permitted in Non-Residential Districts

1. **Approval Required** - All signs proposed in non-residential districts shall be subject to approval by the Planning and Zoning Commission prior to erection.
2. **Identification of Business, Proprietor, or Products** –
 - a. Every place of business may have upon the property on which the business is conducted signs indicating the name of the owner or proprietor, the character of the business and/or the products made or sold on the premises.
 - b. Parcels designed for use by, or occupied by multiple uses or tenants shall utilize signage of uniform size, construction, location and character and shall be depicted to scale in the architectural and/or site elevations as part of the application for site plan approval.
3. **Area of Affixed Signs** –
 - a. The total area of all signs affixed to buildings shall not exceed the following maximums:
 - b. Sq. ft. for each linear foot of building frontage:
 1. C Zone - 1.5
 2. DD Zone - 1.5
 3. I Zone - 1

Proposed Changes to Section 7.2 for PO/R Zone Signs

4. VC Zone - 1

5. PO/R Zone - Prohibited

4. **Area of Free Standing Signs** - In the C, I and DD Zones the area of free standing signs shall not exceed the following maximums:

Building square foot size (Non-Residential Use)	Maximum Free Standing Signage
<5000 sq ft	25 sq ft
5001-10,000 sq ft	50 sq ft
10,001-15,000 sq ft	75 sq ft
15,000 sq ft	100 sq ft

- a. In the PO/R Zone, free standing signs shall not exceed 10 square feet regardless of the building square foot size.
 - b. In the VC Zone, free standing signs shall not exceed 20 square feet regardless of the building square foot size.
5. **Directory Signs** - For sites, subdivisions and/or industrial or business parks in the C, I and DD Zones, utilizing multiple tenants, directory signs may be approved when specifically deemed appropriate by the Planning and Zoning Commission. Such signs shall be directory in nature and shall not exceed fifty (50) square feet.
6. **Sale or Lease of Land or Buildings** - One temporary sign pertaining to the sale or lease of the land or building upon which it is displayed, not to exceed thirty-two (32) square feet in area, provided it is removed within ten days following consummation of the sale or lease.
7. **Identification of Land Developers** - One temporary sign identifying an engineer, architect, or contractor engaged in the development of land or construction or alteration of buildings provided they are removed within thirty (30) days of the completion of work and not to exceed thirty-two (32) square feet in area.

E. Banners Across Public Roads and Highways

Temporary banners across public roads and highways are permitted providing that the following conditions are met:

1. The banner advertises a special event.
2. No more than one banner may be displayed in Town at any one time.
3. No banner shall be displayed more than two (2) weeks prior to the event advertised; the banner shall be removed within two (2) days of the completion of the event.
4. All appropriate agencies shall review the proposal.