

Town of East Hampton
Planning and Zoning Commission
Regular Meeting
July 1, 2020 – 7:00 P.M.
Virtual Meeting

DRAFT MINUTES

1. Call to Order and Seating of Alternates:

Chairman Zatorski called the meeting to order at 7:00 p.m.

Present: Chairman Zatorski, Vice-Chairman Kuhr, Regular Members: Roy Gauthier, Meg Wright, Angelus Tammaro and James Sennett (Mr. Sennett entered the meeting at the start of Agenda #5B), Alternate Members: Mike Kowalczyk and Tim Puglielli, Zoning Official Jeremy DeCarli.

Absent: Mr. Rux and Alternate Mr. Hintz, Jr.

Chairman Zatorski seated Mr. Puglielli at this time.

2. Approval of Minutes:

A. June 3, 2020 Regular Meeting Minutes: Vice-Chairman Kuhr made a motion to approve the June 3, 2020 minutes as written. The motion was seconded by Mr. Sennett. *Vote: 7-0*

B. June 15, 2020 Special Meeting Minutes: Mr. Sennett made a motion to approve the June 15, 2020 Special Meeting Minutes as written. The motion was seconded by Mr. Tammaro. *Vote: 6-Yes; 1-Abstention (Vice-Chairman Kuhr).*

3. Communications, Liaison Reports, and Public Comments:

Communications: None.

Liaison Reports:

Mr. Gauthier reported that the East Hampton High School Building Committee is waiting for the final meeting to be disbanded.

Mr. Sennett provided the following report for the 2 applications that were approved at the 6/8/2020 ZBA meeting:

Application ZBA-20-005, Carra Zukowski, 45 Day Point Rd., for a variance to reduce the rear setback from 25' to 1.3' to demo the existing home and rebuild a new single family home. Sec. 4.1.E Map 10A/Block 83/Lot 36A. Approved.

Application ZBA-20-006, Town of East Hampton, Brookhaven Park Beach, Park Road for a front yard setback variance from 25' to 1' and a side yard variance from 6' to 1' for the installation of an equipment shed for the Lake Aeration system. Map 10A/ Block 82/Lot 26A. Approved.

Chairman Zatorski stated that IWWA items will be covered under the appropriate agenda items.

Vice-Chairman Kuhr did not have anything to report.

Mr. Kowalczyk reported that the RPC had a kick off meeting with public participation. There will be a second session on August 7 at 7 p.m. There will be a joint Town meeting with East Hampton and Portland Land Use board on August 19th.

Ms. Wright, Mr. Tammaro and Mr. Puglielli did not have items to report.

Chairman Zatorski asked for public comments at this time regarding anything that does not pertain to Agenda Items: 5A, 5B, 5C, 5D or 5E. There were no comments. Chairman Zatorski stated that he will allow public comments later in the meeting due to issues with the ZOOM meeting connection and that the goal is to resume in person meetings soon with the option of ZOOM for people who may not be comfortable with an in person meeting during the pandemic.

4. Read Legal Notice for July 1, 2020: Staff read the legal notice for the record.

5. Public Hearings for July 1, 2020:

- 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 requested an extension to the next regularly scheduled meeting on August 5, 2020. Vice-Chairman Kuhr made a motion to continue 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 to the next regularly scheduled meeting on August 5, 2020 per the request of the applicant. The motion was seconded by Mr. Gauthier. *Vote: 7-0*
- B. Application PZC-20-002: Stanislaw Oleksenko, 11 Cone Road,** 4 lot subdivision of 14.766 acres parcel. Map 6/Block 36/Lot 6A. Chairman Zatorski reminded the members that some of the previous concerns were regarding the common driveway road and the turn - around for that road. Frank Magnotta, P.E. presented. The application is for 3 lots on the opposite side of the brook which requires an access drive for the proposed lots. He explained that the engineering issues have been resolved as well as the wetlands and that a maintenance agreement for the shared driveway was submitted. Attorney George Law explained that he prepared a declaration of access, drainage, utility easement and maintenance agreement for the cul-de-sac and submitted it to the Town. It provides the owner of Lot 3 the control and obligation to maintain the driveway in accordance with the provisions of the subdivision regulations pertaining to new roads (Sec. 12.2). The Fire Marshal and other members of the staff have reviewed the agreement and were comfortable with the language in the agreement. A waiver is required to serve 3 lots on a shared driveway per the Regulations and a waiver was submitted with the application. The Regulations do not require a waiver if it were 2 lots sharing the driveway. Vice-Chairman Kuhr stated that he was comfortable with the revised layout of the proposed driveway. Chairman Zatorski opened the public hearing at this time. There were no public comments. Vice-Chairman Kuhr made a motion to close the public hearing for Application PZC-20-002: Stanislaw Oleksenko, 11 Cone Road, 4 lot subdivision of 14.766 acres parcel Map 6/Block 36/Lot 6A. The motion was seconded by Mr. Puglielli. *Vote: 7-0*. Vice-Chairman Kuhr made a motion to waive the requirement of 2 lots for a single driveway to allow for 3 lots to share a single driveway for Application PZC-20-002: Stanislaw Oleksenko, 11 Cone Road, 4 lot subdivision of 14.766 acres parcel Map 6/Block 36/Lot 6A for the following reasons: it is consistent with having a single driveway for environmental reasons for this particular lot and with the waiver in accordance with the Planning and Zoning Regulations. Mr. Puglielli seconded the motion. *Vote: 6-Yes; 1-No (Mr. Sennett)*. Vice-Chairman Kuhr made a motion to approve Application PZC-20-002: Stanislaw Oleksenko, 11 Cone Road, 4 lot subdivision of 14.766 acres parcel Map 6/Block 36/Lot 6A for the following reasons: it meets the Planning and Zoning Regulations, Inland Wetlands Watercourse Agency has granted a permit, positive comments have been received from the Fire Department, the Maintenance Agreement is in place for the common driveway and it meets environmental concerns and with the following conditions: Town Staff be notified before the start of construction and that erosion and sedimentation controls be in place by the start of construction. *Vote: 7-0*.
- 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. Vice-Chairman Kuhr made a motion to continue Application PZC-20-004: Lisa Sherman, 50 Main St., for a Zone Change: R-1 to PO/R Map 02A/Block 47/Lot 25 to the next regularly scheduled meeting on August 5, 2020 with the notation of the applicant's absence at this meeting. The motion was seconded by Mr. Gauthier. *Vote: 7-0*
- D. Application PZC-20-010: Edgewater Hill Enterprises, East High St.,** for a Re-subdivision for 2 lots. Map 10A/Block 85/Lot 5C. Attorney Heller explained that this is a proposal for a 2 lot subdivision to create 2 additional lots within the Edgewater Hill project which is a master plan community within the mixed use development that was approved by the Commission in 2012. The proposed lot #1 is a 28,000 sq. ft. lot located on the east side of East High Street and is intended to accommodate the development of Market Square 2 which is a mirrored version of Market Square 1. The intention is to have Commercial on the first floor and residential on the 2 upper floors. The second proposed lot is a 7 acre parcel that is located easterly and southerly of the Town Hall parcel

and is intended to accommodate multi-family residential development. All of the details presented this evening is consistent with the master plan that was approved in 2012. An application was submitted to the Inland Wetlands and Watercourse Agency for this project and was approved. Property owners within 200' were provided proper notification by certified mail. The applicants are asking the Commission for approval for the creation of lot lines for parcel purposes. Chairman Zatorski opened the public hearing at this time. Larry Lowe of 46 Walnut Avenue inquired about the parking lot and handicap spaces. Because this application is for the creation of a parcel, the question was deferred to Agenda Item# 7A which will explain the project in detail. Mr. Tammaro voiced his concerns about ample public participation due to the type of meeting (ZOOM) and the scope and size of the project. Mr. DeCarli explained that the Master Plan that was approved in 2012 went through a lengthy public discussion and that this is consistent with that approved plan. Chairman Zatorski stated that he can allow for public comments during the site plan application. Attorney Heller read aloud the notice that was sent to the abutters informing them of the public hearing and the scope of the project. The notices were sent out in the required timeframe. Vice-Chairman Kuhr made a motion to close the public hearing for Application PZC-20-010: Edgewater Hill Enterprises, East High St., for a Re-subdivision for 2 lots Map 10A/Block 85/Lot 5C. Mr. Tammaro seconded the motion. **Vote: 7-0.** Vice-Chairman Kuhr made a motion to approve Application PZC-20-010: Edgewater Hill Enterprises, East High St., for a Re-subdivision for 2 lots Map 10A/Block 85/Lot 5C for the following reasons: positive comments have been received from the Inland Wetlands and Watercourse Agency, it complies with the Planning & Zoning Regulations and is consistent with the Master Plan for this development. The motion was seconded by Mr. Sennett. **Vote: 7-0**

- E. Updates to Sec. 3.1 Lake Pocotopaug Protection Zone** – Mr. DeCarli reminded the Commission of the public workshops that were done this past winter and that the draft has not been updated since January because there have been no new comments or suggestions. Vice Chairman Kuhr stated that he is in favor of public comments in an in person forum therefore he made a motion to continue the public hearing for Updates to Sec.3.1 Lake Pocotopaug Protection Zone to the next regularly scheduled meeting on August 5, 2020. The motion was seconded by Mr. Sennett. **Vote: 7-0**

6. New Business:

- A. Application PZC-20-013: Peter & Sheila Engel, 11 Markham Rd.,** for a Re-subdivision for 3 lots. Map 35/Block 91/Lot 2-3A. Peter and Sheila provided a brief summary of the proposal: to make 2 buildable lots for their children in the rear of the property. The lots will be identified as parcel 2-3A and 2-3B and will have frontage on Rte. 16 but they will be accessing the lots via the driveway that exists on Markham Road (will be extended to access rear lots). It will be a common drive and a waiver will be submitted. Chatham Health has done soil testing and Inland Wetlands and Watercourse Agency has given their approval. Mr. Sennett inquired about a 5 lot subdivision and required open space based on the site plan provided. It was explained that it will not be 5 lots and that the proposal is to create 2 buildable lots. Vice-Chairman Kuhr made a motion to set a public hearing for Application PZC-20-013: Peter & Sheila Engel, 11 Markham Rd., for a Re-subdivision for 3 lots Map 35/Block 91/Lot 2-3A at the next regular meeting on August 5, 2020. The motion was seconded by Mr. Sennett. **Vote: 7-0**

7. Old Business:

- A. 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.** Attorney Heller explained that this is an application for a 3 story mixed use building on lot #1 which will have commercial on the first floor and residential apartments on the upper 2 floors. It is on the easterly side of East High Street and southerly side of Edgewater Circle which is a community loop road that provides access to current and future proposed phases. Mr. Lowe's previous inquiry about parking was addressed by Attorney Heller: there will be a parking area on the parcel with 33 parking spaces and 2 handicapped accessible spaces that meet the calculation requirements of the Regulations. The drainage design is meant to capture the flood flow attenuation and the water quality volume is being fully treated by the water quality detention basin on the westerly section of the site. There will be no increase in peak run off and all the storm water that

goes to the Lake Protection Zone is designed in compliance with the 2004 storm water management requirements. Future phases of the project will drain to a manmade pond then drains to an 18" culvert and back into the storm water drainage system that will lead to the 30" culvert to the lake. The runoff from the Town Hall goes to catch basins, underground infiltrators and above ground detention ponds then to the pond at the Edgewater site and to the 30" culvert. Mr. DeCarli explained that he does not foresee any of the drainage issues that the new Town Hall had because this location has a different soil and topography and it is a smaller contained site. The design was reviewed by Anchor Engineering and the comments they provided were addressed. The proposed building is consistent with the Master Plan. Steve Motto explained that the plans were reviewed by an architectural review committee with no comments from them and that Inland Wetland and Watercourse Agency gave their approval. There will be an Association of all the properties within Edgewater Hill that will be responsible for all maintenance of the infrastructures. Chairman Zatorski stated that during the extraordinary circumstances, he is allowing for public comments at this time. Ms. Wright commented about a statement that was made about ample parking for Commercial and Residential and that the times would not overlap therefore there will be no issues with parking. She asked if any consideration was given to potential residents working from home and occupying a parking space for the day. Mr. Motto stated that he is confident that there will be sufficient parking and that it meets the Regulations. Larry Lowe of 46 Walnut inquired about the traffic light at the roundabout impacting traffic, access to the new Town Hall road and snow removal. David McKay from Boundaries, LLC. explained that the future traffic light will be at the intersection of Rte. 66 and Edgewater Circle and will not have any impact and the MS2 building is not adjacent to the new Town Hall therefore there will be no accessing the Town Hall road. Mr. DeCarli explained that the roundabout was presented as a concept for a 2 year corridor study and that it is just a concept plan. Mr. Kowalczyk asked if the existing building to the south (as depicted on the plans) will remain or be removed and how will it be accessed. The building will remain for now until a future phase of the project and there is a second curb cut off of Edgewater Circle that improves the gravel access to the existing drive for that building. Vice-Chairman Kuhr inquired about the landscaping plan which was explained as consistent with the Master Plan and complies with the Regulations and has been reviewed by the Design Review Board. There were no further comments or questions. Vice-Chairman Kuhr made a motion to approve 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 for the following reasons: positive comments were received from the Inland Wetlands and Watercourse Agency, it is consistent with the MUDD Master Plan and is consistent with the Planning and Zoning Regulations. The motion was seconded by Mr. Puglielli. *Vote: 7-0*

- B. Application PZC-20-003: Lisa Sherman, for an Amendment to Zoning Regulation 5.4.A PO/R Zone.** Vice-Chairman Kuhr made a motion to continue Application PZC-20-003: Lisa Sherman, for an Amendment to Zoning Regulation 5.4.A PO/R Zone to the next regularly scheduled meeting on August 5, 2020. The motion was seconded by Mr. Gauthier. *Vote: 7-0*

At this time, Chairman Zatorski asked the members for brief comments about Agenda Items 7C, 7D and 7E and then continue those items to the next regularly scheduled meeting on August 5, 2020.

- C. Discussion: Update Sign Regulation to Include PO/R Zone Sign Standards** – Mr. DeCarli will forward the latest draft to the members. Discussion continued to the next regularly scheduled meeting on August 5, 2020.
- D. Discussion: Home Based Occupations** – Mr. Sennett would like to see the regulations from surrounding towns such as Glastonbury, Marlborough and East Haddam and would like to know what issues they may or may not have had with their Home Based Occupation Regulation. Mr. Gauthier would like to have a sensible regulation that is appropriate for everyone and thanked Mr. DeCarli for his work and guidance. Mr. Tammaro suggested updating the draft to include changes that have taken place during the pandemic such as the increase of professionals working from home and consideration of accessory buildings. Discussion continued to the next regularly scheduled meeting on August 5, 2020.

E. Updates to the Official East Hampton Zoning Map – Continued to the next regularly scheduled meeting on August 5, 2020.

8. Planner's Report – Town Hall is open to the public with proper protocol in place. The owners of Food Bag at the corner of Main St. and Colchester Avenue will be submitting an application to moving forward with their project: removing the building and replacing it, increasing the number of gas pumps and cleaning up the corner. A grant application was submitted to DEEP today for 7.5 acres in the watershed (Christopher Road). The Commission will be updated as the grant application process moves forward.

9. Set Public Hearing(s) for August 5, 2020 – A public hearing was set under Agenda Item# 6A and the public hearings for Agenda Items 5A, 5C and 5E were continued to August 5, 2020.

Adjournment – Mr. Sennett made a motion to adjourn at 9:33 p.m., seconded by Chairman Zatorski.
Vote: 7-0

Respectfully submitted,

Christine Castonguay
Recording Secretary