

EAST HAMPTON PLANNING & ZONING COMMISSION
NOTICE OF REGULAR MEETING
Staff Notes

To: Planning and Zoning Commission
From: Jeremy DeCarli
Date: 8/5/2020
RE: Staff Notes for 8/5/2020 Regular Meeting

The following are notes regarding the items as they appear on the August 5, 2020 PZC agenda. Recommended actions are just that, recommendations to the Commission. They should not be construed as requirements.

5. Public Hearings for August 5, 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 has requested an extension to this application. 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.

Recommendation: Continue to September 2, 2020 meeting.

- B. 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 July 1 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.

- C. Application PZC-20-013:** Peter & Sheila Engel, 11 Markham Rd., for a 3-lot Re-subdivision for 3 lots. Map 35/Block 91/Lot 2-3A

The proposed re-subdivision of the parcel will result in two new building lots for family members. The two new lots will result in more than five lots from the original parcel which existed prior to 1949. While the Commission typically requires an open space dedication, the language in the regulation is not binding.

“For any subdivision of land resulting in 5 or more lots, the Commission may require of the subdivider the disposition and official dedication of appropriately located and sized Open Space areas”

The current parcel is over 36 acres in size and is in the PA-490 forestry program. While the subdivision cause development on approximately five acres, the rest of the property will continue to be owned by the family and remain in the forestry program. The property is bounded to the south and east by State forest consisting of over 110 acres. An open space designation of 15% would result in approximately 5.25 acres being preserved.

The proposed lots are compliant with the zoning and subdivision regulations and have been approved by the IWWA.

6. New Business:

- A. Application PZC-20-016:** James Marino, 106 Main St., for a zone change: VC to VHO (4.5) Map 02A/Block 48/Lot 3-1

This parcel is currently in the Village Center Zone, which requires commercial use on the first floor and allows residential uses on the second and third floors. The applicant desires to construct a duplex on this lot, which requires a change in Zone from VC to Village Housing Overlay (Section 4.5). The Village Housing Overlay is a Special Overlay district which allows residential uses to be constructed within the VC area. It is an established 8-2j Village District and the project requires approval from the Design Review Board before the PZC can issue an approval.

The property is well placed for such a change, directly across the street from the library and lies between Pocotopaug Creek and a single family residential home. The VHO allows for three types of residential housing, multi-family, townhouse, and duplex. Being that the lot proposed for development is small and must rely on a private well for potable water, a duplex is the best use for the property. The size and configuration of the lot does not lend itself well to commercial uses or more intense residential development. The Zone Change requires a public hearing.

Recommendation: Schedule a Public Hearing for this matter for September 2, 2020.

- B. Application PZC-20-015:** James Marino, 106 Main St., for a Site Plan Review for a duplex Map 02A/Block 48/Lot 3-1

The Commission is advised to review Section 4.5 of the regulation. There are several specific requirements due to the location of this parcel and the use of the VHO. Staff will continue to review the site plan with the developer and provide a report of compliance. As previously noted, the design of the structure must be approved by the Design Review Board prior to approval by the PZC.

- C. Application PZC-20-017:** Atlantis Marketing, for an Amendment to the Zoning Regulations: to amend Section 5.2 and add Sec. 5.2.C.6. Gasoline or motor fuel filling stations in conjunction with a retail store in the Commercial Zone.

This is one aspect of a multi-part application coming before the Commission in an effort to rebuild and expand the existing fueling station and convenience store located at 1 Colchester Ave.

The current regulations only allow fueling stations to be located in the Industrial Zone. This requirement contradicts the actual ground conditions. All fueling stations located within the Town exist within the Commercial or the Village Center Zone. This particular application adds language to the Commercial Zone to allow fueling stations.

Recommendation: Schedule a Public Hearing for the September 2 meeting.

- D. Application PZC-20-018:** Atlantis Marketing, 1 Colchester Ave and 157 Main St. for a zone change from R-2 to C. Map 07A/Block 56/Lots 22, Map 07A/Block 56/Lot 24

The Food Bag and fueling station located at 1 Colchester Avenue is currently located within the R2 zone. Nearby properties include several multi-family homes and the East Hampton Ambulance Association interspersed with single-family homes. This parcel was in the Commercial Zone until 1990 when the map was updated and the parcel was swept into the surrounding Residential Zone making the use legal non-conforming. The legal non-conforming status makes it impossible to expand the use of the station, add pumps, or enlarge the convenience store. After a lengthy discussion with the Town Attorney, it was determined that a change of zone was the appropriate path in order to expand the station. The applicant has provided a concept plan to accompany the application so that the Commission has an understanding of why you are being asked to review this zone change. The application will be referred to other regulatory departments for review prior to the next meeting.

Recommendation: Schedule a public hearing for this matter for the September 2, 2020 PZC meeting.

- E. Application PZC-20-019:** East Hampton Rotary Club Foundation, 45 Daly Rd. for a Special Permit for Commercial Recreation, Map 33/ Block 87/ Lot 3

The Rotary Club is seeking a Special Permit to conduct certain recreational activities at its property located at 45 Daly Road. Overall, the parcel lends itself well to the proposed uses. The parcel is in excess of 28 acres and border the Airline Trail and Middlesex Land Trust property.

Recommendation: Schedule a public hearing for the September 2, 2020 meeting.

- F. PZC20-020:** Jacqueline Montanez-Colon, 46 Skinner St. for a Special Permit to operate a car repair and used car sales business in the Industrial Zone (Sec 5.3.C), Map 20/ Block 48C/ Lot 17A

46 Skinner Street is currently under development in the Industrial Zone. While the construction has taken many years, the building is nearing completion and the property owner is prepared to complete site work. The location has been reviewed and approved by the Zoning Board of Appeals in accordance with the Zoning Regulations and Stat Statutes. The proposed use is allowed by Special Permit within the Industrial Zone.

Recommendation: Schedule this item for a Public Hearing for September 2, 2020.

- G. 8-24 Review:** Acceptance of Salmon Run Phase III Road – Deer Meadow

The developer has requested that the Town take ownership of Deer Meadow Run, which is the third phase of the Salmon Run Estates Subdivision, an approximately 1,300 foot road which connect Salmon Run and Waterhole Road. We are awaiting final as-built survey of the road, as well as deeds and the \$73,000 maintenance bond. I am awaiting a report from the Director of Public Works.

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.

Proposed language has been submitted to you for your consideration.

- C. Discussion:** Home Based Occupations

With this report, I am submitting additional regulations from our surrounding towns as requested at the last meeting.

8. Planner's Report

Please be prepared to continue using online meetings for a few more months due not only to COVID, but also to technology. Due to current restrictions, we cannot accommodate more than 25 people in a meeting in the building. With the potential for public attendance, we will easily be over this threshold requiring a dual system where Zoom will continue to be used even once we are again meeting in-person. Until all of the technology is set up in the building, we will be forced to operate remotely.

The Lake Aeration system is now fully operational. Thanks to all for your efforts on getting this project up and running. Initial reports are that clarity is improved and cyanobacteria numbers are lower than past years. We're cautiously optimistic that these trends will continue.



Jeremy DeCarli