

Town of East Hampton  
**Planning and Zoning Commission**  
**Regular Meeting**  
September 2, 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: Roland Rux, Angelus Tammaro, Meg Wright, Roy Gauthier and James Sennett, Alternate Members: Ted Hintz, Jr., Mike Kowalczyk and Tim Puglielli and Zoning Official Jeremy DeCarli.

**2. Approval of Minutes:**

**A. August 19, 2020 Special Meeting:** Mr. Sennett made a motion to approve the August 19, 2020 Special Meeting minutes as written. The motion was seconded by Mr. Tammaro. *Vote: 6-Yes; 0-No; 1-Abstention (Ms. Wright).*

**3. Communications, Liaison Reports, and Public Comments:**

**Communications:**

The Commission members were given a copy of the application that was submitted to the CT Siting Council by AT&T requesting to relocate the Baker Hill cell phone tower.

**Liaison Reports:**

Chairman Zatorski stated that IWWA items do not apply to any Planning & Zoning items.

Mr. Gauthier stated that the High School Building Committee is still trying to disband and that it may be done via a ZOOM meeting.

Mr. Kowalczyk stated that the RPC met and provided an update about the Regional Plan, they spoke about a region wide storm recovery resiliency plan and spoke about potential changes to the State Affordable Housing legislation.

Mr. Sennett reported that the ZBA had a meeting on August 24<sup>th</sup>. There was one application: ZBA-20-007, Lynne Dakers, 21 Emerson Rd., to reduce the front setback from 25' to 11', to reduce the rear from 25' to 11' and to reduce the side from 15' to 2.29' to construct a 672 sq. ft. second story over existing structure/footprint on a non-conforming lot Map 10A/Block 81/Lot 115 – the application was approved. Vice-Chairman Kuhr did not have anything to report nor did Ms. Wright, Mr. Tammaro, Mr. Puglielli or Mr. Hintz, Jr.

At this time, Chairman Zatorski asked for public comments that do not relate to the public hearing applications that are on the Agenda. There were no comments.

**4. Read Legal Notice for September 2, 2020:** Staff read the legal notice for the record.

**5. Public Hearings for September 2, 2020:**

**A. Application PZC-20-004: Lisa Sherman, 50 Main St.,** for a Zone Change: R-1 to PO/R. Map 02A/Block 47/Lot 25. The applicant was not present. Chairman Zatorski asked if there were any

comments from the members of the Commission. There were none. Chairman Zatorski asked for public comments at this time. Mr. Lowe of 46 Walnut Ave. spoke against the application. There were no further comments. Vice-Chairman Kuhr made a motion to close the public hearing for Application PZC-20-004: Lisa Sherman, 50 Main St., for a Zone Change: R-1 to PO/R Map 02A/Block 47/Lot 25. The motion was seconded by Mr. Gauthier. **Vote: 7-0.** Vice-Chairman Kuhr made a motion to deny Application PZC-20-004: Lisa Sherman, 50 Main St., for a Zone Change: R-1 to PO/R Map 02A/Block 47/Lot 25 for the following reason: the zone regulations do not allow it. The motion was seconded by Mr. Sennett. **Vote: 7-0**

**B. 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. Mr. Marino presented. He would like to build a 2 family home but in order to do so the zone needs to be changed from VC to VHO. Mr. DeCarli explained that the VC Zone allows for Commercial on the first floor and residential on the second and that the VHO Zone would allow the duplex that he is proposing. Joel Fuller explained that the lot is vacant and that a duplex is a good fit for the area because there is residential and commercial in the area. There are sewers that gutters that will go to underground infiltrator units and the driveway is going to be a stone driveway. The applicant has received approval from the Inland Wetlands and Watercourse Agency for this project. Chairman Zatorski asked for public comments at this time. Bob Atherton of 119 Main St. spoke in favor of the application and his hope that it will force the cleanup of the property next to it. Mr. DeCarli explained that letters of violations went out to the owners of the property next to 106 Main Street and briefly explained what the violations are. There were no further comments. Vice-Chairman Kuhr made a motion to close the public hearing for 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. The motion was seconded by Mr. Rux. **Vote: 7-0.** Chairman Zatorski made a motion to approve Application PZC-20016: James Marino, 106 Main St., for a zone change: VC to VHO (4.5) Map 02A/Block 48/Lot 3-1 for the following reasons: it will increase the housing stock and is within the Planning & Kuhr. **Vote: 7-0**

**C. Application PZC-20-015: James Marino, 106 Main St.,** for a Special Permit and Site Plan Review for a duplex in the VHO. Map 02A/Block 48/Lot 3-1. Joel Fuller explained that the driveway location was chosen because of the intent to stay out of the wetlands that are on the property. There the wetlands. Roof water will be recharged into infiltrators. The proposed natural stone wall will help keep the activity out of the wetlands. There will be parking in the rear and a walkway along the driveway to the existing one on Main Street. The well will be in the back and the property will have sewer. Each unit will be 24' x 28' with 2 bedrooms each. There will be no fertilization when seeding the lawn and there will be no buffer between this property and the abutter. One side of this property pitches to the south and the other towards Lake Pocotopaug. There is a 2% pitch across the driveway and down to the pipe. The driveway does not exist now therefore they will be cutting into the sidewalk to construct the driveway which will comply with the setback requirements. The distance from the neighboring property is approximately 80' – 90'. The applicant has received approval from Zatorski asked for public comments at this time. There were no public comments. Vice-Chairman Main St., for a Special Permit and Site Plan Review for a duplex in the VHO Map 02A/Block 48/Lot 3-1. The motion was seconded by Mr. Rux. **Vote: 7-0.** Mr. Tammaro made a motion to approve Application PZC-20-015: James Marino, 106 Main St., for a Special Permit and Site Plan Review for a duplex in the VHO Zone Map 02A/Block 48/Lot 3-1 for the following reasons: it is consistent with the POCD, it increases the housing stock particularly in the Village Center and approvals were granted from the Design Review Board and the Inland Wetlands and Watercourse Agency and with the following conditions: Town Staff must be notified prior to the start of construction and all permits must be obtained prior to the start of construction. Vice-Chairman Kuhr seconded the motion. **Vote: 7-0**

**D. 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. Mr. DeCarli informed the Commission that he received a request from the Attorney representing the application to postpone Application PZC-20-017 and PZC-20-018 to the next regular meeting on October 7, 2020. Mr. Tammaro made a motion to continue 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 to the next regularly scheduled meeting on October 7, 2020 per the request of the applicant. The motion was seconded by Mr. Rux. **Vote: 7-0**

- E. Application PZC-20-018: Atlantis Marketing, 157 Main St.** for a zone change from R-2 to Commercial for future merge with 1 Colchester Avenue. Map 07A/Block 56/Lot 24. Vice-Chairman Kuhr made a motion to continue Application PZC-20-018: Atlantis Marketing, 157 Main St. for a zone change from R-2 to Commercial for future merge with 1 Colchester Avenue Map 07A/Block 56/Lot 24 to the next regularly scheduled meeting on October 7, 2020 per the request of the applicant. The motion was seconded by Mr. Tammaro. **Vote: 7-0**

*At this time Mr. Tammaro had to leave the meeting so Chairman Zatorski seated Mr. Kowalczyk.*

- F. Application PZC-20-020: 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. Ms. Montanez-Colon explained that she would like to have an auto repair shop and the first floor of the existing 2 story building (front of building). Mr. DeCarli informed the members that a Certificate of Occupancy (C.O.) must be issued before the applicant moves in and added that some site work needs to be completed before the C.O. can be issued. He also added that they will have to have a waste oil tank on site per the approval of DMV. Chairman Zatorski asked for public comments at this time. There were no comments. Vice-Chairman Kuhr made a motion to close the public hearing for Application PZC-20-020: 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. The motion was seconded by Mr. Rux. **Vote: 7-0.** Vice-Chairman Kuhr made a motion to approve Application PZC-20-020: 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 for the following reason: it is consistent with the East Hampton Planning and Zoning Regulations and with the following conditions: a C.O. is obtained prior to the start of business, Town Staff is notified prior to the start of business and the maximum number of vehicles on the property is 8. The motion was seconded by Mr. Rux. **Vote: 7-0**

- G. Updates to Sec. 3.1 Lake Pocotopaug Protection Zone** – The members shared their opinions about continuing the public hearing versus moving forward with the updates at this time. Chairman Zatorski asked for public comments at this time. There were no comments. Chairman Zatorski 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 October 7, 2020. The motion was seconded by Mr. Rux. **Vote: 7-0**

Chairman Zatorski made a motion to continue the Updates to Sec.3.1 Lake Pocotopaug Protection Zone to the next regularly scheduled meeting on October 7, 2020 to move the application forward. The motion was seconded by Vice-Chairman Kuhr. **Vote: 7-0**

## **6. New Business:**

- A. Pre-Application Discussion – Site Plan Modification 191 East High St. Loco Perro** – Elizabeth Wiltsie, owner of the property explained that they would like to modify the existing building by adding a 731 sq. ft. addition to increase the size of the kitchen and make more room to modernize the bathrooms. The addition will be a bump out in the rear of the building off the banquet room. Site plans and building plans were made available for viewing. The amount of parking and tables will remain the same for now but they explained that they have room for additional parking in the back if they decide to add any in the future. They have been working with the Chatham Health District and will be providing information from them at the next meeting. There will be no changes made to the kitchen hood therefore they have not reached out to the Fire Marshal. They will be submitting a Planning & Zoning application soon to be on the next agenda.

## **7. Old Business:**

- A. 8-24 Review:** Acceptance of Salmon Run Phase III Road – Deer Meadow: Mr. DeCarli informed the members that additional required information is still pending therefore he recommended continuing the 8-24 Review to the next regularly scheduled meeting on October 7, 2020.
- B. Application PZC-20-003:** Lisa Sherman, for an Amendment to Zoning Regulation 5.4.A PO/R Zone. Chairman Zatorski stated that no action has been taken on this application for

months so there is a need to move this application in one way or another. Mr. Sennett explained that he is opposed to the application because of the potential of the R-1 zone being diminished. Vice-Chairman Kuhr agreed with Mr. Sennett and added that he is not in favor of making any changes at this time because of the lack of in person meetings and public participation. Chairman Zatorski stated that there is a history of low impact businesses in that area and that having the businesses there has been instrumental in maintaining the Main Street historic appeal. Mr. Tamaro supports promoting reasonable low impact businesses in town but would like to hear more comments from the public and Commission members before he makes any decision. Mr. Sennett made a motion to deny Application PZC-20-003: Lisa Sherman, for an Amendment to Zoning Regulation 5.4.A PO/R Zone for the following reasons: the zone change will reduce the intent of the R-1 zone and may potentially eliminate it in the future. The motion was seconded by Mr. Gauthier. *Vote: 5-Yes; 2-No (Chairman Zatorski and Mr. Tamaro).*

- C. Discussion: Update Sign Regulation to Include PO/R Zone Sign Standards** – The members agreed to continue the discussion to the next regularly scheduled meeting on October 7, 2020.
- D. Discussion: Home Based Occupations** - The members agreed to continue the discussion to the next regularly scheduled meeting on October 7, 2020.
- E. Updates to the Official East Hampton Zoning Map** - The members agreed to continue the discussion to the next regularly scheduled meeting on October 7, 2020.

*Chairman Zatorski asked if there were any public comments at this time. There were no comments.*

**8. Planner's Report** – None.

**9. Set Public Hearing(s) for October 7, 2020** – None.

**Adjournment** – Mr. Kowalczyk made a motion to adjourn at 8:55 p.m., seconded by Chairman Zatorski.  
Vote: 7-0

Respectfully submitted,

Christine Castonguay  
Recording Secretary