

Jezeq & Barbi Attorneys at Law

31 William F. Palmer Road, P.O. Box 376, Moodus, CT 06469

Scott W. Jezeq
Deborah L. Barbi
Stephanie P. Antone
Terrance D. Lomme, of Counsel



Telephone (860) 873-1449
Facsimile (860) 873-1113
mail@jezeklaw.com

RESPONSE STATEMENT OF THE APPLICANT ATLANTIS MARKETING

RE: PZC-20-018

In consideration of the public comments at the Public Hearing convened October 14, 2020, the applicant has amended and revised its Application in the following aspects:

1. Property owned by the Applicant at 5 Middletown Avenue (Route 16) is now incorporated within the Request for Zone Change. Encompassing 5 Middletown allows the Applicant to reconfigure its site plan in several respects in order to better address public comments. These changes include:

- reorienting the entry building away from Main Street and diagonally across the intersection, this avoiding an entrance directly facing any neighboring property;

- it is reducing the number of proposed pumping stations from five to four, thereby reducing the overall scale of the property;

- the addition of 5 Middletown Avenue and revised configuration will allow for increased landscaping and green space;

- it will reduce the existing four driveway ingress/egress points to two both of which will utilize existing cuts and mitigate traffic queuing at the intersection; and

- the reconfiguration will direct commercial components of the site to be directed on Middletown Avenue / Route 16 and take advantage of the natural slope at the southeaster corner of the properties. For example, the waste removal bin will largely be concealed in a cut into the slope on the 5 Middletown Avenue property. Similarly, space in this area will be dedicated to an electrical charging station, as was suggested in one public comment.

As already proffered, the refurbished site will also take advantage of all modern advances

in lighting, screening and sound abatement.

2. In addition to specific site concerns raised during the public hearing, statements were made regarding the appropriateness of the zone change and residential character of the neighborhood which were delusive. Several references were also made to the East Hampton's 2016 Plan of Conservation and Developments (hereinafter referred to as the "Plan") which were similarly misleading.

The Plan classifies three levels of roads or streets within East Hampton. An Arterial Road is defined as those "...intended to carry regional traffic and serve major activity centers." The Plan then specifically identifies just six Arterial Roads which include the intersection of Main Street and Route 16. The Plan at Page 111 identifies economic revitalization along Route 16 as an objective. Every other intersection along Route 16 with an Arterial or Collector Road is already designated a zone other than single family residential.

This particular intersection of Main Street and Route 16 is not devoted to single family residential use. In fact, an informal canvas of the immediately adjacent properties at the intersection, with a single exception, are all multi-family housing and non-confirming. One must then ask the question, is the present single family residential designation appropriate? Single family residential use is the outlier.

3. Finally, the application, if granted will result in the razing of two blighted structures, both of which are nonconforming themselves as to lot size and multi-family housing, the removal of which can do nothing but enhance the appearance of the intersection and promote the Plan.

It is respectfully submitted the Planning and Zoning Commission approve the Applicant's request for Zone Change.

By: 

Scott W. Jezek, Attorney for Applicant
Atlantis Marketing