

Town of East Hampton  
**Planning and Zoning Commission**  
**Regular Meeting**  
October 4, 2017 – 7:00 P.M.  
East Hampton Town Hall Meeting Room

**MINUTES**

**1. Call to Order and Seating of Alternates:**

Chairman Kuhr called the meeting to order at 7:00 p.m. He stated that he received a letter from Town Council stating that Alternate Angelus Tammaro is now a Regular Member of the Commission.

Present: Chairman Kuhr, Vice-Chairman Zatorski, Regular Members, James Sennett, Roy Gauthier, Roland Rux, Angelus Tammaro and Meg Wright. Alternate Member Michael Kowalczyk was present as well as Planning and Zoning Official Jeremy DeCarli.

Alternate Michael Kowalczyk was not seated.

Absent: Alternate Jason Jozefiak.

**2. Approval of Minutes:**

**A. September 6, 2017 Regular Meeting** – Vice-Chairman Zatorski made a motion to approve the September 6, 2017 minutes, seconded by Mr. Gauthier. The minutes stated that Ms. Wright attended the Water Development Task Force meeting which she did not. Chairman Kuhr inquired about expanding the language regarding the issue with silt fencing. Mr. DeCarli stated that the Inland Wetland & Watercourse Agency forwarded a letter to Chairman Kuhr requesting to enact a regulation to that effect. The previous motion was rescinded and a motion was made by Mr. Rux to approve the September 6, 2017 minutes with the corrections. The motion was seconded by Mr. Gauthier. **Vote: 6 Yes; 0-No;**

***1-Abstention (Vice-Chairman Zatorski). Motion passed.***

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

**Communications:** Mr. DeCarli stated there were no communications.

**Liaison Reports:** Mr. Gauthier reported that the ribbon cutting ceremony on September 8<sup>th</sup> was a nice evening and well attended. He commended the contribution made in honor of Mr. Fiddler. He reported that the blue water issue is resolvable and within reason of the budget. It will be resolved and closed out by the first of the year.

Mr. Kowalczyk stated that he attended the Lower CT River Valley

Regional Planning Commission meeting. They hosted the local public hearing for the State Plan of Conservation. They had 1 referral from Clinton regarding medi pods. The Committee determined there were no intermunicipal impacts and asked how the Lower CT Valley is assessing medi-pods and accessory units.

They further discussed the regional plan of Conservation and Development.

Mr. Sennett stated that the ZBA meeting was cancelled due to no quorum.

Vice-Chairman Zatorski stated that he did not have a report but that Mr. DeCarli may have information in his staff report later in the meeting.

Mr. Rux did not attend the Water Development Task Force meeting or the Economic Development Commission meeting.

Ms. Wright did not attend the Water Development Task Force meeting.

Mr. Tammaro did not have a report.

Chairman Kuhr stated that the Lake Conservation Commission received a 319 grant and that there will be projects coming regarding the betterment of the lake.

At this time, Chairman Kuhr opened the meeting to public comments regarding anything that is not a public hearing. Mary Ann Dostaler of 56 William Drive stated that the room was full and asked about possibly relocating the meeting to accommodate the people.

Chairman Kuhr invited people who were in the hallway to enter the meeting room and stand during the meeting so they can hear the applications and speak if they so desire.

Dorene Nablo of 43 Bay Road spoke about the application of Bay Point Club, LLC. She stated that she is a member of the club and was not aware of this application and feels that it is not in keeping with the bylaws of the club.

There were no further public comments so Chairman Kuhr closed the public comments at this time.

**4. Read Legal Notice for October 4, 2017:** The legal notice was read into the record by Mr. DeCarli.

**5. Public Hearings for October 4, 2017:**

Chairman Kuhr requested moving Public Hearing #5B down to #5D. The Commission was unanimous in agreement.

**A. Application of Main St Venture, LLC, 3 Main St, for a Text Amendment for PO/R Zone.** Attorney Furey (43 Bellevue Ave. Bristol, CT.) presented to the Commission on behalf of Main St Venture, LLC. He discussed the location of the property and the consistency with the Plan of Development. He discussed the pending litigation and stated that the applicant will withdraw the litigation application if this application is approved. Mr. DeCarli stated that he received an email from Attorney Carella (included in the packets this evening) regarding the litigation having no effect on this application. Attorney Furey stated that Mr. Rand and he will start the process of repealing the litigation. He went on to add that the application is consistent with the current zoning in that area and that the application gives the ability to request a zone change. Vice-Chairman Zatorski commented that the purpose of the public hearing is to get the comments and concerns of the public so it will allow the Planning and Zoning Commission to make a lawful decision. He went on to explain that this is not granting a permit but allowing the applicant to request a zone change followed by an application for a special permit (not use by right). He read aloud the current PO/R regulation and provided clarity about the process. Mr. DeCarli stated that should the amendment

be approved, it would have to adhere to the same R-1 setbacks, building heights and maximum lot coverage requirements.

Chairman Kuhr opened the meeting to public comments. Preston Roth of 8 Main St. asked if this application applied to all houses on Main St. Ty Sweet of 7 Main St. inquired about the proposed subdivision at 3 Main St. Sean Kelly of 30 Skinner St. spoke on behalf of his daughter at 46 Main St. and inquired about the 400' down Main St. as requested in the application. Mary Ann Dostaler of 56 William Dr. asked about the potential impact of the change that the Commission is contemplating. Ben Phillips of 15 Maple St. asked if there was a possibility of combining lots. Scott Jackson of 6 Main St. would like to keep Main St. residential and historic. Allison Carl of 6 Birchwood asked if 42 West High is PO/R. Mark McMillan of 2 Bevin Ct. stated there are financial incentives with historic preservation. Chairman Kuhr asked Mr. Rand and his attorney if they had additional comments. There were none. Chairman Kuhr asked if there were additional public comments. There were none. Chairman Kuhr closed the public comment portion. Vice-Chairman Zatorski read aloud the purpose of the PO/R Zone with the following correction: "between Main St. and North Maple" NOT "Main St. and Main St." He went on to ask that Application #PZC-17-009 be given a reference file. Mr. DeCarli stated that it would. Mr. Tamaro addressed the letters opposing the application. The letters were submitted by Michael Foster and Jill Jensen of 12 Old Marlborough St. At this time, the applicant signed and dated the 5.4 Purpose Item A with the corrections. Vice-Chairman Zatorski made a motion to approve the application of Main St. Venture, LLC, 3 Main St., for a Text Amendment for PO/R Zone for the following reasons: 1. That the PO/R zone allows all R-1 uses as of right. Professional offices, financial institutions, executive administrative and business offices with a site plan review. Shops for custom work printing, publishing, public utilities, fire, police and daycare with a special permit. 2. This application for text change will allow only one dwelling unit with mixed use structure with uses allowed by site plan review and special permit only on the first floor and parking is appropriately screened to protect property owners from views. Further, it is the staff recommendation as written in Staff Report PZ-17-009 that the current residential uses would remain conforming regardless of any changes that occurs and that this text change continues to provide the goal of the zone keeping the residential character of the area or offering a larger transition zone. Further that this text change which would allow redevelopment of the North end of Main Street if the market demands and will keep in character of the neighborhood intact. The motion is for a text amendment for PO/R Zone as presented to Section 5.4 PO/R Zone – Professional/Office/Residential: "The purpose of this zone is to allow for professional uses in the areas fronting on both sides of West High (Rt. 66) between North Main Street and North Maple Street as well as Main Street up to a distance of 400' from the intersection of West High Street supplementing uses in the adjacent C Zone while retaining the residential

character of the area.” The effective date being November 1, 2017. The motion was seconded by Mr. Rux. Mr. Gauthier explained why he cannot support this application as did Mr. Tammaro and Mr. Sennett.

***Vote: 4-Yes; 3-No. The motion passed.***

**B. Application of Roncalli Institute, Inc.,** 49 Oakum Dock, for a Zone Change: from R-2 to Commercial. Map 2/Block 9A/Lot 4. Dan Loos, President of Roncalli Institute, Inc. presented along with Attorney Kenneth Slater. Mr. Loos showed a slide show to explain the history of the property which included an explanation of the different zones it has been over the years. He also provided property maps from the 1940's, 1950's and 1970's that indicate it being zoned industrial until it changed to R-2 at some point in the 1990's. Attorney Slater addressed the letter of opposition from Attorney Grady. He stated that the East Hampton zoning department has never received any complaints from neighbors about events at the facility and that the event traffic is through St. Clements along a road in Portland so there is no increase in traffic on Oakum Dock. He added that the owners are entitled to continue the industrial/commercial use and to work in a way that is beneficial to the area. He explained the goals of zoning and suggested resolving the issue with St. Clements having events. He explained spot zoning and its intention. He stated that the Portland side is zoned business and this would continue the business use. Mr. DeCarli provided the purpose of Industrial and Commercial for clarification. Attorney Slater stated that the use allowed by right is limited to industrial but the zone change would add commercial uses. Mr. Loos read aloud a letter from Doris Barton of 42 Oakum Dock Rd. supporting the proposal. Vice-Chairman Zatorski referred to the 9/12/17 interdepartmental memo from Public Works that explained why they do not support the application which was the issue of traffic. Attorney Slater stated that the patron traffic is through St. Clements Castle and not Oakum Dock Road. Vice-Chairman Zatorski asked for clarification of the current zone which is: R-2 with nonconforming use as a marina and boat building facility. Chairman Kuhr opened the meeting up for public comments at this time. Stuart Winqvist of 11 South Main St. was representing the Middlesex Land Trust and asked that the Commission make sure that the zone is established and requested adding a buffer stipulation in the motion. Steve Foley of 32 Oakum Dock complained about the traffic on Oakum Dock and the noise. Mary Ann Dostaler of 56 William Dr. asked about the capacity limits if it is changed to commercial (related to well and septic) and the consequences of illegal use. Pat Lindsey of 218 White Birch asked if the owner would submit a letter to formally abandon the industrial use if the zone is changed to commercial. Mr. Loos stated that they would like to continue the use of the marina but that they would not be servicing boats or storing boats other than their own. Mary Ann Dostaler of 56 William Dr. inquired about public safety access to if the gate on Oakum Dock is locked. Mr. Loos stated that emergency personnel have access to the locked gate. Chairman Kuhr asked if there were any further comments from the public. There were none. Vice-Chairman Zatorski made a motion to continue the public hearing of Application of Roncalli Institute, Inc., 49 Oakum Dock, for a Zone Change: from R-2 to Commercial. Map 2/Block 9A/Lot 4 to the next regularly scheduled meeting on November 1, 2017. The motion was seconded by Mr. Rux. ***Vote: 7-Yes; 0-No. The motion passed.***

Vice –Chairman Zatorski made a motion to continue the Application of Roncalli Institute, Inc., 49 Oakum Dock, for a Zone Change: from R-2 to Commercial. Map 2/Block 9A/Lot 4 to the next regularly scheduled meeting on November 1, 2017. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No. The motion passed.** At this time, a recess was taken at 9:45 p.m. The meeting reconvened at 10:02 p.m.

- C. Application of Dollar General – Garrett Homes, 197 East High St., for a Zone Change: from R-4 to Commercial.** Map 37/Block 71/Lot 1. Matt Bruton from BL Companies presented to the Commission. He stated that there is a 1.3 acre existing parcel on Rt. 66 which is currently occupied by a residential home and the Rt. 66 Snack Shack. He said that the property card indicates that the property is commercial but that the zoning map indicates that it is R-4 zone and that it was previously permitted as a retail strip but was never built on. The property is currently being taxed as both residential and commercial and they would like to change the zone based on its historical use. He pointed out the existing businesses that surround the parcel and stated that the closest residential homes are 180’ and 220’ away from the parcel. He stated that according to the East Hampton Plan of Conservation Development, the intent is to keep businesses along the Rt. 66 corridor. A brief discussion followed about the previously approved permit for a retail strip and the residential/commercial zone that it currently is listed as. Mr. Bruton went on to explain the intent of the project if the zone change is approved. They intend to build a 7500 sq. ft. retail facility with 29 parking spaces, a main access drive along East High Street, a storm water management system and a great deal of landscaping. Mr. DeCarli stated that the proposed use would be allowed in a commercial zone. Chairman Kuhr opened the meeting up to public comments at this time. Jennifer Palma of 3 Wangonk Trail explained why she strongly opposes the application. Al Scarfo of 2 Quiet Woods voiced his concerns about the traffic as did Dennis Jenks of 33 Meeks Pt. Molly Herring of 53 Wangonk Trail spoke of maintaining the rural character that exists as did Greg Minichiello of 17 Maple Street. Dorene Nablo of 43 Bay Rd. voiced her opinions regarding the zoning map. Maureen Luddy-Curtis of 1 Wangonk Trail spoke of her concerns over the size of the proposed building in that location. Mark Kohler of 31 Daniel St. explained why he is in opposition of this application. Randy Ellin of 17 Meeks Point was concerned about the possibility of decreased values of the surrounding properties. Vice-Chairman Zatorski provided traffic counts from 2012 from the surrounding areas. Mr. Bruton addressed some the concerns that were presented. Mr. DeCarli read highlights from letters of opposition that were submitted by Bonnie Ransom of 4 Namonee Trail and Kathy Koziel of 52 Smith St. Both letters will be filed with the minutes. At this time, members of the Commission voiced their concerns with this application. Vice-Chairman Zatorski made a motion to continue the public hearing for the Application of Dollar General- Garrett Homes, 197 East High St., for a Zone Change: from R-4 to Commercial. Map 37/Block 71/Lot 1 to the next regularly scheduled meeting on November 1, 2017. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No. The motion passed.** Vice-Chairman Zatorski made a motion to continue the Application of Dollar General – Garrett Homes, 197 East High St., for a Zone Change: from R-4 to Commercial. Map 37/Block 71/Lot 1 to the next regularly scheduled meeting on November 1, 2017. The motion was seconded by Mr. Rux. **Vote: 7-Yes; 0-No. The motion passed.**

**D. Continued: Amendments to East Hampton Zoning Regulations-** Section 8.4.M, Special Regulations, Standards For Specific Uses, Accessory Dwelling Units. Mr. Rux made a motion to continue Item #D to the next regularly scheduled meeting on November 1, 2017. Vice-Chairman Zatorski seconded the motion. Vote: 7-Yes; 0-No. The motion passed.

## 6. New Business:

**A. Application of Bay Point Club, LLC.,** 24 Spellman Point Rd., for a site plan modification to allow storage of boats for club members only. Map 09A/Block 70B/Lot 4. Chuck Yenkner of 65 Spellman Point presented to the Commission. He said they would like to store boats for the winter on an existing tennis court that has surface damage. It will be a maximum of 12 boats belonging to members only. A discussion followed among the members about whether or not the Commission needed to act on this because although it is residential (R-1), it is owned by a private club. The members agreed that no approvals need to be issued for this Application.

**B. Application of CT Water Company,** for Westchester East Pump Station design. Map 03A/Block 44/Lot 65. Adam Wing, Project Engineer with CT Water Co. presented. He explained that they are proposing building a new pump station and treatment facility in the area of Old Clark Hill Rd. and Waterview Circle. The building will be a 30' x 30' building that will be 20' tall with a metal roof. He stated that they have been in contact with the Association that owns the property and have reached agreements which they have in writing. Mr. DeCarli stated that the proposed plan is for a minor change and that it meets setback requirements. Vice-Chairman Zatorski made a motion to approve the application of CT Water Company, for Westchester East Pump Station design. Map 03A/Block 44/Lot 65 with the following conditions: that town staff be notified prior to the start of construction, that the construction is in accordance with the plans submitted to us by Wright/Pierce Engineering (marked: WP Project No. 13728A) with a stamp received by the Town of East Hampton on 9/29/2017. For the following reasons: it complies with our regulations for the Town of East Hampton, it is an improvement for this particular pump station, it improves the general water quality for the residents of East Hampton. The effective date: November 1, 2017. Mr. Rux seconded the motion. **Vote: 7-Yes; 0-No. The motion passed.**

## 7. Old Business:

**A. Discussion of Temporary Health Care Legislation and associated changes to the Zoning Regulations.** Mr. DeCarli suggested that the members review the

attachments provided and discuss this at the next regularly scheduled meeting.

**B. Farm Brewery Regulations/Discussion** – The members agreed to continue this discussion at the next regularly scheduled meeting.

**C. State POCD 2018-2023 update** – Mr. DeCarli explained the 2 proposals: PFA 1 and PFA 2 and stated that the State of CT is asking the Commission to review and provide feedback by October 16<sup>th</sup>. Mr. Rux asked Mr. DeCarli to share this information with Mr. Smith at WPCA.

**8. Planner's Report –**

Mr. DeCarli provided the following updates: ECO Coffee House will be occupying 82 Main Street. The trailers remain out front of Sports on 66. Mr. DeCarli has spoken with Town Attorney and may have more information at the next meeting. He went on to add that there is bond money to complete the site work but that he would bring it to the Commission for authorization.

**9. Set Public Hearing(s) for November 1, 2017** – The public hearings were previously set under Item #'s 5B, 5C and 5D.

**10. Adjournment:** Vice-Chairman Zatorski made a motion to adjourn at 11:54 p.m. The motion was seconded by Mr. Rux. The motion was unanimous in favor. The meeting was adjourned.

Respectfully submitted,

Christine Castonguay  
Recording Clerk