

Town of East Hampton
Planning and Zoning Commission
Regular Meeting
November 1, 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.

Present: Chairman Kuhr, Vice-Chairman Zatorski, Regular Members, James Sennett, Roy Gauthier and Angelus Tammaro. Alternate Members Michael Kowalczyk and Tim Puglielli were present as well as Planning and Zoning Official Jeremy DeCarli.

Chairman Kuhr seated Alternates Michael Kowalczyk and Tim Puglielli.

Absent: Regular members Rowland Rux and Meg Wright and Alternate Jason Jozefiak.

2. Approval of Minutes:

A. October 4, 2017 Regular Meeting – Vice-Chairman Zatorski made a motion to approve the October 4, 2017 minutes as written. The motion was seconded by Mr. Sennett. *Vote: 6 Yes; 0-No; 1-Abstention (Mr. Puglielli). Motion passed.*

3. Communications, Liaison Reports, and Public Comments:

Communications: Mr. DeCarli welcomed Mr. Puglielli to the Commission and thanked him for his service. He informed the members that he emailed the newsletter for the CT Federation of Planning and Zoning Agencies and handed out an updated Planning and Zoning Commission member sheet.

Liaison Reports: Mr. Gauthier reported that the East Hampton High School project is 99% complete. They are working with CT DPH to resolve the copper/blue water issue and expect to meet with them soon to finalize a plan of action.

Mr. Kowalczyk stated that he attended the Lower CT River Valley Regional Planning Commission meeting. They had no referrals and they briefly discussed the regional plan of Conservation and Development as well as temporary health care units.

Mr. Sennett stated that the following applications were approved at the ZBA meeting on October 6th: Application of Stacey Golub/CT Draft Horse Rescue of 113 Chestnut Hill Rd., to reduce front setback (east side) from 100' to 40' to fence pasture for horses. Reduce the front setback from 50' to 30' to replace existing house with an accessory building. Map 13/Block 22/Lot 4. Application of Robert & Michelle Currier of 172 Lake Dr., for 23' at end of driveway to place a moveable pre-fab structure to use as a garage. Map 09A/Block 70B/Lot 11. Application of Cary & Sharon Rollins 18 West Point Rd., to add 165 sq. ft. for a complete driveway. Map 05A/Block 83/Lot 12.

Vice-Chairman Zatorski stated that Inland Wetlands and Watercourse Agency had nothing that concerned the Planning and Zoning Commission this evening.

Mr. Tamaro did not have a report.

At this time, Chairman Kuhr opened the meeting to public comments regarding anything that is not a public hearing. There were no public comments so Chairman Kuhr closed the public comments at this time.

4. Read Legal Notice for November 1, 2017: A legal notice was not required.

5. Public Hearings for November 1, 2017:

A. Application of Roncalli Institute, Inc., 49 Oakum Dock, for a Zone Change: from R-2 to Commercial. Map 2/Block 9A/Lot 4. Attorney Slater stated that he received a copy of the memo regarding the easement agreement between the WPCA and the property owner and explained that it is a private agreement with the intent being to ensure that the activities that occur on the site are consistent with the public water supply. He stated that the non-conforming use remains but that it would be beneficial to make it a site that is consistent with the neighboring use to give the opportunity to benefit the town. Mr. DeCarli said he addressed the easement to make the Commissioners aware that there are some limitations to the industrial activities. Chairman Kuhr opened up the discussion public comments.

William Grady of 10 Oakum Dock Rd. spoke against the application for a zone change and provided a brief summary of reasons as well as a notice of protest signed by property owners within 500' of 49 Oakum Dock which will be filed with the minutes. Christopher Martel of 26 Oakum Dock Rd. spoke about the boats and marina and the disregard for the permitting process. Susan Grady of 10 Oakum Dock Rd. opposed the zone change and provided reasons why. Lenny Pinaud of 31 Oakum Dock Rd. spoke against the application because of the increase in traffic. Tom Obligado of 38 Oakum Dock Rd. spoke against the application. Nicole Bernier of 30 Oakum Dock Rd. spoke against the application. Steve Foley of 32 Oakum Dock Rd. was concerned about the driveway between Oakum Dock Rd. and Rte. 151. Vice-Chairman Zatorski asked that the following POCD considerations be added to the minutes: "The Plan of Conservation and Development emphasizes protecting important resources; this property lies within the Connecticut River Protection Area. Although the POCD suggests allowing modest expansion of commercial areas, this property lies wholly surrounded by residential land in East Hampton and is not along a major road. According to the CT DEEP the property lies within a Natural Diversity Area. The Regional GrowSmart Plan, developed by the Lower CT River Valley COG (which we are a part of) lists this area as a conservation area, not a development priority area which does not mean we cannot develop in it; it just means it is not a priority to develop in it." Attorney

Slater reminded the Commission and public that the application is about sound zoning and not popularity. He went on to add that they are asking to make something right that wasn't and that with a zone change, they will have the ability to go before the Planning and Zoning Commission who will have control of reasonable restrictions. He added that this is not taking something that is residential and changing it to commercial but that it is a legally non-conforming industrial commercial property to be changed to commercial.

Vice-Chairman Zatorski made a motion to close 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. Mr. Gauthier seconded the motion.

Vote: 7-Yes; 0-No. The motion passed.

Vice-Chairman Zatorski made a motion to deny the Application of Roncalli Institute, Inc., 49 Oakum Dock, for a Zone Change: from R-2 to Commercial. Map 2/Block 9A/Lot 4. The motion was seconded by Mr. Gauthier. ***Vote: 6-Yes; 1-No (Mr. Kowalczyk). The application was denied.***

The Commission took a brief recess at this time and reconvened at 8:03 p.m.

- B. 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.** Chairman Kuhr stated that in 1998 the Planning & Zoning Commission approved the zoning of this property as Commercial but that there is no record of a legal ad and there is nothing filed in the land records. He added that in 2014 the Planning and Zoning Commission updated the zoning maps which identified this property as being zoned as R-4. Mr. DeCarli added that the zoning map was updated and filed in the land records as the official zoning map and that the zoning regulations state that the zones are defined as what is stated in the land records and is a legal map. Vice-Chairman Zatorski referred to the April 2, 2014 PZC minutes (Item# 6A East Hampton Zoning Map- Amended -Continued from 3/5/2014). He stated that there were many zoning changes that were seconded at that meeting but that R-4 zone for 197 East High St. was not included. He went on to read from the April 1, 1998 PZC minutes (under Item#4): "After discussion, Mr. Philhower asked for a motion. Ms. Palazzo moved to approve the zone change from R-4 to C for 197 East High St. and 205 East High St., as requested. Mr. Aarrestad amended the motion to state reasons for approval as follows: (1) Majority of the public spoke in favor of the zone change (2) The uses of the properties are largely viewed as commercial now (3) Hopefully, this will cause greater conformity of the properties in the future (4) The zone change is in agreement with the goals of the Master Plan and Zoning Regulations, with respect to increasing commercial use and tax benefits to the Town (5) The special provisions regarding "buffer strips" are enforced. Vote: 7-Yes; 1-No."

Matt Bruton of BL Companies stated that in an effort to address the public concerns about safety, they revised the site plan and eliminated the driveway connecting to Lake Drive so that customers and deliveries will be done on East High St. He also requested a traffic study based on the public comments and stated that the development will not adversely affect the area roadways and that overall the proposed project is a good use of the area. Andy Chakraborty, Manager

of Traffic Engineering with BL Companies presented. He stated that he did a traffic study of Rte. 66, Bear Swamp Rd. and Lake Dr. at weekly and Saturday peak hours. He found that the traffic had a significant decrease over time and explained that traffic has decreased 7% from 2009-2016. He said that the Levels of Service for the area are between A & C which is acceptable in terms of delays. Chairman Kuhr opened up the discussion to public comments. Chris Roman of 14 Spice Hill Rd. suggested a different location for the Dollar Store. Gary Ransom of 4 Namonee Trail addressed his concerns about the traffic. Daryl Cook of 8 N. Ridge Rd. opposed Dollar General at that location. Neil Herring of 53 Wangonk Trail spoke about safety issues. Vice-Chairman Zatorski read into the minutes the following crash data from the Traffic Impact Study done by BL Companies (Under Item#2.3 Crash Data) "Crash data along Route 66 was obtained from the University of Connecticut Crash Data Repository for the three-year period (1/2014-12/2016) between the intersections of Lake Drive and Bear Swamp Road, a 370-foot section. There were a total of 3 crashes during the period. All of the crashes were of the rear end type and Property Damage Only." Kathy Mayo of 50 Wangonk Trail had traffic statistic questions and opposed the application. Bonnie Ransom of 4 Namonee Trail asked why Princess Pocotopaug Dr. was not included in the traffic study. Ken Barber of 39 Daly Rd. asked if Johnny's Snack Shak was illegal if the property is not Commercial. Molly Herring of 53 Wangonk Trail opposed the R-4 to Commercial change. Walter Smith, owner of 197 East High St. stated that the property has a history of commercial use. He said when he purchased the property it had a diner on it and that he was approved for a strip mall in the past. He added that a Dollar General would not be a detriment to the area. Joe Ploszay of 39 Blue Heron Rd. stated that he would like to see business growth in the center of town. Chairman Kuhr asked if there were any further questions from the public. There were none. Vice-Chairman Zatorski made a motion to close the public hearing for 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. Mr. Gauthier seconded the motion. **Vote: 7-Yes; 0-No.** **The motion passed.** At this time the members briefly discussed their concerns and opinions. Mr. Gauthier stated that he could not support taking the residential out and making it commercial and that there is little support from the public. Mr. Sennett felt it would be a spot zone if it were changed to commercial. Chairman Kuhr felt it should be changed to commercial otherwise it will limit the use of the property. Mr. Kowalczyk said it would be an appropriate expansion of commercial use. Mr. Puglielli spoke of the character of the area. Mr. Tammaro was concerned about the impact it would have on the lake and there were items in the traffic study that he did not agree with. Vice-Chairman Zatorski made a motion to approve 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 for the following reasons: it is presently a non-conforming commercial and residential use, a traffic study has been completed with an acceptable level of service, this is consistent with the general goals of the Plan of Conservation and Development, it fits with surrounding or adjacent commercial properties on Route 66 and the Fire Marshall and Public Works has approved this. The motion was seconded by Mr. Gauthier. Vote: 3-Yes; 3-No; 1-Abstain (Mr. Puglielli). The application did not pass.

C. Continued: Amendments to East Hampton Zoning Regulations- Section 8.4.M,

Special Regulations, Standards For Specific Uses, Accessory Dwelling Units. Vice-Chairman Zatorski made a motion to continue the Amendments to East Hampton Zoning Regulations- Section 8.4.M, Special Regulations, Standards For Specific Uses, Accessory Dwelling Units to the next regularly scheduled meeting. The motion was unanimous in favor. ***Motion passed.***

6. New Business:

- A. Application of Harry Freeman,** Amendment to Zoning Regulation: DHD Zone – Diverse Housing Development. The applicant was not present to explain the application. Mr. DeCarli stated that he has spoken with Mr. Freeman several times and provided an explanation: The Hampton Woods Development at 206 East High St. is experiencing financial difficulties with the HOD Zone so the goal of the application is to change its approval by creating a new overlay district. Mr. Gauthier made a motion to not accept the application of Harry Freeman, Amendment to Zoning Regulations: DHD Zone-Diverse Housing Development and to add the application to the next regularly scheduled meeting. The motion was seconded by Mr. Sennett. ***Vote: 7-Yes; 0-No. The motion passed.***
- B. Application of Preston and Ryan Roth,** 8 Main St., for a Zone change from R-1 to PO/R. Map 01A/Block 47/Lot 12. Mr. Roth stated that he is renovating the house at 8 Main Street and plans to sell it. The realtor has received inquiries about changing the Zone to PO/R therefore Mr. Roth is requesting the Zone change to increase marketability. Mr. Tammaro pointed out that the property does not meet the minimum requirements as far as the width and depth and suggested that Mr. Roth apply for a variance to bring it into compliance. Vice-Chairman Zatorski made a motion to continue the request for the application of Preston and Ryan Roth, 8 Main St., for a Zone change from R-1 to PO/R Map 01A/Block 47/Lot 12 to request clarification of the rules and regulations. The motion was seconded by Mr. Gauthier. ***Vote: 7-Yes; 0-No. The motion passed.***
- C. Request for Authorization to Use Bond Money to Complete Site Work, Sports on 66, LLC, 265 West High St.,** Map 06/Block 12/Lot 9. Mr. DeCarli provided the members with copies of the numerous emails and letters he has sent to Mr. Cutler regarding the removal of the trailers. He stated that Mr. Cutler sent him an email at 7 p.m. this evening which read: “I know we are past our deadline on the trailers but I will have them moved within days. Apparently the storms have pushed back the guys schedule. Thanks, Brian.” Mr. DeCarli stated that the most recent letter that was sent to Mr. Cutler provided him the opportunity to attend this evening which he did not. Chairman Kuhr stated that Mr. DeCarli has given the applicant multiple extensions and opportunities to complete the site work based on the documentation presented this evening. Mr. DeCarli spoke with the Town Attorney who recommended he ask the Planning and Zoning Commission for

authorization to use the bond money to complete the site work. Chairman Kuhr suggested that a letter go out to Mr. Cutler with a definitive time frame of when we will be using the bond money to complete the site work. Vice-Chairman Zatorski made a motion to authorize the use of bond money to complete the site work at Sports on 66, LLC, 265 West High St., Map 06/Block 12/Lot 9. The motion was seconded by Mr. Gauthier. ***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. The members agreed unanimously.

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

8. Planner's Report –

Mr. DeCarli provided the following updates: ECO Coffee House at 82 Main Street is now open for business. Mr. DeCarli asked for volunteers to be a liaison for the Design Review Board and RiverCOG. Chairman Kuhr assigned Mr. Tammaro to Design Review Board based on his acceptance to do so. The Town received a 319 Grant and are looking to do drainage improvements on Clark Hill Road. Inland Wetlands and Watercourse Agency is looking to increase the Upland Review area from 100' to 200' within the Lake Pocotopaug Watershed. Mr. DeCarli is working with the Town Manager to draft a TIF district downtown which is a finance tool to fund projects downtown.

9. Set Public Hearing(s) for December 6, 2017 – Was previously done under Item# 5C.

10. Adjournment: Vice-Chairman Zatorski made a motion to adjourn at 10:15 p.m. The motion was seconded by Mr. Gauthier. The motion was unanimous in favor. The meeting was adjourned.

Respectfully submitted,

Christine Castonguay
Recording Clerk