

Town of East Hampton
Planning and Zoning Commission
Regular Meeting
February 7, 2018 – 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 7:04 p.m.

Present: Chairman Kuhr, Vice-Chairman Zatorski, Regular Members, James Sennett, Rowland Rux and Roy Gauthier. Alternate Member Michael Kowalczyk was present as well as Planning and Zoning Official Jeremy DeCarli. Chairman Kuhr seated Mr. Kowalczyk.

Absent: Regular members Meg Wright and Angelus Tamaro and Alternates Jason Jozefiak and Tim Puglielli.

2. Approval of Minutes:

A. January 3, 2018 Regular Meeting – Vice-Chairman Zatorski made a motion to approve the January 3, 2018 meeting minutes as written. The motion was seconded by Mr. Sennett. *Vote: 5-Yes; 1-Abstain (Mr. Gauthier). The motion passed.*

3. Communications, Liaison Reports, and Public Comments:

Communications: Mr. DeCarli shared the following communications: the Annual CT Federation of Planning and Zoning Agencies meeting on March 22 at the Aquaturf, the CFPZA quarterly newsletter, the Annual CCLC conference on March 17 at Wesleyan, a letter of modification to the cell tower at Public Works and a Central WUCC meeting on February 21st.

Liaison Reports:

Mr. Gauthier attended the High School Building Committee meeting and reported that they are working with the State of CT Dept. of Public Health to try to resolve the blue water issue.

Mr. Kowalczyk attended the Lower CT River Valley Regional Planning Commission and reported the following: they had 1 referral for Chester and a proposed regulation for Air B&B's and temporary rentals. There were 2 sets of regulations proposed: one that was lax for 3 bedrooms or fewer and one that was more stringent for 4 or more bedroom units.

Mr. Sennett stated that he did not have a report for ZBA because there was no meeting in January and that there will be no meeting in February either.

Vice-Chairman Zatorski stated that there was no report for the Inland Wetlands and Watercourse Agency meeting and that items will be covered under the regular agenda items as they come up.

Mr. Rux attended the Water Development Task Force Committee meeting and reported the following: Mr. Tim Smith, Director of the Water Pollution Control did a presentation of the recommendation that was made by the Water Development Task Force Committee to the Town Council. The recommendation was for the Town to tap the water at the Oakum Dock well, to build the water treatment system, put a water line from that treatment system to the system here. There will be a meeting February 8, 2018 with feedback from the Town Council regarding their recommendation. He did not attend the Economic Development Commission meeting.

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 February 7, 2018: Mr. DeCarli read the legal notice for February 7, 2018.

5. Public Hearings for February 7, 2018:

A. Tammy Strong, PZC-17-023, 78 Mott Hill Rd., for a re-subdivision for 2 lots. Map 24/Block 64/Lot 4D. Donald Snyder and Thad King of Snyder Civil Engineering presented. Mr. Snyder stated that this is for a re-subdivision for 2 lots and that they presented the proposed project in detail at the last meeting. He stated that they received the approval from the Chatham Health District and that they made a change to the site plan which is to have the curtain drain uphill. At this time, Chairman Kuhr asked if there were any comments from the public. There were none. Vice-Chairman Zatorski made a motion to close the Public Hearing for the application of Tammy Strong, PZC-17-023, 78 Mott Hill Rd., for a re-subdivision for 2 lots. Map 24/Block 64/Lot 4D. The motion was seconded by Mr. Sennett. **Vote: 6-Yes; 0-No. The motion passed.** Vice-Chairman Zatorski made a motion to approve the application of Tammy Strong, PZC-17-023, 78 Mott Hill Rd., for a re-subdivision for 2 lots. Map 24/Block 64/Lot 4D for the following reasons: all necessary permits and comments have been received, it is in compliance with the current East Hampton Planning and Zoning regulations and with the following conditions: that Town Staff be notified prior to the start and at the end of construction. The motion was seconded by Mr. Rux. **Vote: 6-Yes; 0-No. The motion passed.**

B. Christian Michalowski of the Black Walnut Artisan Bread Co., PZC-17-024, 201B West High St. for a Special Permit for a bakery. Map 12/Block 36/Lot 3-1. Mr. DeCarli informed the members that he received a request from the applicant to open the Public Hearing and continue it to next month as they have not received approval from the health district regarding the septic system on site. Chairman Kuhr opened the public hearing and asked for public comments at this time.

There was an inquiry regarding the landscaping regulation. Vice-Chairman Zatorski presented an email that he received from Mr. George Coshow expressing his approval of this application. A copy of the email will be filed with the minutes. Vice-Chairman Zatorski made a motion to continue the Public Hearing of Christian Michalowski of the Black Walnut Artisan Bread Co., PZC-17-024, 201B West High St. for a Special Permit for a bakery. Map 12/Block 36/Lot 3-1 to our next regularly scheduled meeting on March 7, 2018. The motion was seconded by Mr. Sennett. **Vote: 6-Yes; 0-No. The motion passed.** Vice-Chairman Zatorski made a motion to continue the application of Christian Michalowski of the Black Walnut Artisan Bread Co., PZC-17-024, 201B West High St. for a Special Permit for a bakery. Map 12/Block 36/Lot 3-1 to the next regularly scheduled meeting on March 7, 2018. The motion was seconded by Mr. Sennett. **Vote: 6-Yes; 0-No. The motion passed.**

- C. A. Tyler Renovation, PZC-17-026, 13 North Main St.,** for a Commercial Site Plan Review and Special Permit for a brewery. Map 1A/Block 39A/Lot 28B. Mr. Joel Fuller, licensed land surveyor presented. He presented a site plan and stated that the existing building is going to be renovated, there is a 2500 sq. ft. proposed building, there is ample parking with handicap parking spaces in front, a drainage swale in the rear and they will fill in the ditch and pipe it. They have received a permit from IWWA. There is a parking easement from Theater Square Development so they will be adding low plants to screen the parking lot to help with site lines. They are waiting for approval from CT DPH to make the well potable. Chairman Kuhr opened up this portion of the meeting to public comments. Brennan Moulthrop of 5 Hills Ave spoke against the application, Mark Hewes of 7 Lake Blvd. inquired about the brewery operations, Ray Moore of 7 Overlook Road inquired about a substructure to contain waste that can potentially dam the stream and Judy Isele of 31 Wangonk Trail expressed her concerns regarding drainage that can potentially impact the lake. Vice-Chairman Zatorski inquired about possible vegetation buffers, construction hours and sanitation for workers. Mr. A. Tyler presented a site plan for the proposed lighting as well as the specification sheets.

Vice-Chairman Zatorski made a motion to continue the Public Hearing for the application of A. Tyler Renovation, PZC-17-026, 13 North Main St., for a Commercial Site Plan Review and a Special Permit for a brewery Map 1A/Block 39A/Lot 28B to the next regularly scheduled meeting on March 7th. The motion was seconded by Mr. Rux.

Vote: 6-Yes; 0-No. The motion passed. Vice-Chairman Zatorski made a motion to continue the application of A. Tyler Renovation, PZC-17-026, 13 North Main St., for a Commercial Site Plan Review and Special Permit for a brewery Map 1A/Block 39A/Lot 28B to the next regularly scheduled meeting on March 7th. The motion was seconded by Mr. Rux. **Vote: 6-Yes; 0-No. The motion passed.**

D. PZC-18-003 – Lakeview Court, LLC, 42 East High Street for a Special Permit for expansion of an existing restaurant in the Commercial Zone. Map 05A/Block 62A/Lot 10. Attorney Timothy Furey presented. He began by informing the members that in approximately 1991 the zoning official at that time had signed off on the building and business and issued a C.O. but that there are no records to substantiate that. The Dublin would like to expand and cannot do so without obtaining a Special Permit. The second floor is office and medical space so the hours off set each other as far as traffic and parking and it is consistent with the Plan of Development. Mr. DeCarli added this Special Permit is for both the existing building and for the proposed expansion and that it is compliant with the parking and lighting regulations including the proposed expanded space. Chairman Kuhr opened it up for public comments. Rebecca Tinelle-Sawyer of 156 Wopowog asked for clarification regarding the proposed expansion. Vice-Chairman Zatorski made a motion to close the Public Hearing for the application of Lakeview Court, LLC, PZC-18-003, 42 East High Street for a Special Permit for expansion of an existing restaurant in the Commercial Zone Map 05A/Block 62A/Lot 10. The motion was seconded by Mr. Rux. **Vote: 6-Yes; 0-No.**

The motion passed. Vice-Chairman Zatorski made a motion to approve the application of Lakeview Court, LLC, PZC-18-003, 42 East High Street for a Special Permit for an expansion of an existing restaurant in the Commercial Zone Map 05A/Block 62A/Lot 10 in compliance with the application date of 1/22/2018 for the following reasons: it is compliant with the Planning and Zoning regulations, it is an expansion of an existing business, the permits to operate this establishment are already in place and with the following condition: that Town Staff be notified prior to the start of expansion. The motion was seconded by Mr. Sennett. **Vote: 6-Yes; 0-No. The motion passed.**

E. PZC-17-021 – Global Self Storage, LLC., East High St. for a Zone change from DD to Commercial. Map 32/Block 85/Lot 7B. Attorney Furey explained the concept of the DD Zone and explained that this particular parcel is only 8 acres with a limited amount of frontage, it is adjacent to an existing Commercial Zone and is across the street from an existing Commercial Zone. He said that the DD Zone creates many impediments and does not work for this parcel because the 8 acres limits the ability to subdivide, the 40' buffer requirement scales down the potential building area, it restricts retail use, it reduces marketability and the property cannot be developed under the DD Zone. Chairman Kuhr opened it up to public comments at this time. Maria Paplau of 147 Colchester Ave. asked if another storage unit will be built at this location. Judy Isele of 31 Wangonk Trail asked about the potential impact to the lake. Chairman Kuhr asked if there were any further public comments. There were none. Vice-Chairman Zatorski made a motion to close the public hearing for **PZC-17-021 – Global Self Storage, LLC.,**

East High St. for a Zone change from DD to Commercial. Map 32/Block 85/Lot 7B. The motion was seconded by Mr. Rux.

Vote: 6-Yes; 0-No. The motion passed. Vice-Chairman Zatorski made a motion to approve the application of PZC-17-021 – Global Self Storage, LLC., East High St. for a Zone change from DD to Commercial Map 32/Block 85/Lot 7B for the following reasons: the property is bounded north and west by a Commercial Zone, the closest residence is on the adjoining Commercial parcel on 82 East High Street, the next closest residence is 320' to the southwest and with the following conditions: that any construction or development is subject to a permit process and that Town Staff be notified prior to any construction or modification to the property. The motion was seconded by Mr. Sennett. ***Vote: 6-Yes; 0-No. The motion passed.***

F. PZC-17-019 – Harry Freeman, 138 East High St., Amendment to Zoning Regulation: DHD Zone-Diverse Housing Development. Mr. Freeman explained that currently in the zoning regulations there is a Housing Opportunity Development Zone that allows for affordable housing as part of that development and its requirement is that 15% of the residences be made available and deed restricted for 40 years to 60% of the area or statewide median income or a minimum of 15% be available to people at 80%. He added that there is an inactive project at Hampton Woods that was approved under the Housing Opportunity Development act and that he was asked to look at the project because it was nonviable and has sat dormant for some time. Chairman Kuhr reminded Mr. Freeman that this application is to amend a zoning regulation and is not specific to a property. Mr. Freeman stated that it is not designed to be Section 8 Housing rental units because it is not legal, based on the definition in this Regulation and by the declaration that needs to be filed with the State of CT when you establish a condominium. He provided a brief overview of some of the alterations he made to the current HOD Regulation: the amount of open space was increased to 20%, flat developments were added to the Regulation, he added a limit of 30% of the units be single family, flat units not be more than 30%, and that these developments are currently accepted in any zone so the new regulation will limit it to the HOD, DD and VC Zones. He added that the proposed amendments are designed to help the town meet goals and to allow viable developments.

Chairman Kuhr said that the Town Attorney has reviewed the proposed amended regulation and was comfortable with the wording. Vice-Chairman Zatorski informed everyone that there will be a renewed push for affordable housing in CT per the Governor's State of the State address and that currently we are behind at approximately 3%. A brief discussion followed about the Affordable Housing 10% goal. Chairman Kuhr opened up the meeting to public comments. Attorney Furey commented on the deed restriction. Maria Peplau of 147 Colchester

Avenue does not want to see a plethora of condominiums in East Hampton. Joe of 6 Bellevue Street agreed with Ms. Peplau's comment. Doug Bernier of 9 Tallwood asked why is a town wide zone change being considered as opposed to a Special Permit. Mark Philhower spoke against the application. Judy Isele voiced her concerns with this application. Vice-Chairman Zatorski read into the record a letter of opposition from Dr. McCutcheon-Faber (the letter is dated 1/30/2018) and a letter from Ron McCutcheon dated 1/31/2018 which also opposed the application. The letters will be filed with the minutes. Mr. DeCarli read a letter of opposition from Jean Davis which will also be filed with the minutes. Mr. Freeman stated that this proposed regulation has the potential to remove an 8-30g project and gives another option to come up with a higher quality project and that it is designed to do the opposite of what people fear (based on some of the public comments this evening). Vice-Chairman Zatorski made a motion to continue the public hearing of the application of PZC-17-019 – Harry Freeman, 138 East High St., Amendment to Zoning Regulation: DHD Zone-Diverse Housing Development to our next regularly scheduled meeting on March 7, 2018. The motion was seconded by Mr. Sennett. **Vote: 5-Yes; 1-No (Mr. Rux). The motion passed.** Vice-Chairman Zatorski made a motion to continue the application of PZC-17-019 – Harry Freeman, 138 East High St., Amendment to Zoning Regulation: DHD Zone-Diverse Housing Development to the next regularly scheduled meeting on March 7, 2018. The motion was seconded by Mr. Sennett. **Vote: 5-Yes; 1-No (Mr. Rux). The motion passed.**

G. Amendments to Zoning Regulations: *Temporary Health Care* Legislation and associated changes to the Residential Zones. Mr. DeCarli provided a brief overview: it allows units on a temporary basis in all of the zones but it has to comply with current zoning regulations. These would be 250-500 sq. ft. units, it would allow us to collect a bond, it must go through all regulatory standards and the units must be occupied by mental or physical handicapped individuals. He went on to read an email from the Town Attorney. Chairman Kuhr opened it up for public comments. Mark Philhower asked if the same rules apply if septic is involved.

Chairman Kuhr asked if there were any further comments. There were not. Vice-Chairman Zatorski made a motion to close the public hearing to the Amendments to Zoning Regulations: *Temporary Health Care* Legislation and associated changes to the Residential Zones. The motion was seconded by Mr. Rux.

Vote: 6-Yes; 0-No. The motion passed. Vice-Chairman Zatorski made a motion to approve the Amendments to Zoning Regulations: *Temporary Health Care* Legislation and associated changes to the Residential Zones to make our regulations consistent with the State Statutes and upon recommendations of Town Staff as written and submitted to us for the 1/3/2018 draft. The motion was seconded by Mr. Rux. **Vote: 5-Yes; 1-No (Mr. Gauthier). The motion**

passed. Vice-Chairman Zatorksi made a motion to have the effective date of March 1, 2018 for the Amendments to Zoning Regulations: Temporary Health Care Legislation and associated changes to the Residential Zones. The motion was seconded by Mr. Rux. ***Vote: 6-Yes; 0-No. The motion passed.***

H. Amendments to East Hampton Zoning Regulations: Section 8.4.M, Special Regulations, Standards For Specific Uses, Accessory Dwelling Units. Mr. Gauthier and Mr. Kowalczyk both agreed that the R-2 Zone should be included in the proposed regulation. Mr. Kowalczyk went on to add that public feedback would be helpful. Chairman Kuhr opened it up to the public for comments. There were no comments. Mr. Gauthier made a motion to close the public hearing for the Amendments to East Hampton Zoning Regulations: Section 8.4.M, Special Regulations, Standards For Specific Uses, Accessory Dwelling Units. Mr. Rux seconded the motion. ***Vote: 6-Yes; 0-No. The motion passed.*** Vice-Chairman Zatorski made a motion to approve the Amendments to East Hampton Zoning Regulations: Section 8.4.M, Special Regulation, Standards For Specific Uses, Accessory Dwelling Units as written and with an effective date of 3/1/2018. The motion was seconded by Mr. Rux. ***Vote: 5-Yes; 1-No (Mr. Gauthier). The motion passed.***

At this time, Chairman Kuhr called for a 5 minute break (10:07 p.m.). The meeting resumed at 10:14 p.m.

Chairman Kuhr asked for any public comments related to any of the topics under "New Business". Rebecca Tinelle-Sawyer of 156 Wopowog Road stated that she supports the new Town Hall and PD project as well as the Fat Orange Cat Brewery. There were no further comments.

6. New Business:

A. PZC-18-000 - Hubert Butler Construction, 9 Young St., for a Special Permit Renewal for excavation. Map 20/Block 33/Lot 7A. The applicant was not present. Mr. DeCarli explained to the members that this application is for their annual renewal. Vice-Chairman Zatorski made a motion to set a public hearing for the next regularly scheduled meeting on March 7, 2018 for the application of PZC-18-000 – Hubert Butler Construction, 9 Young St., for a Special Permit Renewal for excavation. Map 20/Block 33/Lot 7A. The motion was seconded by Mr. Sennett. ***Vote: 6-Yes; 0-No. The motion passed.***

B. PZC-18-001 – Roncalli Institute, Dan Loos, 49 Oakum Dock Rd., for a Special Permit for R-2 Zone (church allowed with special permit Section 4.2.D.1.E). Map 02/Block 9A/Lot 4. Dan Loos presented to the Commission. He stated that they are proposing a non-denominational church for indoor services and functions (maintaining the 150 seats) and would like to add a half of a second story in the rear on the existing footprint with minimal site work. He went on to add that they would like to continue the use of the marina and to increase the amount of boat slips as allowed by DEEP. Vice-Chairman Zatorski inquired about the use of Oakum Dock Road as an access route. Mr. Loos stated that it would be used for

an emergency access route and that the topic would be addressed at the Public Hearing. Vice-Chairman Zatorski made a motion to set a Public Hearing for the next regularly scheduled meeting on March 7, 2018 for the application of PZC-18-001 – Roncalli Institute, Dan Loos, 49 Oakum Dock Rd., for a Special Permit for R-2 Zone (church allowed with special permit Section 4.2.D.1.E). Map 02/Block 9A/Lot 4. The motion was seconded by Mr. Rux. ***Vote: 6-Yes; 0-No. The motion passed.***

C. PZC-18-002 – Town of East Hampton, East High Street, Special Permit and Site Plan Approval for new municipal Town Hall and Police Department - Map 10A/Block 85/Lot 5D. Chairman Kuhr provided the following re-cap of the process of this application: the Building Committee reviewed it for different locations, it went before the Town Council for their approval of the location, it was reviewed by the Planning and Zoning Commission for the location and it is being reviewed this evening to hear more about the project. John Faulise of Boundaries, LLC. presented. He provided a general depiction of the site: the building location, entrance drive (a one-way circular drive via Edgewater Circle), parking and access routes (via Edgewater Circle and Route 66). He said that the site will be serviced by public water, sewer and gas. Vice-Chairman Zatorski asked if the access via Route 66 will be emergency access only and if it will be gated. Mr. Faulise said it will be used for access by the Police Department only and that it will be gate controlled and accessed by card reader or a similar device. He went on to add that it is currently being reviewed by a traffic consultant and that their report will be presented at the Public Hearing. Vice-Chairman Zatorski started a brief discussion about the possibility of preventing another curb cut and having fewer intersections particularly at Route 66. Vice-Chairman Zatorski made a motion to set a Public Hearing for the application of PZC-18-002, Town of East Hampton, East High Street, for a Special Permit and Site Plan Approval for new municipal Town Hall and Police Department Map 10A/Block 85/Lot 5D for the next regularly scheduled meeting on March 7, 2018. The motion was seconded by Mr. Sennett. ***Vote: 6-Yes; 0-No. The motion passed.***

D. PZC-18-004 – Sheila Mullen/Fat Orange Cat Brewery, Site Plan Modification to expand existing parking area. Map 27/Block 55/Lot 2. Sheila Mullen presented. She stated that in an effort to eliminate the traffic issues and parking along Jacobson Farm Road, they are proposing an expansion of parking in the rear of their property (an additional 80 parking spots) that will be a one way that will wrap around the building to an exit. In addition to that, they would like to add on to the brewery building. Vice-Chairman Zatorski pointed out that this application is for the parking area and that it needs to be amended to represent the proposed addition to the brewery building. Vice-Chairman Zatorski made a motion to continue the application of PZC-18-004, Sheila Mullen/Fat Orange Cat Brewery, Site Plan Modification to expand existing parking area Map 27/Block 55/Lot 2 to our next regularly scheduled meeting on March 7, 2018. The motion was seconded by Mr. Rux. ***Vote: 6-Yes; 0-No. The motion passed.***

At this time, Vice-Chairman Zatorski asked Chairman Kuhr if we could address Item# 9 before entering the Executive Session. With the approval, Vice-Chairman Zatorski made a motion to set a Public Hearing for the Farm Brewery Regulations (which was previously set at the January 3, 2018 meeting) for the next regularly scheduled meeting on March 7, 2018. The motion was seconded

by Mr. Rux. ***Vote: 6-Yes; 0-No. The motion passed.***

- E. Executive Session:** Appeal of Zone Change Decision – Chairman Kuhr extended an invitation to Attorney Carella (Town Attorney) and to Town Staff to join the Executive Session. Vice-Chairman Zatorski made a motion to enter Executive Session at 11:12 p.m. The motion was seconded by Mr. Rux. ***Vote: 6-Yes; 0-No. The motion passed.***

The Executive Session ended at 11:46 p.m. and there were no votes taken during Executive Session. The following motion was written by Attorney Rich Carella (Town Attorney) and read aloud by Vice-Chairman Zatorski: Recognizing the 1998 approval to change the zone from R-4 to Commercial for 197 East High Street was inadvertently omitted from the zoning map of 2014 and the Validating Act of 1999 (Special Act 99-7) validated that approval. The Commission has decided to correct the zoning map to reflect that 197 East High Street is zoned C-Commercial. As such, the application of Garrett Homes, LLC. and Morgan & Molly, LLC. was moot and should not have been decided. We instruct the Town Attorney (Rich Carella) to settle the appeal. Mr. Rux seconded the amended motion with the stipulation that the name of the Town Attorney be documented.

Mr. Gauthier stated that he would like the motion amended to reflect that the application should not have been heard as opposed to should not have been decided. Vice-Chairman Zatorski agreed to amend the motion and Mr. Rux seconded the amended motion.

Vote for the Amended Motion: 6-Yes; 0-No. The motion passed unanimously.

7. Old Business: None.

8. Planner's Report – Mr. DeCarli said he will share his report at the March 7th meeting.

9. Set Public Hearing(s) for March 7, 2018 – The public hearings were previously set under Agenda Item #'s: 6A, 6B, 6C and after 6D (Farm Brewery Regulations).

10. Adjournment: Vice-Chairman Zatorski made a motion to adjourn 11:56 p.m. The motion was seconded by Mr. Rux. The vote was unanimous in favor. The meeting was adjourned.

Respectfully submitted,

Christine Castonguay
Recording Clerk