

TOWN OF EAST LYME

ZONING COMMISSION

MAY 15, 2014

REGULAR MEETING MINUTES

Members Present:

Marc Salerno, Chairman

Matthew Walker

Terence Donovan

Norm Peck

George McPherson

Matthew Kane

William Dwyer, Alternate (Did Not Sit)

FILED IN EAST LYME
CONNECTICUT
MAY 19 2014 AT 9:10 AM
Marc Salerno, At
EAST LYME TOWN CLERK

Also Present:

Bill Mulholland, Zoning Officer

Holly Cheeseman, Ex-Officio

1. Application of Leo Roche, for Strive LLC, for a renewal of a Special Permit for Outdoor Dining at property identified in the application as 247-2 Main Street, Niantic.

Motion (1) Mr. McPherson moved to approve the Application of Leo Roche for Strive LLC for a renewal of a Special Permit for Outdoor Dining at property identified in the application as 247-2 Main Street, Niantic CT with the following conditions:

- a. The outside live acoustic music will not have an amp on the guitar; only the microphone and the microphone will be cut off at 8:00 p.m.
- b. The soft, background, outside dinner music from the speakers will be shut off at 10:00 p.m.
- c. The patio shall close one hour after the kitchen closes but no later than 12:30 a.m.
- d. The setback requirements will be waived to zero as per the site plan.
- e. A sign will be posted that there is "No Sitting on the Wall" outside in the patio area.
- f. Patrons shall not use the patio area for consumption of alcohol unless seated at a table.

Seconded by Mr. Donovan.

Motion Passed 6-0.

This item will be published on May 22, 2014, and become effective on May 23, 2014.

2. Application of Rita Fokaidis, for Village Pizza, for a renewal of a Special Permit for Outdoor Dining at Property identified in the application as 53 West Main Street, Niantic.

Motion (2) Mr. Donovan moved to approve the Application of Nick and Rita Fokaidis for a Special Permit for Outdoor Dining/patio per the East Lyme Zoning Regulation 20.27 at property identified in the application as 53 West Main Street, Niantic, Connecticut with the following conditions:

- a. The outside live acoustic music will not have an amp on the guitar.
- b. Low volume speakers will be allowed.

Seconded by Mr. Kane.

Motion Passed 6-0.

This item will be published on May 22' 2014, and become effective on May 23, 2014.

3. Application of Craig Taft, for CTRP Enterprises, LLC (aka Burke's Tavern) for a renewal of a Special Permit for Outdoor Dining at property identified in the application as 267-283 Main Street (aka 13 Hope Street), Niantic.

Motion (3) Mr. Walker moved to approve the Application of Craig Taft for Burke's Tavern, for a Special Permit for Outdoor Dining/Patio at property identified in the application as 267-283 Main Street, Niantic, Connecticut (aka 13 Hope Street, Niantic, Connecticut) with the following conditions:

1. Entertainment until 11:00 p.m.

Seconded by Mr. Donovan.

Motion Passed 6-0.

This item will be published on May 22' 2014, and become effective on May 23, 2014.

4. Application of Timothy O'Reilly, Owner, East Lyme Café, LLC dba Smokey O'Grady's, for a renewal of a Special Permit for Outdoor Dining at property identified in the application as 306 Flanders Road, Niantic.

Motion (4) Mr. Donovan moved to approve the application of Timothy O'Reilly for East Lyme Café, LLC for a renewal of a Special Permit for Outdoor Dining at property identified in the application as 306 Flanders Road, East Lyme, CT with the following conditions:

1. Entertainment will be allowed with acoustic guitar without amplification and a low level amplifier for the microphone only. Entertainment will be allowed until 10:00 p.m.
2. Service will be from 11:00 a.m. to 11:00 p.m., the last seating will be allowed at 10:00 p.m. All service shall cease at 11:00 p.m.
3. Upon request of the East Lyme Cemetery Association, any entertainment outside will be halted for burial services;
4. There are to be 9 fixed seats around the service counter and 5 fixed seats around the tabletop and that will be serviced by wait staff.

Seconded by Mr. McPherson.

Motion Passed 6-0.

This item will be published on May 22, 2014, and become effective on May 23, 2014.

5. Application of Gary Kogut, for the Common Loon Restaurant, for a renewal of a Special permit for Outdoor Dining at property identified in the application as 135 Boston Post Road, Niantic.

This item was withdrawn.

6. Approval of Minutes of May 1, 2014.

Motion (5) Mr. Peck moved to approve the Regular Meeting and Public Hearing Minutes of May 1, 2014.

Seconded by Mr. Kane.

Motion Passed 5-0-1 (Mr. McPherson abstained)

OLD BUSINESS

1. Sign Subcommittee

Mr. Mulholland stated he is working on draft language, they will meet soon to go over it.

Mr. McPherson asked for a copy of the draft.

2. Zoning Regulations Review

They met tonight, they are up to Section 22. They hope to have something for the Commission by the Fall.

NEW BUSINESS

1. Application of J. Robert Pfanner for Jeannette Tuthill, for a Special Permit for a fast food restaurant at property identified in the application as 23 Chesterfield Road, East Lyme

Chairman Salerno asked Mr. Mulholland to schedule this for a Public Hearing.

2. Any business on the floor, if any, by the majority vote of the Commission.

Mr. Donovan asked that anyone who can't make a sub-committee meeting to please call the other members.

3. Zoning Official

Mr. Mulholland stated Gateway was in for the rest of their residential buildings. He is working with the building across from the Midway Mall to stabilize the hill. Henny Penny is moving along, and across the

street the restaurant will be torn down soon. He thinks the Main Street building will be starting in the Fall. 38 Hope Street was in for their permit on the center building.

4. Comments from Ex-Officio

Ms. Cheeseman stated the Board of Selectmen met last week. They signed the Call for the Town Meeting. Ms. Hardy talked about putting together a business listing, and she is working with the Assessor's office on that. The Referendum to vote on the budget is next Thursday from 8:00 a.m. to 8:00 p.m. They are still waiting on Amtrak for the Boardwalk.

Chairman Salerno asked when the water connection line will be completed.

Ms. Cheeseman will find out for their next meeting.

5. Comments from Zoning Board Liaison to Planning Commission

Mr. McPherson went to the April 1st meeting, and they discussed a subdivision based on the Conservation by Design Regulations, which never got Town Attorney approval.

Mr. Mulholland stated the Town Attorney doesn't need to approve it. This application is the first one under the Regulation. When you write a complex Regulation you try to analyze it best you can. Some questions have arisen. They have decided to ask him because the question has to do with the Zoning Regulations. He is attempting to assist Planning.

6. Comments from Chairman

Chairman Salerno stated the Zoning Regulations Review subcommittee will be tentatively scheduled for the Thursday between the two meetings in June.

Mr. Walker asked for a replacement for the May 20th Planning meeting. Mr. Kane will check his availability.

Motion 6) Mr. Donovan moved to adjourn the meeting at 8:25 p.m.

Seconded by Mr. McPherson.

Motion Passed 6-0.

Respectfully Submitted,



**Karen Miller Galbo
Recording Secretary**