

**TOWN OF EAST LYME
ZONING COMMISSION
August 13th, 2020
PUBLIC HEARING & SPECIAL MEETING MINUTES**

Join Zoom Meeting

<https://us02web.zoom.us/j/86123526122?pwd=OW8rb1ZRyV9jdW5xUis1dUcwRi90UT09>

Meeting ID: 861 2352 6122

Passcode: 829110

One tap mobile

+13126266799,,86123526122#,,,,,0#,,829110# US (Chicago)

+16465588656,,86123526122#,,,,,0#,,829110# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 861 2352 6122

Passcode: 829110

Find your local number: <https://us02web.zoom.us/j/86123526122?pwd=OW8rb1ZRyV9jdW5xUis1dUcwRi90UT09>

Members Present:

Matthew Walker, Chairman

Norm Peck

Terence Donovan

Bill Dwyer

Anne Thurlow

Kimberly Kalajainen

George McPherson, Alternate

Denise Markovitz, Alternate

Also Present:

Bill Mulholland, Zoning Official

Rose Ann Hardy, Ex-Officio

Jennifer Lindo, Zoom Moderator

MaryAnn Salvatore, Representative from Planning

Absent:

James Liska

FILED

August 17, 2020 AT 3:50 AM/PM
Brooke Stearns ATC
EAST LYME TOWN CLERK

The Public & Special Meeting of the East Lyme Zoning Commission was held on Thursday, August 13th, 2020, at 7:03 p.m., via Zoom; this teleconference was recorded in its entirety and in accordance with the requirements of executive order 7B, issued by Governor Lamont, which allows for public meetings to be held over teleconference.

Chairman Walker called the Zoning Commission meeting to order at 7:03 p.m.

Public Delegations-

Time set aside for the public to address the Commission on subject matters not on the Agenda.

There were none.

Public Hearings-

- 1 Application of Steve Carpenteri for Niantic Bay Inn, Inc, (aka Lyme Tavern), for renewal of a Special Permit for Outdoor Dining at 229 W Main Street, Niantic.**

- 2 Application of Julie Smart, for Smarty's, for renewal of a Special Permit for Outdoor Dining at property identified in the application as 215 Main Street, Niantic.**

- 3 Application of Steve Turner, for Lillian's, for a renewal of a Special Permit for Outdoor Dining at 374 Main Street, Niantic.**

- 4 Application of Edwardo Martone, for Constello's, for a Special Permit for Outdoor Dining at 11 East Pattagansett Road, Niantic.**

- 5 Application of Nejla Okguz, for Niantic Pizza, for a Renewal of a Special Permit for Outdoor Dining at property identified in the application as 53 West Main Street, Niantic.**

- 6 Application of Lionheart for a Renewal of a Special Permit for outdoor Dining at property identified in the application as 267-283 Main Street, (aka L3 Hope Street), Niantic.**

- 7 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.**

- 8 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.**

9 Application of Harry and Trifonas Loginidis d/b/a Family Pizza for a renewal of a Special Permit for Outdoor Dining at property identified in the application as 233 Main Street, Niantic.

10 Application of Kostas Anastasiou, for Niantic Diner, for a renewal of a Special Permit for Outdoor Dining at 26 W Main Street, Niantic.

11 Application of Teddy Ignatiadis for Main Street Grille, for a renewal of Special Permit for Outdoor Dining at 252 Main Street, Niantic.

12 Application of Eugen Emini for Black Point Pizza, for a renewal of Special Permit for Outdoor Dining at 44 Black Point Road, Niantic.

13 Application of Petrit Marku, for il Pomod'Oro, for a Special Permit for Outdoor Dining at 360 Boston Post Road, East Lyme.

Mr. Walker opened all 13 public hearing applications at once. He noted the Zoning Official has no issue with the applications for outside dining and that the legal ad has been run. Mr. Walker explained that due to Covid we're doing the renewals tonight when they're usually done in March or April, and in a sense it's a formality since we're already $\frac{2}{3}$ through the Summer.

The Commission received a letter from Patricia Avery dated August 6th, 2020 regarding overflow parking from 26 West Main Street- item #10 (attached), which Mr. Donovan read into the record.

Mr. Peck said he needs to recuse himself from item #10.

Mr. Mulholland and Mr. Walker agreed it would be best to hear item #10 separately.

Mr. Donovan suggested addressing items 1-9 and 11-13 first followed by item #10 since Mr. Peck has to recuse himself from that item.

Mr. McPherson asked about the tent at #4 and Mr. Mulholland explained the Governor issued Executive Order 7MM which permits outdoor activities to occur in parking lots, on-street parking, sidewalks, non-vehicular and vehicular rights of way, nearby properties and streamlines the outside dining process without permission from local zoning. He explained the tent is the issue and said he will be sending a letter from his office to the proprietor.

Mr. Walker observed that the tent doesn't look bad but he doesn't have the authority to place it there; this is an enforcement issue for Mr. Mulholland to address. Mr. Walker said restaurants are restrained right now which makes him reluctant to give anyone a hard time but that being said, we need to have an even hand. He said he's worried about some of our restaurants in Niantic and is concerned about how things might look in Niantic come Winter; it's taken a long

time to reach this level of vibrancy and it concerns him to have regulations that might make their life more difficult than it's already been. Mr. Peck suggested Mr. Mulholland send out his letter but give him additional time, perhaps until October 1st.

Mr. Donovan said this in regards to the State mandate and would prefer to address this after the outside dining renewals.

The Members had no further comments regarding the outside dining renewal requests.

MOTION (1)

Ms. Kalajainen moved to close the Public Hearings for items 1-9 and 11-13.

Mr. Dwyer seconded the motion.

Motion carried, 6-0-0.

The Commission discussed item #10 and the letter of complaint, and some of the following was said:

- Ms. Thurlow asked if there was a way to install no parking signs and how we can help to enforce it.
- Mr. Mulholland said he will have to write another letter and pointed out he keeps renewing his permit for outside dining but he hasn't built his deck; currently he has outside dining under Executive Order 7MM.
- Mr. Mulholland said he has previously discussed this issue with the owner.
- Mr. Walker said the Governor's executive order to allow outside dining essentially eliminated some of his parking.
- Mr. Mulholland said allowances have been made by the State so these restaurants can stay in business but acknowledged this has been an ongoing issue despite the pandemic.
- Mr. Walker said he feels bad for the homeowner but a balance needs to be achieved from an enforcement perspective.
- Mr. Dwyer said there is no balance, private property is private property.
- Mr. Donovan said that building houses another business as well and the restaurant signs says there is extra parking at the doctor's office; the question is whether this parking is from the restaurant or the recovery center.
- He asked when the photos were taken and if they were taken during a time the recovery center might have had a class.
- Mr. Donovan said he has yet to see the restaurant parking lot full but hasn't driven by there after 5:00 p.m.
- Ms. Thurlow asked if the exit from the office could not be accessed at certain times during the day.

- Mr. Mulholland said he thinks it would be best that he meet with the property owner and walk the property.
- Mr. Walker said he knows Mr. Mulholland will do his best to help alleviate this problem.
- Mr. Donovan said that right-of-way has been utilized heavily by Town vehicles and subcontractors during the last year.

MOTION (2)

Mr. Donovan moved to close the Public Hearing for item #10, Application of Kostas Anastasiou, for Niantic Diner, for a renewal of a Special Permit for Outdoor Dining at 26 W Main Street, Niantic.

Ms. Thurlow seconded the motion.

Motion carried, 5-0-1.

Mr. Peck recused himself from this item.

Regular Meeting-

1 Application of Steve Carpenteri for Niantic Bay Inn, Inc, (aka Lyme Tavern), for renewal of a Special Permit for Outdoor Dining at 229 W Main Street, Niantic.

2 Application of Julie Smart, for Smarty's, for renewal of a Special Permit for Outdoor Dining at property identified in the application as 215 Main Street, Niantic.

3 Application of Steve Turner, for Lillian's, for a renewal of a Special Permit for Outdoor Dining at 374 Main Street, Niantic.

4 Application of Edwardo Martone, for Constello's, for a Special Permit for Outdoor Dining at 11 East Pattagansett Road, Niantic.

5 Application of Nejla Okguz, for Niantic Pizza, for a Renewal of a Special Permit for Outdoor Dining at property identified in the application as 53 West Main Street, Niantic.

6 Application of Lionheart for a Renewal of a Special Permit for outdoor Dining at property identified in the application as 267-283 Main Street, (aka L3 Hope Street), Niantic.

7 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.

8 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.

9 Application of Harry and Trifonas Loginidis d/b/a Family Pizza for a renewal of a Special Permit for Outdoor Dining at property identified in the application as 233 Main Street, Niantic.

10 Application of Kostas Anastasiou, for Niantic Diner, for a renewal of a Special Permit for Outdoor Dining at 26 W Main Street, Niantic.

11 Application of Teddy Ignatiadis for Main Street Grille, for a renewal of Special Permit for Outdoor Dining at 252 Main Street, Niantic.

12 Application of Eugen Emini for Black Point Pizza, for a renewal of Special Permit for Outdoor Dining at 44 Black Point Road, Niantic.

13 Application of Petrit Marku, for il Pomod'Oro, for a Special Permit for Outdoor Dining at 360 Boston Post Road, East Lyme.

MOTION (3)

Ms. Thurlow moved to approve items 1-9 and 11-13.

Mr. Dwyer seconded the motion.

Motion carried, 6-0-0.

Mr. Walker said they can vote on the outside dining renewal for item #10 and leave it to Mr. Mulholland to address the enforcement issues and complaints.

Mr. Dwyer said he's concerned about the homeowner and Mr. Donovan said the outside dining will not be used outside of the Governor's mandate and if it were to be used and be a problem, they can simply deny the renewal next year.

Mr. Peck recused himself from this item and the Commission sat Ms. Markovitz for this item only.

MOTION (4)

Mr. Donovan moved to approve the Application of Kostas Anastasiou, for Niantic Diner, for a renewal of a Special Permit for Outdoor Dining at 26 W Main Street, Niantic.

Ms. Kalajainen seconded the motion.

Motion carried, 5-1-0.

Nay: Mr. Dwyer

14. Approval of Minutes of March 5, 2020

MOTION (5)

Ms. Kalajained moved to approve the Minutes of the March 5th, 2020 Zoning Meeting.

Ms. Thurlow seconded the motion.

Mr. Donovan said he would abstain from the vote since he was not in attendance for the March 5th, 2020 meeting. The Commission sat Ms. Markovitz for this one item.

Vote:

Motion carried, 5-0-1

Old Business-

There was none.

New Business-

- 1. Request of Carol York, Owner, for a Waiver of Section 20.8 of the East Lyme Zoning Regulations Ownership Requirement for access to a proposed subdivision lot at 92 Old Black Point Road.**

This item will be scheduled for September 3rd, 2020.

- 2. Application of Keith B. Neilson, P.E., Docko, Inc., Agent for Mr. Vincent Dowling, for a Coastal Area Management Review for New Platform, Stairs and Landing at 295 Old Black Point Road, Niantic, Connecticut.**

This item will be scheduled for September 3rd, 2020.

- 3. Application of Landmark Development Group, LLC and Jarvis of Cheshire, LLC c/o Timothy Hollister, Shipman & Goodwin, LLP for a text amendment revision of Section 32 to replace Preliminary Site Plan/Final Site Plan with "Master Plan" procedure as used in Gateway Development.**

This item will be scheduled for October 1st, 2020.

- 4. Application of Pazz & Construction LLC, for Site Plan Approval of an eighty (80) unit multi-family set-aside affordable housing development submitted pursuant to the provisions of Section 8-30g of the Connecticut General Statutes at property identified in the application as N Bride Brook Road, East Lyme Assessor's Map 9, Lot 37-2.**

This item will be scheduled for October 15th, 2020. Ms. Lindo said that Attorney Heller, who represents this applicant in attendance, and asked if he has anything he'd like to say. Attorney Heller responded he was just listening in to see what date their application is scheduled for.

- 5. Application of Kristen T. Clarke, P.E. for Site Plan Approval of a thirty-two (32) unit age restricted affordable housing project submitted pursuant to the provisions of**

August 13 2020 Special Meeting Agenda Zoning.doc 8-30g of the Connecticut General Statutes at property identified in the application as 237 Upper Pattagansett Road, East Lyme Assessor's Map 39.0, Lot 10-2.

This item will be scheduled for September 17th, 2020.

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

There was none.

7. Zoning Official

Mr. Mulholland showed a rendering of what the new Dollar General in the East Lyme side of Town.

Mr. Donovan asked about the businesses utilizing 7MM and if we/ can we extend the date if the State chooses not to do so. Mr. Walker discussed how it's a fluid situation and Mr. Mulholland said that would require us to do a text amendment. Mr. Donovan asked if they could extend it as an emergency temporary order and Mr. Mulholland said he doesn't believe we have the authority to do that but he will consult with the Town Attorney regarding this.

Mr. Mulholland said we are now issuing CO's for the 120 Gateway units. He said they've also issued construction permits for the Rocky Neck Affordable Housing project.

8. Comments from Ex-Officio

Ms. Hardy had nothing to report.

9. Comments from Zoning board liaison to the Planning Commission

a. Donovan – August 4 2020

Mr. Donovan said he didn't attend the meeting, he wasn't aware it was occurring until after the fact.

Ms. Kalajainen is scheduled to attend the September 1st, 2020 Planning Commission meeting.

Mr. Peck shared that the Planning Commission is on schedule for completing the POCD revision.

10. Comments from Chairman

Mr. Walker thanked Ms. Lindo for moderating the meeting and noted it's nice to see everyone again.

Adjournment

MOTION (6)

Mr. Dwyer moved to adjourn the Zoning Commission Meeting at

8:00 p.m.

Ms. Kalajainen seconded the motion.

Motion passed 6-0-0.

Respectfully Submitted,

Brooke Stevens
Recording Secretary

8/6/2020

Mr. William Mulholland
Town of East Lyme Zoning Official
180 Pennsylvania Ave.
Niantic, CT 06357

RE: Application of Kostas Anastasiou renewal of
Outdoor dining special permit at
26 West Main St., Niantic

Mr. Mulholland,

I am an abutting property owner at 32 W Main St. and provide a right of way to a parking lot at 30 W Main on which the applicant uses for excess restaurant parking.

Since 30 W Main parking lot was built, there has been periodic abuse of the surrounding property including 34 W Main, confirming that the restaurant already does not have enough parking.

The abuses include:

- 1) Taking short cuts over our grass
- 2) Parking on our grass
- 3) Entering into the parking area when it is "Exit only" in accordance with site plan approval
- 4) Damage to our landscaping (grass and stone)

This encroachment is so bad sometimes that our neighbor at 34 W Main cannot get out of her driveway as vehicles are parked on the pavement and grass.

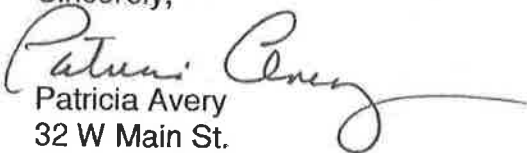
It is apparent that added seating with no extra parking would make this situation worse, and we feel it is not appropriate.

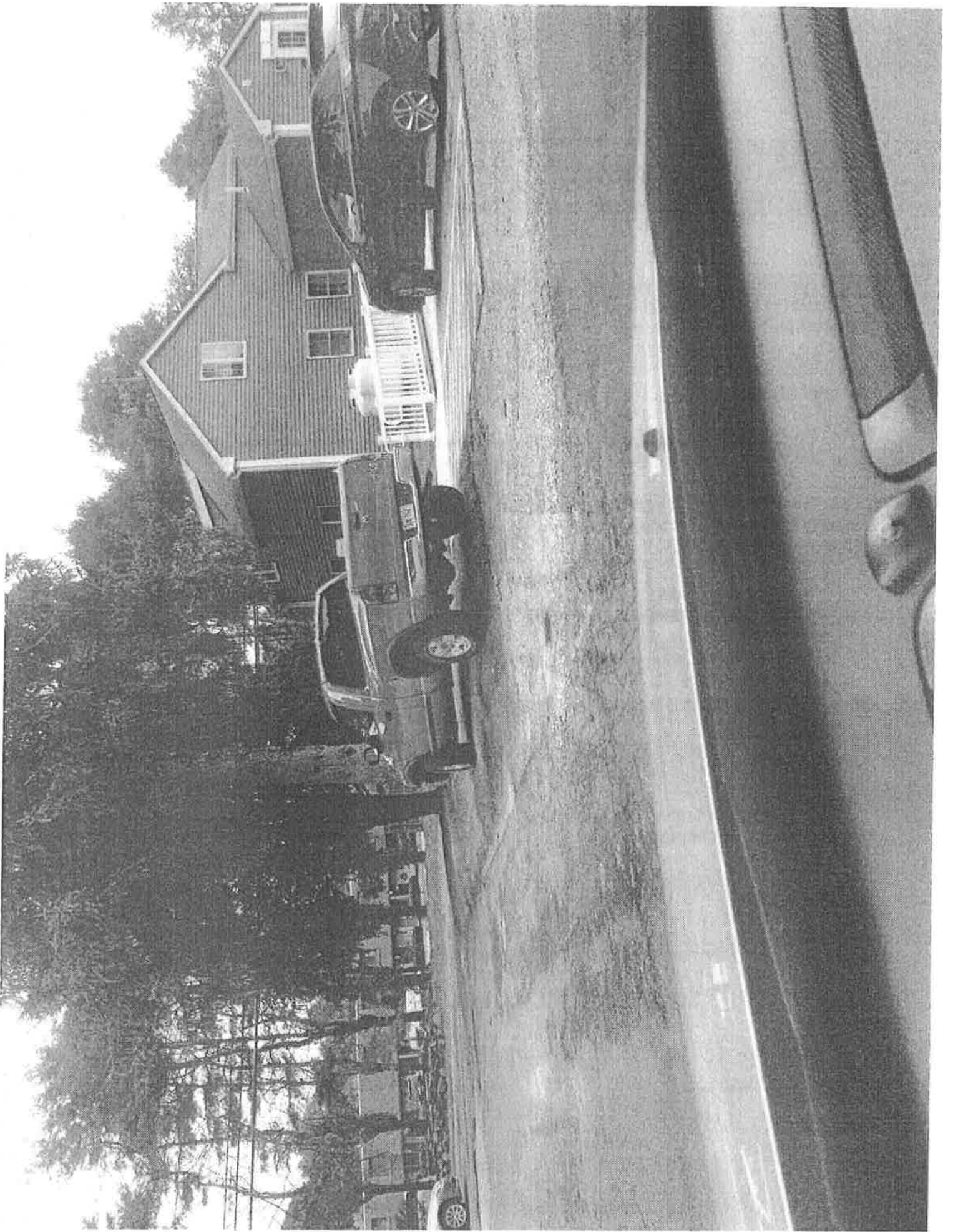
We have mentioned this to you over the course of the last 3 three years along with photos as attached.

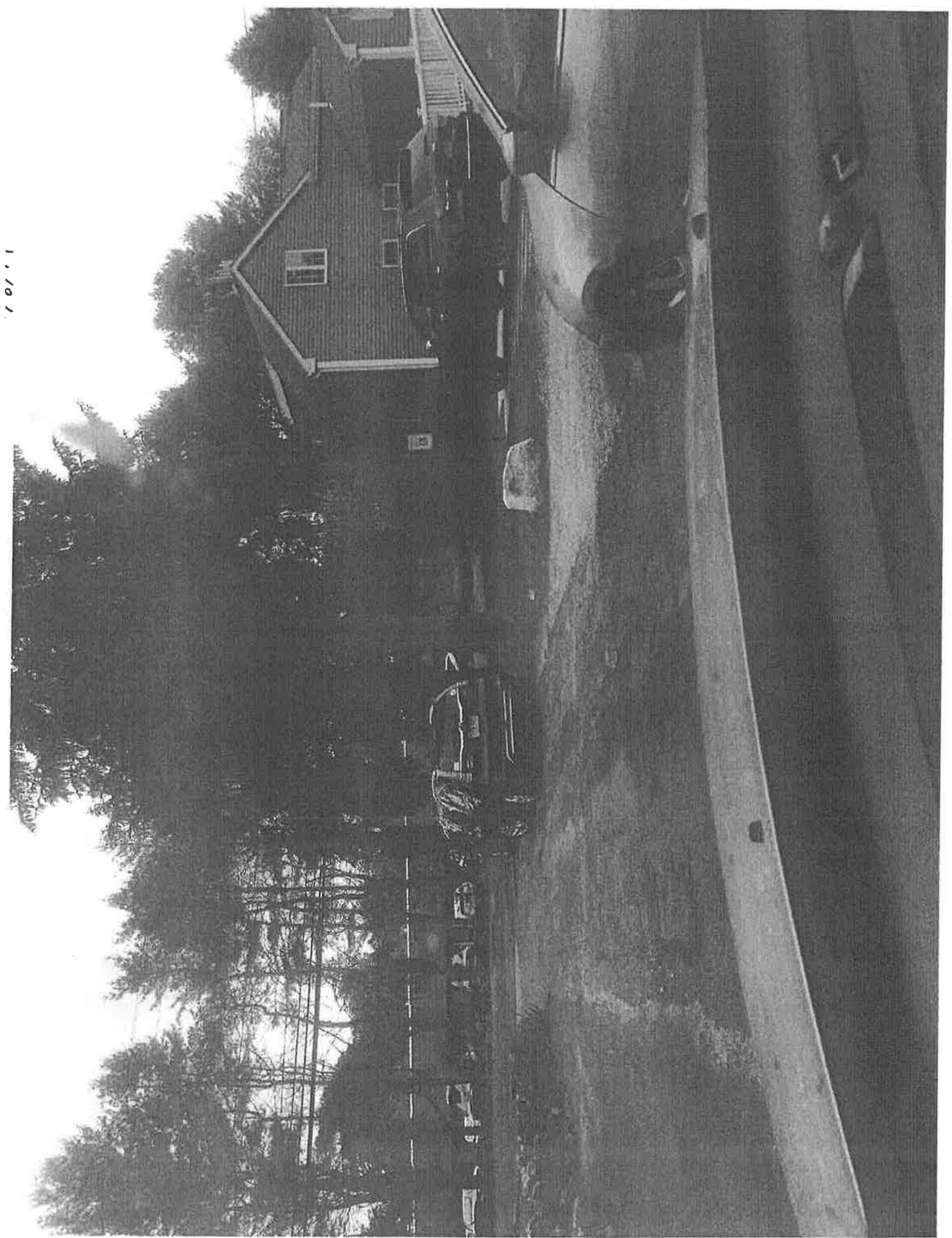
Please consider this testimony for the upcoming public hearing.

Thank you for your consideration.

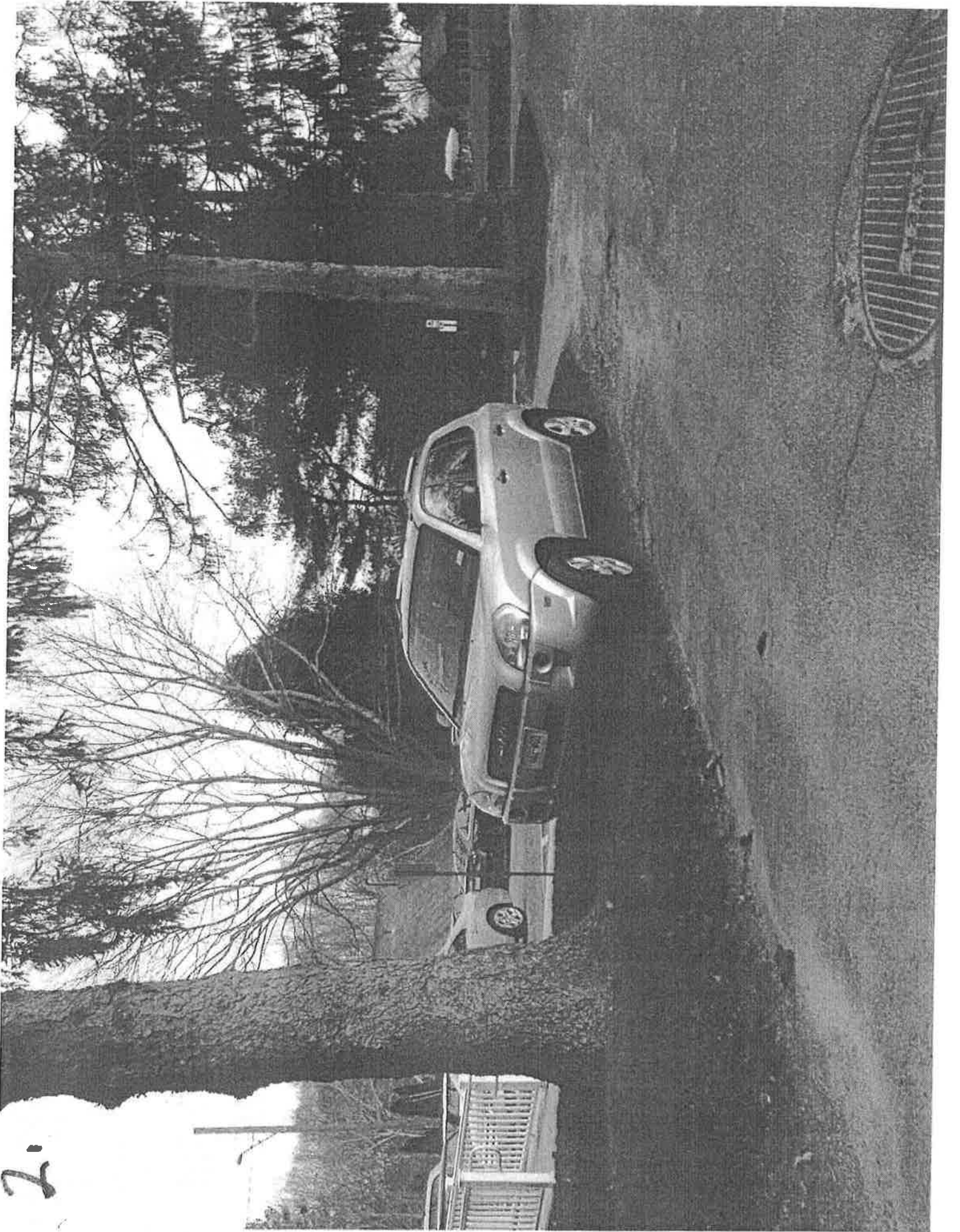
Sincerely,


Patricia Avery
32 W Main St.
Niantic



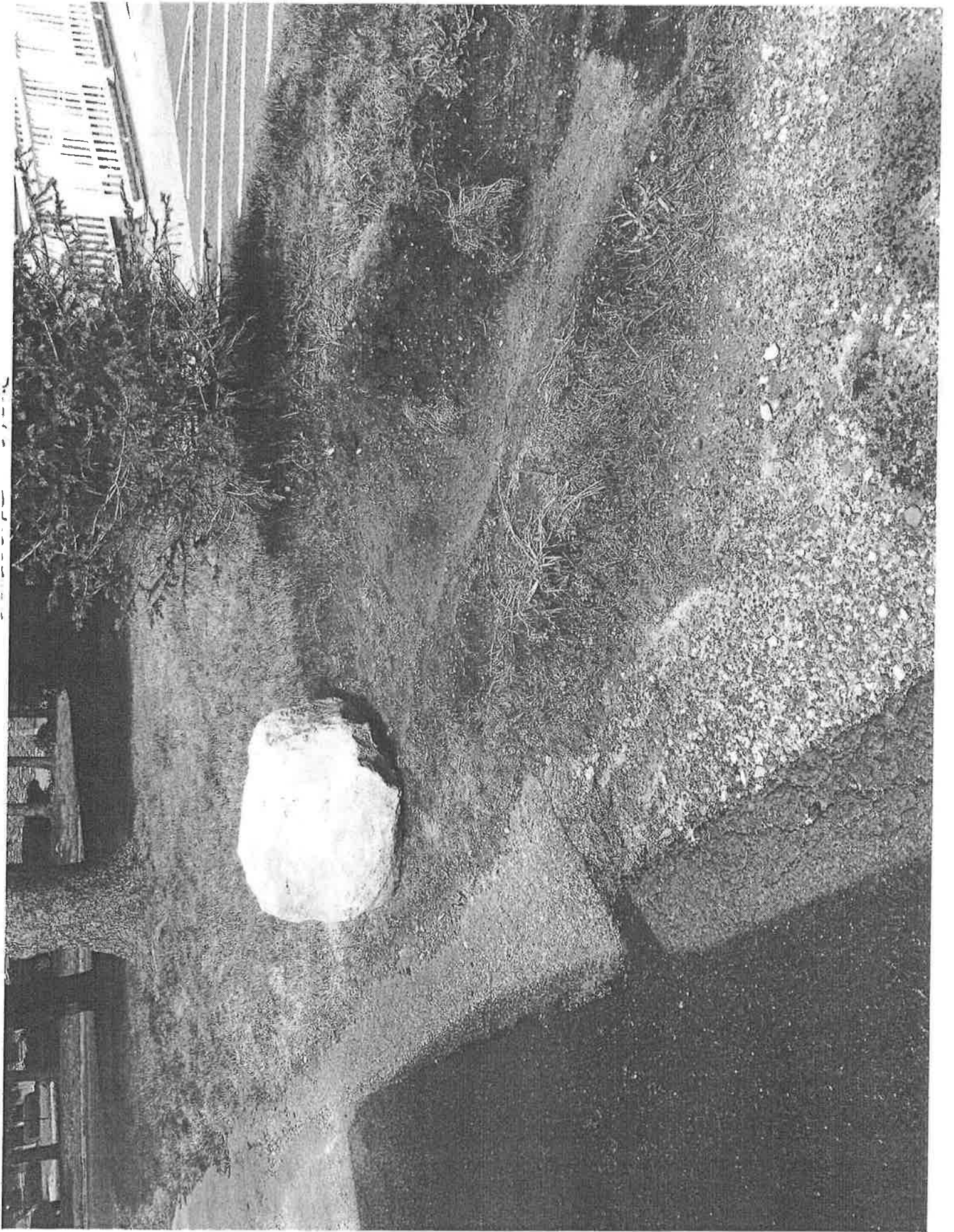


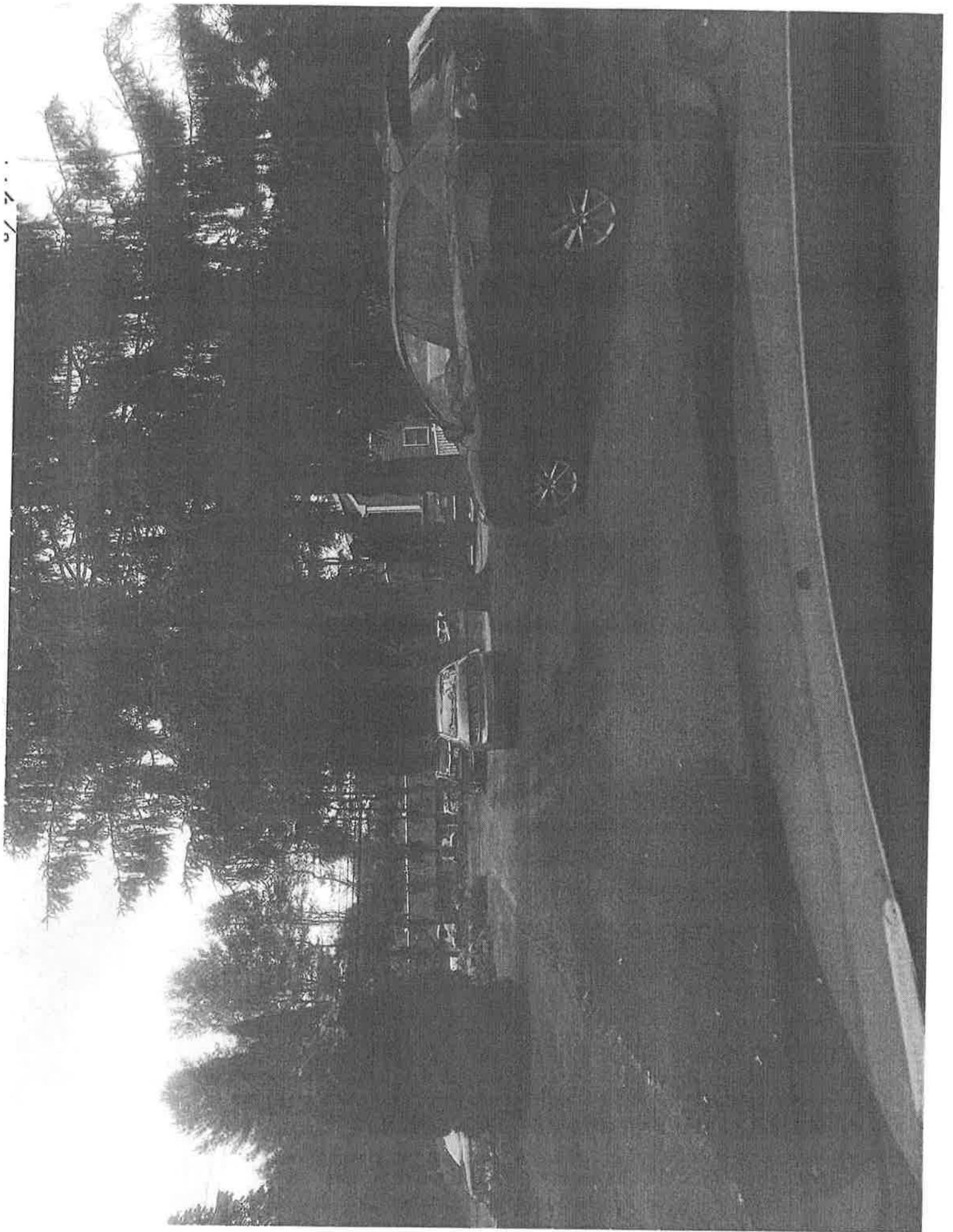
1. 10. 1



2.







5/7