

**East Lyme Zoning Commission
April 8th, 2021
Public Hearing & Regular Meeting Minutes**

Meeting Link:

<https://us02web.zoom.us/j/87241392273?pwd=KytGR1RvWm1FcHFrU1pDVEVFUTBhQT0>

9

Members Present:

Norm Peck
Kimberly Kalajainen
Terence Donovan, Secretary
Bill Dwyer (joined at 7:34 p.m.)
Anne Thurlow
Denise Markovitz, Alternate (sat as a Regular Member)
James Liska, Alternate (joined at 7:33 p.m.)

Also Present:

Bill Mulholland, Zoning Official
Gary Goeschel, Fill in Zoom Moderator

Absent:

Matthew Walker, Chairman
George McPherson, Alternate
Rose Ann Hardy, Ex-Officio

FILED

April 14, 2021 AT 8:41 (AM/PM)
Brooke Stevens ATC
EAST LYME TOWN CLERK

Present for Applications:

Ken Biega
Chris Gagnon
Bob Rizzo
Ed Barry

The Regular Meeting of the East Lyme Zoning Commission was held on Thursday, April 8th, 2021, at 7:30 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.

I. Roll Call and Call to Order

Substitute Chair Donovan called the meeting of the Zoning Commission to order at 7:30 p.m., took roll call, and sat Ms. Markovitz as a regular member for the evening.

II. Public Delegations

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

No members of the Public were in attendance.

III. Public Hearings

- 1. Application of Eugen Emini for Black Point Pizza, for a renewal of Special Permit for Outdoor Dining at 44 Black Point Road, Niantic.**
- 2. Application of Edwardo Martone, for a Special Permit for Outdoor Dining at 11 East Pattagansett Road, Niantic.**
- 3. Application of East Lyme Cafe, 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.**
- 4. Application of Niantic Morton House, LLC, for renewal of a Special Permit for Outdoor Dining at property identified in the application as 215 Main Street, Niantic.**
- 5. Application of EH, LLC 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.**
- 6. 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.**
- 7. Application of Teddy Ignatiadis for Main Street Grille, for a renewal of Special Permit for Outdoor Dining at 252 Main Street, Niantic.**
- 8. Application of La Llarona for a Renewal and Expansion of a Special Permit for Outdoor Dining at property. identified in the application as 267-283 Main Street, (aka 13 Hope Street), Niantic.**
- 9. Application of Steve Turner, for Lillian's, for a renewal of a Special Permit for Outdoor Dining at 374 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 Niantic Pizza, for a Renewal of a Special Permit for Outdoor Dining at property identified in the application as 53 West Main Street, Niantic.**
- 12. 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**

Mr. Mulholland added that these are routine renewals and has had no problems with any of these applicants and that in the case of La Llarona, they've had an existing permit for outside dining and the new operator would like to expand it to the right side of the building to accommodate three additional tables.

Mr. Donovan said the new operator cleaned up the outside dining area and it looks ten times better than it did before. Mr. Mulholland said they also replaced the old beat up fence and Mr. Goeschel showed the Commission a rendering of the area in question.

Mr. Mulholland said they're asking that this additional area to the right be a permanent part of their outside dining, and he noted a new black iron fence surrounds the area. He added that in his opinion this is somewhat of a housekeeping item but since it's an expansion, it requires the Commission's endorsement.

Mr. Donovan noted the legal ad for these items have been run and is posted on the Town website along with all the applications as per executive orders; all applications are outside dining renewals with the exception of La Llarona, who is asking to expand the existing outside dining permit along with renewing it.

MOTION (1)

Ms. Kalajainen moved to close the Public Hearing at 7:43 p.m.

Mr. Dwyer seconded the motion.

Motion carried, 6-0-0.

IV. Regular Meeting

- 1. Application of Kenneth Biega, O&G Industries, Agent, Ryder Truck Rental Inc., Owner; for a Special Permit for a change of use from an existing truck facility to a mason contractor supply yard and store, at 10 Colton Road, East Lyme, Connecticut.**

Mr. Donovan said they closed the public hearing at the previous Zoning Commission meeting and that we were waiting on the Inland Wetlands report and they have approved this application. He noted he is an advocate for sidewalks and although this existing LI Zone doesn't have any sidewalks, there is the potential that there could be a use for them in the future. Mr. Donovan said he's thinking of being proactive as opposed to reactive since there is the potential for this area to be further developed.

Ms. Markovitz said she agrees with Mr. Donovan and that a sidewalk should be installed.

MOTION (2)

Mr. Dwyer moved to approve the Application of Kenneth Biega, O&G Industries, Agent, Ryder Truck Rental Inc., Owner; for a Special Permit for a change of use from an existing truck facility to a mason contractor supply yard and store, at 10 Colton Road, East Lyme, Connecticut, with a waiver for sidewalks.

Ms. Thurlow seconded the motion.

Vote:

Yay- Mr. Peck, Ms. Thurlow, and Mr. Dwyer

Nay- Mr. Donovan and Ms. Markovitz

Abstention- Ms. Kalajainen

Motion carried, 3-2-1.

- 2. Application of Eugen Emini for Black Point Pizza, for a renewal of Special Permit for Outdoor Dining at 44 Black Point Road, Niantic.**
- 3. Application of Edwardo Martone, for a Special Permit for Outdoor Dining at 11 East Pattagansett Road, Niantic.**
- 4. Application of East Lyme Cafe, 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.**
- 5. Application of Niantic Morton House, LLC, for renewal of a Special Permit for Outdoor Dining at property identified in the application as 215 Main Street, Niantic.**
- 6. Application of EH, LLC 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.**
- 7. 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.**
- 8. Application of Teddy Ignatiadis for Main Street Grille, for a renewal of Special Permit for Outdoor Dining at 252 Main Street, Niantic.**
- 9. Application of La Llarona for a Renewal and Expansion of a Special Permit for Outdoor Dining at property. identified in the application as 267-283 Main Street, (aka 13 Hope Street), Niantic.**
- 10. Application of Steve Turner, for Lillian's, for a renewal of a Special Permit for Outdoor Dining at 374 Main Street, Niantic.**
- 11. Application of Kostas Anastasiou, for Niantic Diner, for a renewal of a Special Permit for Outdoor Dining at 26 W Main Street, Niantic.**
- 12. Application of Niantic Pizza, for a Renewal of a Special Permit for Outdoor Dining at property identified in the application as 53 West Main Street, Niantic.**

13. 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.

Mr. Donovan recommended voting on item #9 separately since they're asking for an expansion of their outside dining and voting on the rest altogether.

MOTION (3)

Mr. Dwyer moved to approve the Applications of:

- **Eugen Emini for Black Point Pizza, for a renewal of Special Permit for Outdoor Dining at 44 Black Point Road, Niantic,**
- **Edwardo Martone, for a Special Permit for Outdoor Dining at 11 East Pattagansett Road, Niantic, East Lyme Cafe, 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,**
- **Niantic Morton House, LLC, for renewal of a Special Permit for Outdoor Dining at property identified in the application as 215 Main Street, Niantic,**
- **EH, LLC 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,**
- **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,**
- **Teddy Ignatiadis for Main Street Grille, for a renewal of Special Permit for Outdoor Dining at 252 Main Street, Niantic,**
- **Steve Turner, for Lillian's, for a renewal of a Special Permit for Outdoor Dining at 374 Main Street, Niantic,**
- **Kostas Anastasiou, for Niantic Diner, for a renewal of a Special Permit for Outdoor Dining at 26 W Main Street, Niantic,**
- **Niantic Pizza, for a Renewal of a Special Permit for Outdoor Dining at property identified in the application as 53 West Main Street, Niantic, and**
- **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.**

Ms. Thurlow seconded the motion.

Motion carried, 6-0-0.

MOTION (4)

Ms. Kalajainen moved to approve the Application of La Llarona for a Renewal and Expansion of a Special Permit for Outdoor Dining at property. identified in the application as 267-283 Main Street, (aka 13 Hope Street), Niantic.

Mr. Peck seconded the motion.

Motion carried, 6-0-0.

Mr. Mulholland said these items will be published next Thursday April 15th, 2021 and become effective next Friday April 16th, 2021.

14. Approval of Minutes

a. March 18th, 2021

Mr. Donovan said:

1. on page 4, 5th paragraph,- *“Mr. Donovan asked about the sidewalk waiver and discussed how that entire road would now be sidewalked had they not previously granted waivers,”* he was referring to Industrial Park Road and not Colton Road.
2. The sentence that follows reads *“Mr. Biega replied that they have **on** problem installing a sidewalk- “on” should be “no.”*

MOTION (5)

Ms. Thurlow moved to approve the meeting minutes of March 18th, 2021 as amended.

Mr. Dwyer seconded the motion.

Motion carried, 5-0-1.

Ms. Kalajainen abstained from the vote due to his absence from the March 18th, 2021 meeting.

V. Old Business

There was none.

VI. New Business

1. **Application of Todd Sakowski for a text amendment to the East Lyme Zoning Regulations Section 20.28 and 25.3.3 to allow Taproom Brewery Service in CB Zones by way of a Special Permit.**

Mr. Mulholland said he will schedule this item.

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

There was none.

3. **Zoning Official**

Mr. Mulholland said they're still busy and that he has returned from his brief health related hiatus, and thanked everyone for their support.

Mr. Dwyer suggested scheduling an informal meeting to discuss the Statewide Zoning Zoom Class they attended. He said there seems to be contradictions between State rules and our bylaws. Mr. Donovan explained that the State has suggested zoning guidelines but that each town has their own individual zoning regulations.

The Commission and Mr. Mulholland briefly discussed Desegregate Connecticut, the movement to modify affordable housing regulations.

1. **Comments from Ex-Officio**

Ms. Hardy was not in attendance.

2. Comments from Zoning board liaison to Planning Commission

- a. Kalajainen - March 9th, 2021
- b. Peck- April 13th, 2021

Ms. Kalajainen reported that she attended the March 9th, 2021 Planning Commission meeting and that the Commission wasn't happy that the Zoning Commission didn't honor their request to wait for their review prior to voting on the FEMA text amendment.

Ms. Kalajainen said she told them if they're going to request that Zoning put off voting they should include the reason why in their correspondence. She said the item in her mind was cut and dry, but that going forward we should be sensitive to the requests from other Commissions.

Mr. Donovan noted that when a Zoning Commission member attends a Planning Commission meeting they're there as a liaison and shouldn't comment on the proceedings.

Mr. Mulholland said text amendments and zone changes are referred by Statute to various agencies including Planning, and they have a certain amount of days to consider it. He said with all due respect to our friends in Planning, they had adequate time to consider the amendment. Mr. Mulholland said perhaps the timing was off due to the Planning Commission meeting dates.

Mr. Donovan reminded Mr. Peck that he is scheduled to attend the April 13th, 2021 Planning Commission meeting.

1. 18. Comments from Chairman

Mr. Donovan said Mr. Walker was ill so was unable to Chair this evening's meeting. He said Ms. Lindo had surgery today and is doing well and will return to work on Monday provided all continues to go well.

Adjournment

MOTION (6)

Ms. Kalajainen moved to adjourn the April 8th, 2021 Zoning Commission meeting at 8:15 p.m.

Mr. Dwyer seconded the motion.

Motion carried, 6-0-0.

Respectfully Submitted, Brooke Stevens, Recording Secretary