

**EAST LYME ZONING COMMISSION
PUBLIC HEARING I
Thursday, APRIL 27, 2006
MINUTES**

The East Lyme Zoning Commission held the Continuation of the Application of Timothy D. Bates to amend Section 12.2.3 of the East Lyme Zoning Regulations, on April 27, 2006 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT. The Public Hearing was called to order at 7:30PM.

PRESENT: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary,
Marc Salerno, Pamela Byrnes, Norm Peck, Ed Gada,
William Dwyer, Alternate, Joe Barry, Alternate, Bob
Bulmer, Alternate

ALSO PRESENT: William Mulholland, Zoning Official
Atty. Timothy Bates, Applicant

ABSENT:

PANEL: Mark Nickerson, Chairman, Rosanna Carabelas,
Secretary, Marc Salerno, Ed Gada, Pamela Byrnes,
Norm Peck

FILED IN EAST LYME TOWN
CLERK'S OFFICE

May 8 . 20 06 at 3:05 (AM
PM)

Esther B. Williams

EAST LYME TOWN CLERK

Pledge of Allegiance

The Pledge was observed.

Public Delegations

There were no public delegations.

Public Hearing I

1. Continuation of the Application of Timothy D. Bates to amend Section 12.2.3 of the East Lyme Zoning Regulations.

Mr. Nickerson asked Mr. Bates to make his presentation.

Mr. Bates handed the Commission copies of his amendment proposal with revisions including the language suggested by the Planning Commission to include a minimum of a 50-foot buffer between SU District zones. He also noted that there was language added which stated that if there were an existing Special Permit, that application shall be subject to a Public Hearing in front of the Commission the applicant would be applying to amend the existing special permit in accordance with Section 25, Special Permit. . If there were a new application to be heard by the Commission the applicant would request the waiver at that time. The Commission shall use the Special Permit standards set forth in Sections 25.5.1 and 25.5.2 to consider granting a waiver. He noted that he had reviewed the Special Permit standards, and he felt that the requirements would cover the criteria that should be used when considering granting a waiver. Mr. Bates noted that the advantage to using the Special Permit standards when considering granting a waiver is that there would be a Public Hearing and published notice and posted signs would be required to notify the public.

Mr. Nickerson marked an excerpt from Fuller's Law Book, Page 465 as **Exhibit 1**.

Mr. Nickerson marked the revised amendment proposal as **Exhibit 2**.

Mr. Nickerson asked for questions from the Commission. There were none.

Mr. Nickerson asked for public comment from people supporting the application. There were none.

Mr. Nickerson asked for public comment from people who were opposed to the application.

Lou Mostowy, 42 Mostowy Road – stated that Mr. Mulholland misinformed him at the inception of this application by saying that he was not allowed to testify against it the application. A few days later he was told that because it was a Text Change that he could speak against it. Tonight he had heard from the representing attorney that he could not speak against the application because he was a member of the Zoning Board of Appeals. He asked that the hearing be continued so that legal counsel can represent St. Mathias Church before the Commission makes their decision.

Mr. Nickerson stated that this application was not site specific.

Mr. Bates stated that the State Statutes that a member of a Land Use Commission cannot speak about applications. His clients also do not object to Mr. Mostowy speaking about the application.

Mr. Nickerson turned the floor over to Mr. Mostowy.

Mr. Mostowy read a letter from himself to the East Lyme Zoning Commission – Re: Application of Timothy D. Bates to amend Section 12.2.3 of the Zoning Regulations for client Aces High RV Park. The letter stated that the subject of Special Use areas was researched and discussed at length when he sat on the Zoning Board. They spoke about what the impacts would be on the adjacent and adjoining property owners. The concern at the time was that a substantial setback or buffer was needed to protect adjoining property owners from any light, noise, etc. which could occur from a Special Use District with as many uses that are approved within. The 12.2.3 regulation was agreed upon and has worked well without changes for many years. Mr. Mostowy then spoke of reasons why this application should not be approved and presented photographs of damaged on the properties known as St. Mathias Church and Aces High RV Park.

Mr. Bates noted that Mr. Mostowy's reasons were good ones to use in considering granting a waiver but that this application was not site specific.

Mr. Nickerson marked Mr. Mostowy's testimony and photographs as **Exhibit 3**.

Mr. Nickerson instructed the Commission that this application was not site specific.

Mr. Salerno objected to the photographs being entered as an exhibit.

Mr. Nickerson asked if there were any other comments from the public.

****MOTION (1)**

Ms. Byrnes moved that the Commission close this Public Hearing at 7:55PM.

Mr. Gada seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,



Emelie Napolitano,

Recording Secretary (Pro-Tem)