

**EAST LYME ZONING COMMISSION
PUBLIC HEARING I
Thursday, FEBRUARY 16th, 2006
MINUTES**

The East Lyme Zoning Commission held a Public Hearing on the Application of Cornerstone Consulting for a Special Permit to operate a fast food restaurant at property located at 250 Flanders Road, East Lyme, CT on February 16, 2006 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the Public Hearing and called it to order at 7:32 PM.

PRESENT: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary,
Pamela Byrnes, Norm Peck, Marc Salerno, William Dwyer,
Alternate

ALSO PRESENT: Attorney Ronald Stevens, representing the Applicant
Phil Biondo, representing the Developer
Joe Barry, Alternate
William Mulholland, Zoning Official

FILED IN EAST LYME TOWN
CLERK'S OFFICE

Feb 22 20 06 at 11:40 ^{AM} PM

ABSENT: Ed Gada, Bob Bulmer, Alternate

PANEL: Mark Nickerson, Chairman, Rosanna Carabelas,
Secretary, Pamela Byrnes, Norm Peck, Marc Salerno,
William Dwyer, Alternate

Esther B. Williams

EAST LYME TOWN CLERK

Pledge of Allegiance

The Pledge was observed.

Public Hearing I

1. Application of Cornerstone Consulting for a Special Permit to operate a fast food restaurant at property located at 250 Flanders Road, East Lyme, Connecticut. The property is further identified as East Lyme Assessor's Map 26.1, Lot 6.

Chairman Nickerson noted that he had seated Alternate William Dwyer at the table. He also noted that this was a continuation of this public hearing.

Ms. Carabelas, Secretary said that she had some correspondence items to read into the record regarding this application.

- ◆ Letter dated 2/16/06 to EL Zoning Commission from Wm. Mulholland, Zoning Official – Re: Special Permit – Proposed Quiznos Fast Food Restaurant 250 Flanders Road, Niantic, CT – noting that the Commission previously approved a site plan which complied with all applicable zoning regulations and here the Commission must ensure that the application complies with the criteria for Special Permits. The current on-site parking is more than what is required.
- ◆ Letter dated 10/28/05 to EL Zoning Commission, Attn. Wm. Mulholland, Zoning Official from Cornerstone Consulting Engineers & Architectural, Inc. – Re: Fast Food Restaurant use – proposed Quiznos Sub restaurant at Stop & Shop Center outlining the type of operation that Quiznos is (Gourmet Deli), the hours of operation and number and type of seating available.

Mr. Nickerson noted that the legal ad had run in the New London Day on January 9, 2006 and January 16, 2006. He called for the applicant or their representative to present this application.

Attorney Ronald Stevens of Stevens, Harris, Guemsey & Quilliam said that he was representing the applicant and said that the sign has been posted on the site. He submitted a picture of the sign for the record.

Mr. Nickerson entered this into the record as **Exhibit A**.

Attorney Stevens explained that the property is within the Stop & Shop complex and that the site plan for this was approved on June 2, 2003 by this Commission and encompasses all of the area under discussion. 3500 sq. ft. was approved for restaurant area and Quiznos is only using 1800 sq. ft. of that area with 880 sq. ft. allocated for public use. He noted that there is adequate parking and that they would be using 35 parking spaces for this business from the 406 spaces that have been provided. There is adequate parking and the only reason why they are here is for the special permit for a fast food restaurant. The letter from Cornerstone clearly states what they do – they serve heated sandwiches.

Mr. Nickerson asked if any of the parking spaces are on the side of the building or if they are all in the front. Attorney Stevens said that most of it is in the front.

Mr. Mulholland explained the site plan to the Commission members.

Mr. Salerno asked how much area the restaurant was taking.

Mr. Mulholland said that they are going to occupy approximately one-third of the restaurant area there.

Mr. Nickerson commented that he would like to have something cleared up regarding the tire store that has been using the parking lot for various vehicles related to their business as this is something that cannot be done.

Attorney Stevens said that he knew nothing about that situation.

Mr. Mulholland said that he has gone there at various times and that recently the vehicles have been moved.

Phil Biondo, representing READCO the Developer said to Mr. Nickerson that he has detailed the parking issue with the tire store and that they have been put on notice. They have informed them that if vehicles are parked there that they will be towed and their management team has taken steps to monitor this situation.

Mr. Salerno asked Mr. Mulholland what the definition of a fast food restaurant is.

Mr. Mulholland cited Section 1.48 of the regulations and said that it is based on how they serve food. He added that Quiznos does fall under this definition.

Mr. Biondo said that he had some information on the riprap issue and asked if they wanted to hear it at this time or not.

Mr. Nickerson asked the Commission and they were in agreement that they would hear the update on this situation.

Mr. Biondo said that they have spoken with the principal and an engineer and that there is a process whereby they can blow topsoil and vegetative mix into the riprap. This mix will grow in-between the riprap and make it less obtrusive. While they discussed options in the fall, the time to do this is the spring and they will do it then.

Ms. Byrnes asked what it would look like when it grows.

Mr. Biondo said that it is low maintenance and will remain low in height, as the State does not want something there that would be a problem. It would not grow taller than a foot.

Mr. Mulholland said that he has some pictures of it in his office and invited the Commission members to stop in and see them.

Mr. Nickerson said that this is not something that they can vote on and if it meets the Zoning Officials' assessment and the State does not have a problem with it then they should let it be.

Mr. Biondo said that this is not going to be a rub with what the State has there.

Mr. Nickerson asked what the public space was as they are renting 1800 sq. ft.

Mr. Mulholland said that the public space does not include the restrooms or area behind the counter, as the public is not allowed there or in any of the prep areas. He noted that the 880-sq. ft. seems a bit higher than the actual.

Mr. Nickerson called for anyone from the public who wished to speak in favor of this application –
Hearing no one –
Mr. Nickerson called for anyone from the public who wished to speak against this application –
Hearing no one –
Mr. Nickerson called for anyone from the public who wished to speak neutrally regarding this application –

Virgil Horton, 2 Amberly Lane, Niantic, CT said that he was not sure that this related to this application but he wanted to know about the area in front of Mr. P's and when that would be finished.

Mr. Biondo said that his company was committed to doing that improvement however the Best Western sign is in the ROW and they (Best Western) are not willing to move it.

Mr. Mulholland asked that Mr. Biondo contact him and they would try to work something out together.

Mr. Nickerson asked if there were any other comments –
Hearing none he called for a motion to close this public hearing.

****MOTION (1)**

Mr. Salemo moved that this Public Hearing be closed.

Ms. Byrnes seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson closed this Public Hearing at 8:05 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary (Pro-Tem)