

July 24 20 06 at 2:45 (AM
PM)

**EAST LYME ZONING COMMISSION
PUBLIC HEARING I
Thursday, July 13, 2006
MINUTES**

Esther B. Williams

EAST LYME TOWN CLERK

The East Lyme Zoning Commission held the Application of Steven J. Carpenteri for a Special Permit to operate a fast food establishment at property identified in the application as 297-3 Flanders Road, East Lyme, Connecticut. The property is further identified in the application as East Lyme Assessor's Map 31.3, Lot 18, on July 13, 2006 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

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

ALSO PRESENT: William Mulholland, Zoning Official
David Schweid, Agent
Justin Olshan, Applicant

ABSENT: Marc Salerno

PANEL: Mark Nickerson, Chairman, Rosanna Carabelas, Ed
Gada, Pamela Byrnes, Norm Peck, William Dwyer,
Alternate

Pledge of Allegiance

The Pledge was observed.

Public Delegations (NONE)

Mr. Nickerson called for anyone from the public who wished to address the Commission on subject matters not on the Agenda.

Public Hearing I

1. Application of Justin Olshan for a Special Permit to operate an auto sales agency at property identified in the application as 252 Flanders Road, Niantic, Connecticut.

Mr. Nickerson sat Mr. Dwyer in place of Mr. Salerno.

Mr. Nickerson asked Ms. Carabelas to read the following correspondence into the record:

- Memo to the East Lyme Zoning Commission from Mr. Mulholland dated July 13, 2006 RE: Special Permit Application – Auto Sales Agency, 252 Flanders Road, Niantic, CT 06357.
- Letter to Mr. Mulholland from Land Use Planning Services dated July 7, 2006.

Mr. Nickerson noted that the legal ad was published in The Day newspaper.

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

Mr. Schweid noted that this application has been advertised and a sign was posted in the window of the business in accordance to Section 25.4.3-1a of the Zoning Regulations. He noted that the existing site is the Tires Plus site. This site is within the CA Commercial Zone and currently has car sales and a gasoline service station on site and the uses are permitted under Section 8.1.6 of the Zoning Regulations. He stated that the proposal is to allow for limited auto sales on the site. He noted that the applicant acquires vehicles by default due to non-payment for work performed. He noted that being able to sell some of these vehicles at the site would reduce the number of cars on the site. He noted that the applicant was willing to accept a limitation as a condition of the Special Permit and would ask that he be allowed two to four to be stored on the site at a time. Mr. Schweid presented the Town Tax Assessor's Map the scale being 1"=125'. There is a 1500-foot separation distance between other auto sales agencies. There would be no changes made to the site, structure, or parking. They would use existing spaces for the purpose stated. Mr. Schweid handed the Commission copies of the site plan of the property and asked the Commission if they had questions for him.

Ms. Carabelas inquired if the applicant would be purchasing cars from auctions to sell on the property.

Mr. Olshan stated that that was not his intention but that he wouldn't say that he would never do it.

Ms. Carabelas inquired about Plaza Ford's use status.

Mr. Mulholland stated that Plaza Ford was approved as a new car dealership.

Mr. Nickerson inquired about DeBartolo's business' use.

Mr. Mulholland stated that DeBartolo's is beyond the separation distance and that he is not aware that they do sell cars.

Mr. Nickerson inquired about the calculations for parking.

Mr. Mulholland stated that Section 22 of the Zoning Regulations does not specifically set a standard for gasoline service stations. He noted that Section 22.1.15 states that any uses not specified can be set by the Commission.

Mr. Nickerson stated that the parking lot looks full when driving by. He noted that safety is an issue.

Mr. Schweid stated that the two spaces is what the regulations require based on one space per two hundred fifty feet of floor area.

Mr. Olshan stated that he has three abandoned vehicles on site at this time. He stated that he could run the cars through auction legally and comply with the state if he had a license, but without a license it would take up to six months or more and the cars would have to sit on site until approved. He noted that the Stop & Shop employee who works at the gas station parks in the Stop & Shop parking lot.

Mr. Mulholland inquired if the area to be used for the cars would designate where the cars are to be located on the site plan.

Mr. Schweid stated that it was on the plan.

Mr. Nickerson stated if there would be any additional signage needed on the property.

Mr. Schweid said no.

Mr. Mulholland asked Mr. Schweid to discuss the onsite traffic conditions to aid the Commission in their decision.

Mr. Schweid stated that he had not checked with the State Police to see if there are any records of any accidents. He noted that there are four pumping stations that are parallel to the building and that there was an entrance to Stop & Shop in the rear of the gas station. He noted that it is a fairly busy site, but what is being proposed would not dramatically affect the traffic on site.

Mr. Mulholland inquired about tire delivery and pick up.

Mr. Olshan stated that he does not wholesale tires anymore, but tires are delivered at 8:00am every day.

Mr. Nickerson asked for any comments from the public in favor of the application.

Bob Jones, 5 Applewood Commons, East Lyme -- stated that the applicant has done a fine job cleaning up the site over the past few years. He noted that the applicant would not be able to do anything with the abandoned cars without a license or until DMV researches the vehicles. He noted that the junkyards would not take the cars without a title. He asked the Commission to grant the applicant this Special Permit so that the site would stay clean.

Mr. Nickerson asked for any comments from the public in opposition of the application. There were none.

Mr. Nickerson asked for any comments from the public in the neutral position. There were none.

Mr. Nickerson asked for any comments from the Commission.

Mr. Nickerson inquired what would happen if more cars were to arrive at the site than allowed by the Commission.

Mr. Olshan stated that if he had the license that he could process the abandoned cars more quickly through DMV and junkyards.

Mr. Peck inquired if this meeting is also a request for a location permit.

Mr. Mulholland stated that the Special Permit would have to be obtained then the applicant would have to come back before the Commission for the location approval. He noted that he would check the statute.

Mr. Nickerson stated that the letter submitted states that there are always three spaces available for parking. He noted that customers are not supposed to pass through Stop & Shop.

Mr. Schweid stated that they were trying to address a problem that currently exists with the proposal. He stated that he hoped that the Commission would feel comfortable with what was presented.

Mr. Peck inquired about location approval by the Commission.

****MOTION (1)**

Ms. Byrnes moved that this Public Hearing be closed.

Mr. Gada seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Public Hearing adjourned.

Respectfully submitted,

Emelie Napolitano,
Recording Secretary (Pro-Tem)