

Town of

P.O. Drawer 519

Department of Planning &
Inland Wetlands

*Gary A. Goeschel II, Director of Planning /
Inland Wetlands Agent*



East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357

Phone: (860) 691-4114

Fax: (860) 860-691-0351

February 9, 2022

Terence Donovan, Chairman
East Lyme Zoning Commission
Town of East Lyme
P.O. Box 519
108 Pennsylvania Avenue
Niantic, Connecticut 06357

RE: CGS 8-3a Zoning Referral: Petition of AMG Pub II, LLC, for a text amendment to the East Lyme Zoning Regulations, Section 20.26 to amend the distance between drive-thru facilities within the CA District.

Chairman Donovan:

The East Lyme Planning Commission at its meeting of February 8, 2022, found the above referenced text amendment, INCONSISTENT with the 2020 East Lyme Plan of Conservation and Development, as amended, as the proposed regulation amendment does not account for traffic impacts or require a traffic study, nor is there a map showing the 1000', non-access line, and no documentation regarding air quality impacts has been provided. As an aside, a mechanism exists whereby an applicant may apply for a variance through Zoning Board of Appeals.

If you have any further questions regarding this letter or the POCD, please do not hesitate to contact the Director of Planning, Gary A. Goeschel II, at (860) 691-4105.

Sincerely,

Michelle Royce-Williams, Secretary
East Lyme Planning Commission

cc: William Mulholland, Zoning Official
file

Jennifer Lindo

From: Balint, Marcy <Marcy.Balint@ct.gov>
Sent: Monday, January 24, 2022 4:15 PM
To: Bill Mulholland; Jennifer Lindo
Subject: CT DEEP Comments on Proposed Zoning Amendments to Section 20.26 to amend distance between drive thru facilities within the CA District

Importance: Low

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



January 24, 2022

East Lyme Zoning Commission
c/o William Mulholland, Zoning Official
P.O. Drawer 519
Niantic, Connecticut 06357

Subject: CT DEEP Comments on Proposed Zoning Amendments to Section 20.26 to amend distance between drive thru facilities within the CA District

Dear Commissioners:

Thank you for notifying the Land and Water Resources Division (LWRD) of the proposed text amendment noted above received on January 19, 2022. Acting as the Commissioner's staff, our office has reviewed the revised text for consistency with the policies and standards of the Connecticut Coastal Management Act (CCMA Connecticut General Statutes (CGS) sections 22a-90 through 22a-112, inclusive) and finds them generally consistent.

These comments are made in response to the review requirement contained in C.G.S. Section 22a-104(e) which requires that any zoning regulations or changes thereto affecting the area within the coastal boundary, shall be consistent with the policies of

SOUTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS

5 Connecticut Avenue, Norwich, Connecticut 06360

(860) 889-2324/Fax: (860) 889-1222/Email: office@seccog.org

(Via electronic mail)

February 18, 2022

Mr. Terence Donovan
Chairman
Town of East Lyme Zoning Commission
PO Box 519
Niantic, CT 06357

Dear Mr. Donovan:

I am writing in response to an application to amend the zoning regulations of the Town of East Lyme. The application was referred to this agency pursuant to Section 8-3b of the Connecticut General Statutes.

The proposed zoning regulation amendments seek to modify separating distance requirements for drive-throughs in the CA zone. Based a review of the material provided, I have determined that the proposed zoning regulation amendments will have no negative inter-municipal impact.

If you have any questions, please contact me at 860-889-2324.

Sincerely,



Samuel Alexander, AICP
Planner III
salexander@seccog.org

Member Municipalities:

Bozrah * Colchester * East Lyme * Franklin * Griswold * Borough of Jewett City * City of Groton * Town of Groton * Lebanon * Ledyard * Lisbon * Montville * New London * North Stonington * Norwich * Preston * Salem * Sprague * Stonington * Stonington Borough * Waterford * Windham

If language assistance is needed, please contact SCCOG at 860-889-2324. office@seccog.org.

Si necesita asistencia lingüística, por favor comuníquese a 860-889-2324. office@seccog.org.

如果您需要语言帮助, 请致电860-889-2324或发送电子邮件至office@seccog.org.

Jennifer Lindo

From: Suraci, Matt <m.suraci@theday.com>
Sent: Wednesday, January 19, 2022 2:44 PM
To: Jennifer Lindo; Bill Mulholland; Gary Goeschel
Subject: Re: Corrected legal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

all set for 2-19 and 2-27..

Thanks!

Total : \$321.90

d01021984

**TOWN OF EAST LYME
ZONING COMMISSION
Notice of Public Hearing**

The East Lyme Zoning Commission will hold a Public Hearing on March 3, 2022, at 7:30 p.m., at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut, to consider the following:

Request of AMG PUB II LLC, for a text amendment to the East Lyme Zoning Regulations, Section 20.26 to amend the distance between drive-thru facilities within the CA District.

A copy of the proposed change is available on the East Lyme Town Website for Review and in the East Lyme Land Use Office.

Anne Thurlow, Secretary

Matt Suraci

Classified & Legal Account Executive
860-701-4410
Direct: m.suraci@theday.com
Legals: legal@theday.com
The Day Publishing Company
47 Eugene O'Neill Drive, PO Box 1231
New London, CT 06320
www.theday.com

From: legal <legal@theday.com>
Sent: Wednesday, January 19, 2022 1:58:39 PM

Town of

P.O. Drawer 519
Zoning Commission



East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357
Phone: (860) 691-4114
Fax: (860) 860-691-0351

January 18, 2022

Account #D20607

Advertising Department
The Day Publishing Co.
Eugene O'Neill Drive
New London, CT 06320

Please publish the following notice on February 19, and February 27, 2022

TOWN OF EAST LYME

ZONING COMMISSION

Notice of Public Hearing

The East Lyme Zoning Commission will hold a Public Hearing on March 3, 2022, at 7:30 p.m., at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut, to consider the following:

Request of AMG PUB II LLC, for a text amendment to the East Lyme Zoning Regulations, Section 20.26 to amend the distance between drive-thru facilities within the CA District.

A copy of the proposed change is available on the East Lyme Town Website for Review and in the East Lyme Land Use Office.

Anne Thurlow, Secretary

FILED

Jan 19, 2022 AT 10:53 AM PM
Brenda Stevens ATC
EAST LYME TOWN CLERK

Town of East Lyme

Zone TA Permit # _____

PO Box 519
Niantic, CT 06357
(860) 691-4114
Fax: (860) 691-0351

Date Entered into ZTA Log _____

APPLICATION FOR ZONING REGULATION TEXT AMENDMENT

Date of Application: January 14, 2022

Applicant's Name: AMG, PUB II LLC.

Applicant's Address: 555 So Columbus Ave Suite 201 Mt Vernon, NY 10550 Telephone: 917-209-5720

Text Amendment of Section #: 20.26

DESCRIPTION OF TEXT AMENDMENT OF ZONING REGULATIONS REQUESTED {must comply all other applicable Zoning Regulations of the Town of East Lyme}:

Summary: To amend the distance between drive-thru facilities within the CA District. This includes no drive thru within 1000' of Interstate 95's non-access line. In other areas of the CA District no drive thru shall be within 250' between centerline of nearest drives serving each separate parcel.

See attached proposed language which formulates the basis of this application.

Signature of Applicant: Jack Belovich

Below this line for Office Use Only:

Attach a copy of what is being changed, omitted or added to the Zoning Regulations.

AMENDMENT PROPOSAL ATTACHED YES NO

PERMIT FEE: TEXT AMENDMENT \$300.00

STATE FEE: \$60.00

CHECK #: 8170

TOTAL DUE: \$360.00

At its meeting on the _____ day of _____, the East Lyme Zoning Commission voted and accepted the above referenced Text Amendment to the Town of East Lyme Zoning Regulations.
Dated: _____
Matthew Walker, Chairman
East Lyme Zoning Commission

20.26 DRIVE THRU FACILITIES: Drive-thru Facilities are permitted for Banks, Financial Institutions, Pharmacies, Bakeries and Fast Food Restaurants only in CA Zones and are subject to the following requirements:

- A. The drive-thru facilities shall clearly be accessory and subordinate to the primary use;
- B. Drive-thru facilities, including required stacking lanes, shall be located in the rear or side yards only;
- C. Drive-thru facilities shall not generate the need for additional driveway curb cuts;
- D. A minimum of five vehicle-stacking spaces shall be provided on site for each drive-thru station, including the vehicle being serviced. Where a restaurant order board and service window are proposed each service aisle shall provide a minimum of ten (10) stacking spaces with a minimum of five (5) stacking spaces before the order board. Each service aisle shall not have more than two service windows;
- E. Stacking lanes shall be separate from internal traffic aisles to allow traffic to circulate through the site without entering the drive-thru facilities;
- F. Stacking lanes shall be a minimum of ten feet (10') wide and each vehicle stacking space shall be twenty feet (20') in length;
- G. Stacking lanes shall be designed to minimize traffic congestion and to promote pedestrian safety;
- H. Drive-thru facilities shall be screened from view from public streets with substantial landscaping using a variety of evergreen and deciduous species;
- I. Outdoor speakers shall be located a minimum of one hundred (100) feet from the boundary of any residentially zoned property and shall not be audible from other property;
- J. Drive-thru facilities should be designed as a compatible architectural element of the primary building;
- K. No Restaurant or food service establishment with a drive through facility shall be built or established upon a lot or premises within a radius as follows:
 - i. Within a radius of 1000 feet of any part of any other building, lot or premises, when the proposed location is within 1000 feet of the Interstate 95 Non-access line; and
 - ii. No driveway serving a Drive Thru Facility shall be closer than 250' from another Drive Thru Facility as measured between centerline of the nearest driveways serving the Drive Thru Facilities when outside of the 1000 foot radius of the I-95 Non-access line.
- L. ~~No restaurant or food service establishment with a drive through facility shall be built or established upon a lot or premises within a radius of 1000 feet of any part of any other building, lot or premises used for such purpose.~~ Existing premises used for such a purpose prior to this regulation shall not be deemed non-conforming when located within 1000 feet of the Interstate 95 non-access line or within 250' of another existing Drive Thru Facility.
- M. Notwithstanding the foregoing provisions it is hereby expressly provided that a retail bakery as that term is defined in Section 1.6 of these regulations may be permitted a drive-thru facility subject to Section 8.2.12 Drive-thru facilities. NOTE: All Fast Food Restaurants are by Special Permit. See Section 8.2.7.