

**EAST LYME ZONING BOARD OF APPEALS
PUBLIC HEARING AND REGULAR MEETING
MONDAY, FEBRUARY 7th, 2022
MINUTES**

A Public Hearing and Regular Meeting of the East Lyme Zoning Board of Appeals was held on Monday, February 7, 2022 at 6:30 PM at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

PRESENT: Steve Carpenteri, Chairman, Wayne Blair, Larry Fitzgerald, Kevin Mace, Spencer Clapp, Alternate

ALSO PRESENT: Susan Hess, Applicant, Co-Owner PInspiration
MariAnne DelCampo, Co-Owner PInspiration

FILED

ABSENT: No One

Feb 14, 20 22 AT 10 AM/PM
Brooke Stuenkel
EAST LYME TOWN CLERK

1. Call Public Hearing to Order

Chairman Carpenteri welcomed everyone and called the Public Hearing to order at: 6:30 PM. The Pledge was observed.

2. Read Notice of Public Hearing

Mr. Carpenteri read the Agenda call of Case #2-2021 of the Public Hearing.

Case No. 2-2021: Application of Suzanne Hess, Owner of PInspiration, for a variance of the East Lyme Zoning Regulations Alcoholic Liquor Outlets Section 20.20.1 and 20.20.3 for property located at 15 Chesterfield Road, Unit #2. Said parcel appears on the East Lyme Assessor's Map 31.1, Lot 55.

The Public Hearing notice was sent to the New London Day for publication on 1/26/2022 and 2/3/2022.

Mr. Carpenteri introduced the Board members and polled each for any conflict of interest. Hearing no conflicts of interest from the members, he explained the rules of the meeting, and noted that notices had been sent to abutters.

Mr. Carpenteri then called for the applicant or their representative to make their presentation.

Suzanne Hess, Co-Owner Inspiration, 15 Chesterfield Rd, Unit #2 said that they are looking for a variance for a café liquor permit for their franchise business that is based out of Phoenix, AZ. She explained how she and her sister had arrived at this type of business and the location. She said that the basis for the Zoning denial of her request for a Café Liquor Permit for her business was due to the distance from their business to a liquor store and a school. She explained that this denial has resulted in exceptional hardship to their business as it impacts the reasonable and practical use of the property for their business. They are a do it yourself arts and crafts workshop and they would like to be able to offer people a glass of wine or mimosa while they engage in the arts and craft social event of their choice.

They opened on November 6, 2021 and have been well received and many people have said that it is good for the area. There are three components to their business – 1) Atmosphere; 2) A splatter room where paint is thrown at a canvas and 3) Bar area where they would like to offer a glass of wine – but now offer soda, chips, cupcakes and snacks.

They close at 8 PM during the week and at 5 PM on Sundays. There is no loud music, and there would not be any drunkenness as they are a family friendly business. The BYOB concept that was suggested would not work as it is not convenient and they would like to be able to regulate what is consumed on their property. They also do not feel that people are coming to PInspiration to drink – but rather to relax and enjoy doing a craft. They also want to make a profit from the business. The hardship is that this is a key element to the success of their business and this business helps augment the other businesses in the area.

Mr. Carpenteri asked how the business has been doing without liquor.

Ms. Hess said that while they are not doing as well as they had hoped; it is mostly family that has been supporting them.

Mr. Mace noted that he is not up to speed on the different liquor licenses and what she is applying for.

Ms. Hess said that the plan was to just get a beer and wine license but the State said no unless they are a full restaurant so they had to go for a liquor license.

Mr. Carpenteri explained that she is applying for a café license with limited food and bathrooms that they can have access to through the bar. A restaurant permit is much easier to get and is less restrictive. The café license is different.

Mr. Mace said – so it would be easier for Ms. Hess to get the standard restaurant permit.

Ms. Hess said that they were told that with the standard permit that LLHD would require grease traps, etc.

Mr. Carpenteri suggested that they check into that as a lot of food is prepared by microwave and would not require that; he also noted that what she is citing is a personal hardship.

Mr. Clapp noted that the basis for the zoning denial was that she is within 500' of a school and another liquor outlet –

Mr. Carpenteri said that a café license has to follow those regulations; he added that new restaurants are going for a standard restaurant license.

Mr. Clapp noted that he reviewed the business and that 95% of them do have liquor. He also said that he does not feel that it truly fits within the 'rules' as she is not competing with the fish market or Max's. He cited the Dram shop act regarding becoming intoxicated and going out and causing an accident. He also noted that they do advocate that they can hold bridal parties and asked how she would handle that –

Ms. Hess said that they would make sure that anyone would have an Uber or other ride or they would not let them leave. She also noted that those events (bridal parties) are limited to 1.5 hours.

Mr. Carpenteri said that the other issue is that a variance goes with the land which would be a problem.

Ms. Hess countered that her business is a very narrow and unique one.

Mr. Mace asked what was suggested to her when she went to zoning.

Ms. Hess said that it was BYOB.

Mr. Mace asked if there was any consideration for the standard restaurant license.

Ms. Hess said that her understanding was that they would need a grease trap and other things.

Mr. Carpenteri said that he thinks that LLHD would probably work with her as there are microwaves that they can use to heat food so that they would not need ovens.

Mr. Carpenteri asked if there were any comments from the public –

Frank DelCampo, 38 Groton Long Point Rd. said that he would like to touch on the three points as he has a vested interest. He said that he works with MPR Assoc. in Town and has since 2007 and that he thought that this was a really good idea. They have a much smaller splatter room and there are a lot of kids that come for the splatter room. When they can get the beer/wine component it will help it be a success as he does not feel that the business can survive with only kids.

Mr. Fitzgerald asked what the same business does in other Towns.

Mr. DelCampo said that the one in Essex is tied to a restaurant –

Mr. Blair asked if there are other existing businesses with café permits.

Mr. Carpenteri noted that the café license has very strict guidelines. He noted that he sits on this Board to try to help but they have to follow the guidelines and realistically she does not have a valid hardship here. He said that she does not have the option to go for a standard restaurant liquor permit. He added that he thinks that it is a great idea for her to go for the standard restaurant liquor permit and use a microwave to heat food.

He asked if the Board members had any further questions.

Hearing none –

Mr. Carpenteri closed this Public Hearing at 7:16 PM.
Mr. Carpenteri said that they would now deliberate and make a decision on the application.

Mr. Carpenteri explained that the only comments that they can take now are from the applicant and only if they have technical questions that they need answered. He also informed the applicant that in the event that they wish to contest the decision that they have 15 days in which to appeal it to the Superior Court.

REGULAR MEETING

Mr. Carpenteri opened the Regular Meeting at 7:17 PM.

Case No. 2-2021: Application of Suzanne Hess, Owner of Pinspiration, for a variance of the East Lyme Zoning Regulations Alcoholic Liquor Outlets Section 20.20.1 and 20.20.3 for property located at 15 Chesterfield Road, Unit #2. Said parcel appears on the East Lyme Assessor's Map 31.1, Lot 55.

Mr. Carpenteri called for discussion or a motion on the application.

Mr. Mace said that unfortunately there is nothing unique about this property versus others and there is no definable hardship.

****MOTION (1)**

Mr. Mace moved to DENY the Application of Suzanne Hess, Owner of Pinspiration, for a variance of the East Lyme Zoning Regulations Alcoholic Liquor Outlets Section 20.20.1 and 20.20.3 for property located at 15 Chesterfield Road, Unit #2. Said parcel appears on the East Lyme Assessor's Map 31.1, Lot 55.

Mr. Blair seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Mr. Carpenteri noted that there just is no hardship and again suggested that Ms. Hess go for the standard restaurant license and work with LLHD on the microwave.

ADJOURNMENT

Mr. Carpenteri called for a motion to adjourn.

****MOTION (2)**

Mr. Blair moved to adjourn Case #2-2021 of the East Lyme Zoning Board of Appeals at 7:20 PM.

Mr. Clapp seconded the motion.

Vote: 5 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary