

**EAST LYME ZONING COMMISSION
REGULAR MEETING
Thursday, APRIL 4th, 2008
MINUTES**

Apr 7 20 08 at 3:55 AM PM

Esther B. Williams

EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Regular Meeting on April 4, 2008 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

PRESENT: Rosanna Carabelas, Acting Chairman, Marc Salerno, Acting Secretary, Norm Peck, Steve Carpenteri, Ed Gada, William Dwyer, Alternate

ALSO PRESENT: Paul Formica, Ex-Officio, covering for Rose Ann Hardy

ABSENT: Mark Nickerson, Chairman, Bob Bulmer, Alternate

1. Call to Order

Acting Chairman Carabelas called this Regular Meeting of the Zoning Commission to order at 8:06 PM after the two previously scheduled Public Hearings. The Pledge had been previously observed.

Public Delegations

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

There were none.

Regular Meeting

1. Application of Sonny Chok for a Special Permit for outdoor Dining at 344-348 Main Street, Niantic, CT.

Ms. Carabelas said that they had just closed this Public Hearing.

****MOTION (1)**

Mr. Peck moved to approve the Application of Sonny Chok for a Special Permit for outdoor Dining at 344-348 Main Street, Niantic, CT.

Mr. Carpenteri seconded the motion.

Mr. Dwyer said that the speakers and lighting would have been concerns of his and that Mr. Chok has met these concerns.

Mr. Salerno said that low level music would be fine and that Mr. Chok has said that he will speak with Mr. Mulholland regarding any outside lighting. He said that he thinks that this is great for the Town and that the patio area will be an enhancement to the area.

Vote: 6 – 0 – 0. Motion passed.

Ms. Carabelas said that this decision would publish on 4/10/08 and become effective on 4/11/08.

2. Application of Leo Roche for Black Sheep LLC for a Special Permit under Section 25.5 Residential Unit in a CB Commercial Structure located at 247 Main Street, Niantic, CT.

Ms. Carabelas said that they had just closed this Public Hearing.

****MOTION (2)**

Mr. Salerno moved to approve the Application of Leo Roche for Black Sheep LLC for a Special Permit under Section 25.5 Residential Unit in a CB Commercial Structure located at 247 Main Street, Niantic, CT.

Mr. Dwyer seconded the motion.

Mr. Salerno said that he thinks that this is a fantastic addition to the downtown area.

Ms. Carabelas said that she thinks that this is a terrific idea and that the Master Plan had this as a recommendation for the downtown area.

Mr. Salerno added that this is in a parking overlay zone so parking is not an issue.

Vote: 6 – 0 – 0. Motion passed.

Ms. Carabelas said that this decision would publish on 4/10/08 and become effective on 4/11/08.

3. Zoning Fees

Ms. Carabelas said that they would table this until the April 17, 2008 meeting of the Commission so that Mr. Mulholland could be present to discuss the changes that he had made at their request, with them.

4. Approval of Minutes – Public Hearing I, Public Hearing II and Regular Meeting Minutes of March 6, 2008.

Ms. Carabelas called for discussion on, or corrections to the Public Hearing I and II and Regular Meeting Minutes of March 6, 2008.

****MOTION (3)**

Mr. Carpenteri moved to approve the Public Hearing I, Public Hearing II and Regular Meeting Minutes of March 6, 2008 as presented.

Mr. Gada seconded the motion.

Vote: 5 – 0 – 1. Motion passed.

Abstained: Mr. Dwyer

Old Business

1. Stormwater

There was nothing new to report.

2. Subcommittee – Niantic Village – CB Zones (Mark Nickerson, Marc Salerno & Norm Peck)

Mr. Salerno said that they are working on this.

3. Subcommittee – Adult Uses (Rosanna Carabelas)

Ms. Carabelas said that the language is being worked on.

4. Transitional Zones Subcommittee – (Marc Salerno & Norm Peck)

There was no report.

New Business

1. Application of Paradise Property Management LLC for a Zone Change from LI to CA Commercial for property identified in the application as 11 Industrial Park Road, East Lyme, CT. Property is further identified as Assessor's Map 26.1, Lot 3.

Ms. Carabelas asked that Mr. Mulholland schedule this for Public Hearing.

2. Application of Theodore A. Harris for Craig and Tricia Augone for a Special Permit and CAM application for a project known as Methodist Street Condominiums, at property located at 41-43 Hope Street and 45-47 Hope Street. Property is further identified as Assessor's Map 11.2, Lot 123 and Map 12.1, Lot 8.

Ms. Carabelas asked that Mr. Mulholland schedule this for Public Hearing.

3. Application of Francis and Robert Mattison for a Special Permit under Section 3.2.3 to operate a dog kennel at property identified in the application as 98 Grassy Hill Road, East Lyme, CT.

Ms. Carabelas asked that Mr. Mulholland schedule this for Public Hearing.

4. Any other business on the floor, if any, by the majority vote of the Commission.

Ms. Carabelas said that she was concerned over the vacancy created by Mr. Birmingham going to the Board of Finance and the 30 day time frame. She asked when Mr. Birmingham had resigned and said that she would like to nominate Pam Byrnes for the position this evening so that they do not get too close to the time frame or go over and then the Board of Selectmen would fill the position.

Mr. Salerno said that he would not feel comfortable voting this evening and that the position is a Republican position and they should hear from people who are interested. Ms. Byrnes is a Democrat.

Mr. Dwyer expressed his concern over the legality of voting this evening as it is a public position and the public should have the right to indicate if they are interested in serving and fill the position. He suggested that they put an ad in the paper and on the website and Channel 22.

Mr. Peck suggested that at the last election that there were some pretty impressive people running for the positions on land use who did not get elected and that he does not care about the party as much as the fact that they should put this information of an opening out to the public and let anyone interested come and speak to them.

Mr. Salerno agreed with Mr. Peck and said that he was not willing to vote for anyone without first putting it out to the public.

Ms. Carabelas said that Ms. Byrnes had only lost by 20 votes and that she should have the position and she also has the experience. Also, she is concerned that the 30 days will be up before the next meeting.

Mr. Formica called Mr. Birmingham from the meeting and received information from him that he had resigned his Zoning position on March 14, 2008. This would mean that April 10, 2008 is the 30th day.

After further discussion it was agreed that they would hold a Special Meeting of the Commission on Thursday, April 10, 2008 at 6 PM to hear from those interested in filling the Alternate position that is vacant on the Zoning Commission. An ad would be placed on the Channel 22 scroll as well as the website, which Mr. Peck would write and Ms. Carabelas would call the newspaper and ask for a free spot regarding the Zoning Commission looking for persons interested in serving.

5. Zoning Official

Mr. Mulholland was not able to be present.

6. Comments from Ex-Officio

Mr. Formica said that they are trying to take all of the land use fees and group them together to bring them to Public Hearing and to try to address the ordinances together to save some money on the process. He also said that the Gateway is progressing and that the Walnut Hill area begs some future discussion on the Zoning in that area regarding farmland or up-zoning. He said the Mr. Kalal suggested agri-tourism for people to be able to see working farms.

7. Comments from Zoning Commission liaison to Planning Commission

There was no report.

8. Comments from Chairman

Ms. Carabelas said that she did not have anything further to report.

9. Adjournment

****MOTION (4)**

Mr. Salerno moved to adjourn this Regular Meeting of the East Lyme Zoning Commission at 8:35 PM.

Mr. Dwyer seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary