

Feb 25 20 08 at 3:50 AM PM

**EAST LYME ZONING COMMISSION
PUBLIC HEARING II
Thursday, FEBRUARY 21st, 2008
MINUTES**

Esther Bulmer

EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Public Hearing on the Application of Harry and Trifonas Loginidis d/b/a Family Pizza for a renewal of a Special Permit for Outdoor Dining at 233 Main Street, Niantic, CT on Thursday, February 21, 2008 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the Public Hearing and called it to order at 7:40 PM after the previously scheduled Public Hearing.

- PRESENT:** Mark Nickerson, Chairman, Marc Salerno, Acting Secretary, Ed Gada, Norm Peck, Bob Bulmer, Alternate, William Dwyer, Alternate
- ALSO PRESENT:** Harry Loginidis, Applicant
John Birmingham, Alternate
- ABSENT:** Rosanna Carabelas, Secretary, Steve Carpenteri
- PANEL:** Mark Nickerson, Chairman, Marc Salerno, Acting Secretary, Ed Gada, Norm Peck, Bob Bulmer, Alternate, William Dwyer, Alternate

Pledge of Allegiance

The Pledge was observed.

Public Hearing II

1. Application of Harry and Trifonas Loginidis d/b/a Family Pizza for a renewal of a Special Permit for Outdoor Dining at 233 Main Street, Niantic, CT.

Mr. Nickerson noted that the Legal Ad had run in The Day on February 8, 2008 and February 18, 2008. He said that this was for a renewal of a Special Permit. He then asked Mr. Salerno, Acting Secretary to read the correspondence into the record.

Mr. Salerno, Acting Secretary read the following correspondence into the record:

- ◆ Letter dated 2/21/08 to East Lyme Zoning Commission from William Mulholland, Zoning Official – Re: Family Pizza/Patio Permit Renewal – finding that a review of the application and of his files did not reveal any outstanding issue, or complaints concerning the operation and use of the patio and that the facility has been an asset to Niantic Main Street and is in keeping with the Commission's efforts to encourage outdoor dining in Niantic.

Mr. Nickerson called upon the applicant regarding this application.

Harry Loginidis, owner and applicant asked the Commission if it is reasonable to have to apply on an annual basis for this as this is an existing business. He said that he has spoken with Mr. Mulholland and Mr. Formica about this as he feels that since this is an existing business which remains the same each year and does not change, that he should not have to re-apply. He said that he could understand if he is changing his business.

Mr. Nickerson noted that they would consider Mr. Loginidis' plight and that when the text amendment was written that it was done with consideration for the worst case scenario and not to single anyone out. He added that they are in the process of reviewing their fee structure and that the fee for this renewal is subject to being reduced. Perhaps there could be discussion on how to apply for this without having to come to a Public Hearing if everything is in order.

Mr. Loginidis said that his issue is that he is not the only one with the patio there and that he feels that he is being singled out and nothing changes with how he does business there.

Mr. Nickerson explained that the Zoning regulations are a living document and that Mr. Loginidis could speak with Mr. Mulholland regarding these regulations and that perhaps they could work together to make it better.

Mr. Loginidis asked for an idea on how they would change the regulation and if he could work with both Mr. Mulholland and the Commission on this rather than only one person. He said that he is not serving any alcohol outside and that he runs a family oriented business and that he is trying to keep it that way as he does not want to have to supervise the patio business. People take their food outside and eat in the nice weather and when it is too hot, they don't even bother to eat outside.

Mr. Nickerson said that they did not anticipate any issues with Mr. Loginidis' business and that it is known that he runs a good business. He added that they do anticipate the Permit renewal fees coming down.

Mr. Peck explained that when they put this regulation into effect some two (2) years ago that they did not know what was going to happen downtown and that they had been told that an Irish Pub was coming with all sorts of rowdy noise and that any number of things could happen so they took the conservative approach and that was the intent – to try to cover all things that could happen – and not to single anyone out.

Mr. Salerno said that when they zone that they have to consider the worst case scenario and not just any one specific case.

Mr. Dwyer added that the renewing of the special permit and this process gave them the power to do this and to be able to review the business.

Mr. Loginidis said that his issue is not the fee but the fact that it should apply to everyone equally and that it does not.

Mr. Bulmer asked Mr. Loginidis if he is doing the same type of business as he was in the past or if there are any changes to this from his past business.

Mr. Loginidis said that it will be exactly the same – weather permitting – the outside dining availability will open on May 1, 2008 and will close around the end of September. He said that he will be open the same hours – roughly from 11 AM to 8 or 9 PM for outside dining as around that time the mosquitoes and bugs are very bad and no one wants to eat outside. He said that his business has the same hours of operation as it always has had and that it closes at 10 or 11 PM. No alcohol would be served or consumed outside.

Mr. Nickerson called for public comments in favor, against or neutrally on this application –

Kristin Burrows, 4 Lloyd Road, Waterford said that she is in favor of renewing this Special Permit. She said that Family Pizza has great food and that she hopes that they stay where they are and continue to do the same great business that they do now.

Charles Ambulos, 1 Blueberry Lane said to the applicant to keep up the great work and the great business and to the Commission to approve the Special Permit.

Mr. Nickerson asked if the Commission had any other questions or comments –
Hearing none –

Mr. Nickerson called for a motion to close this Public Hearing.

****MOTION (1)**

Mr. Salemo moved that this Public Hearing be closed.

Mr. Gada seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson closed this Public Hearing at 8:12 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary