

East Lyme Zoning Commission
Public Hearing #1 and #2
November 5, 1998
Minutes

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The East Lyme Zoning Commission held a Public Hearing on November 5, 1998 at Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut 06357.

PRESENT: Paul Formica, Chairman, Norman Peck, Christopher Mullaney, Shawn McLaughlin, and William Dwyer, Alternate.

Also Present: William Mulholland, Zoning Officer.

Absent: Athena Cone, Secretary, William Weber, Robert Bulmer, Rose Ann Hardy, ex-officio.

Mr. Formica opened the Public Hearing at 7:30 PM. Mr. Dwyer will be a voting member of the Commission.

I. Public Delegation - None

PUBLIC HEARING #1

Application of Patrick Quinn to amend the existing Special Permit for Aces High RV Park (301 Chesterfield Rd, East Lyme, Connecticut) to permit on-site winter storage of recreational vehicles.

Mr. Formica indicated that although he was a member of St. Mathias Church Parish, he believed he had no conflicts in this issue and that he could decide it fairly.

Mr. Formica read into the record:

- a. A letter from Mr. Mulholland to the Zoning Commission dated October 22, 1998.
- b. A letter to Mr. Mulholland, Zoning Officer from Ann and Patrick Quinn, Aces High RV Park, dated August 6, 1998 requesting an amendment to the existing Special Permit to allow on-site storage of recreational vehicles for winter storage.
- c. A letter dated September 2, 1998 from the Shoreline Chamber of Commerce President, Loretta Walker supporting the application of Ann and Patrick Quinn.
- d. A letter dated October 26, 1998 from Robert and Patricia Katz, 51 Walnut Hill Rd. to the Zoning Commission opposing the amendment to Aces High RV Park Special Permit amendment.
- e. A letter dated October 7, 1998 from Harold Kaplan, Chairman of the East Lyme Planning Commission indicating that the Commission on 10/6/98 recommended approval of the application of Ann and Patrick Quinn.

Mr. Formica noted that the legal ad for this Public Hearing was published twice in The New London Day newspaper on 10/9/98 and on 10/19/98.

Mr. Granville Morris presented correspondence to the Commission from a R. A. Granger, 306 Chesterfield Rd. who was unable to attend and who supports the amendment to the Special Permit. The Chairman read the letter into the record.

Mr. Granville Morris, O'Brien, Shafner, Stuart, Kelly & Morris, P.C., 27 Oak Hill Drive, Niantic, Connecticut, attorney for the applicant, addressed the Commission and Public. Mr. Morris indicated that the applicants were seeking a clarification of the Special Permit and also an amendment to the Special Permit granted May 1997.

In the Special Permit, Paragraph 1, there is a provision which provides "seasonal use only - April 1-October 31 including store". The applicant requests clarification to ascertain whether occupancy of the residence is permitted year round. The manager's residence is part of a multipurpose building and the applicant is seeking to have the manager on-site for security and maintenance purposes. The applicants do not believe that the year round use of the manager's residence will adversely effect the public health, safety or property values and request either clarification of the permit or permission to amend the permit to allow that.

Mr. Morris noted that Paragraph 2 of the Special Permit required that "All recreational vehicles (RV's)/trailers shall be removed from the site by the date of November 1". He added that this provision is impacting the business in that the RVs are moving to other parks with winter storage and not necessarily returning to Aces High RV Park. This is one of the main reasons for seeding the amendment. In a memorandum to the East Lyme Zoning Commission, Mr. Morris outlined some suggested conditions that may be included as part of the modified Special Permit and reviewed this memorandum.

1. No RVs/trailers shall be occupied by any person during the period of November 1st to March 31st.
2. The park owner will maintain a list with the name of the owner of each RV/trailer stored from the period November 1st to March 31st together with the address of the owner, description of the RV/trailer and its location in the park. All RVs/trailers stored for the winter shall be located in an individual overnight site at the park.
3. No RV/trailer stored at the park between November 1st and March 31st shall be connected to any park utilities. No generators shall be operated to provide electric power to any RV/trailer for this period.
4. The park owner shall cut off all utilities to the 43 individual overnight sites at the park during this period.
5. The park owner shall close and lock the electric gate on the main access road during this period thereby limiting access to the sites. Mr. Morris addressed the issue of emergency vehicle access.
6. By October 15th of each year, the owner shall provide the Tax Assessor for the Town of East Lyme a list of the name and address of the owner(s) of each RV located in and overnight site as of October 1st together with a description of the RV/trailer

Mr. Morris stated that the applicants believe that they meet the three requirements that the Commission has to find in order to amend a Special Permit. (1) Proposed use is an expressly permitted use under the Zoning Regulations. He cited Section 12.1.1A. The section allows any accessory use customary and incidental to the permitted use. Winter storage of these vehicles is part of the recreation complex and an accessory use of that complex. The manager's residence is believed by the applicants to be an incidental use associated with the operation of the RV Park. (2) The standards of the regulation is satisfied. Mr. Morris noted that the Special Permit was granted and Site Plans were submitted and approved. The existing building and the storage sites (43) meet the standard. (3) Conditions necessary to protect the public health, safety and property values. The storage of the RVs will produce little or no additional traffic. The manager on-site will provide a measure of safety and security. Tax revenue will be generated with no offsetting educational/school costs.

Mr. Morris then addressed some zoning issues.

1. There was a gas tank located in the buffer at the entrance of the park. It has been removed from the buffer.
2. A playscape located in the buffer near one of the lakes. This also has removed it from the buffer.
3. There were two campsites in the buffer near St. Mathias Church line. The applicant removed the sites and reseeded the area. The electric and water facilities there as well and the electric was removed.
4. The applicants request that the water spigots remain.
5. Mr. Mulholland, upon inspection of the Park, noted 44 sites. Mr. Morris indicated that the additional site was created for the construction trailer, and that site has been abandoned leaving 43 sites on the property.

Mr. Morris presented the Rules and Regulations of the Aces High RV Park.

Mr. Formica took issue with the second request made by the applicants during this Public Hearing, that the Commission clarify the use of the manager's year round residence. Mr. Morris indicated that the Special Permit was not clear on that matter and was requesting clarification only.

After review of the conditions of the Special Permit, one indicated that security on-site must be provided by the applicant and one employee must be on-site at all times. Mr. Dwyer indicated that the Commission had addressed the building use originally and it was, to his understanding, for seasonal use. The Commission will put this issue aside for the time and address it at a later time.

Mr. Peck inquired is any additional lighting would be necessary if RVs were stored over the winter. Mr. Morris indicated that no further lighting would be installed.

Mr. Dwyer noted that the Park owners are required to maintain the names and addresses of RV owners under OPM Sec 12-43.

Mr. Formica inquired as to the closing up and storage of the RVs. Mr. Quinn responded that the owners may not have space at their city residences to store them. He noted that some of the RVs belong to retirees who spend the winter in Florida or elsewhere, return in the spring and want to reside at the same park if possible. Some of the RVs are large enough to require large trucks to move them, which the owners must hire.

Mr. Price inquired how the RVs are stored. Mr. Morris responded that some are covered, the utilities are disconnected and they are winterized. He added that the antifreeze used is not toxic, it is biologically safe.

Mr. Mulholland stated, in response to Mr. Formica's inquiry, that he had visited the site Monday November 2nd and again at 4 PM, November 5th and was not aware of any violations at this time.

Mr. Formica opened the floor to those wishing to speak in favor of the amendment to the Special Permit.

Lois Schenking, 308 Chesterfield Rd., stated that she has been a 21 year resident of East Lyme. She stated that she was pleased with them as a neighbor.

Robert Farior, 46 Sea Spray Ave., stated that he as stayed at the Park several times. He added that the business should be supported and the Town can receive some tax revenue.

Loretta Walker, 20 Heritage Rd., also spoke in favor of the amendment to the Special Permit. She added that she is a former RV'r and RVs return to the same park as a rule. She saw no problem with winter storage. She also added that the individual RV'rs use the Town's restaurants, gas stations and other businesses.

Dennis Arruda, 3 McElaney Dr. stated that he feels it is an excellent campground and that they stick by their rules and regulations.

Joe Kwasniewski, 67 Walnut Hill Rd. inquired if there was another such park in Town and if they were required to abide by the same conditions. Mr. Dwyer noted the Niantic by the Atlantic Park is grandfathered.

Marvin Schutt, 29 Bedford Rd. North noted Mr. Morris' presentation answered the questions he had at the beginning of the Hearing. He stated that it is customary if a camper has a seasonal site that they are allowed to store the RV on that site over the winter. He added that it would improve business for the owner and was therefore in the best interest of the Town.

There being no other speakers in favor of the amendment, Mr. Formica opened the floor to those who wished to speak against the amendment.

Norm Liguori, 20 Cardinal Rd. stated that the success or survival of the business was not the concern of the Zoning Commission. The area is a residential neighborhood with \$200-\$300,000 homes and the park does not enhance the property values. He stated that he does not want to take

the chance that the Park will not deteriorate. He also added that it was, to him, unsightly. He stated that the resident's sentiments were disregarded during the original Special Permit process and requested the Commission heed their sentiments now.

Thomas Manning, 19 Cardinal Rd. agreed with Mr. Liguori and added that he does not believe the Park fits in with the residential area. He stated that he has anecdotal evidence that the Park and Route 11 has a negative influence on the sale of residential property in the neighborhood. He added that having a storage facility raises the possibility of vandalism and vandals and, since St. Mathias Church runs a religious school four days a week from October to May, could place children at risk.

Lou Mostowy, 40 Mostowy Road stated that he is totally against this. He added that he has read the minutes of May 15, 1997 and that the Special Permit was granted with the condition that the Park would not store RVs over the winter. He stated that he is concerned about the RVs being abandoned and the area deteriorate. He also inquired if anyone has calculated what the tax revenue would amount to. He also stated his concern for the decline of property values. Mr. Mostowy also raised the question of additional policing that would be needed.

Vincent Molesko, 28 Cardinal Rd. agreed with the previous speakers and added that the Park with trailers on it and the leaves off the trees is not aesthetically attractive.

John Morris, 30 Cardinal Rd. stated that originally the permit was granted based on non-storage and agreed with the previous speakers.

Guy Shiller, 1 Dart St. stated his concern that to start amending a Special Permit 18 months after its issue would lead to more requested amendments of the terms of the original Special Permit.

Robert Gadbois, 358 Boston Post Rd., stated that the neighborhood does not appear to support this amendment. He added he agreed with them.

Regina Mostowy, 42 Mostowy Rd., stated her opposition to amending the Special Permit. She stated she was concerned that the original Permit conditions would one by one be set aside.

Frank Kapral, 25 Monticello Drive stated his opposition to the amendment.

Bill Rabino, 22 Marion Dr., also stated his opposition.

Victoria Rabino, 22 Marion Drive, stated that she also opposed amending the Special Permit.

Mr. Formica opened the floor for rebuttals.

Mr. Formica noted that a regulation was passed calling for the posting of signs for Special Applications and added that the sign was properly posted.

Mr. Morris addressed some of the comments made. He noted that this RV Park is subject of regulations and restrictions that the other park in Niantic is not subject to. He reiterated that the applicant was requesting an amendment to the Permit, not a variance.

Mr. Peck spoke to the issue of future appearance of the Park. He inquired if further evergreen trees could be planted as an additional buffer to occlude the view from the road. Mr. Quinn responded that he has planted approximately 250 trees on the property. He stated that DEP wanted Cranberry Brook closed down, which was done, and he planted arborvitae there. He iterated where various kinds of evergreens were planted. Along the border with St. Mathias, 100 white pines have been planted.

Mr. Peck inquired if Mr. Quinn could ensure that no exterior structures would be added to the RV/trailers. Mr. Quinn stated that the Rules and Regulations specify that no exterior structures are allowed. He presented the Commission with a copy of the Rules and Regulations of Aces High RV Park. He stated that it is his intention now to allow such structures at this Park.

Mr. Price noted that for the additional months of storage, the tax revenue to the Town would be small. He read Section 12.43, Office of Policy and Management, Property of Nonresidents.

The question was raised if the property were sold, the Rules and Regulations of the Park could change at the discretion of the new owner. Mr. Formica indicated that the Special Permit continues with the site, but the Rules and Regulations can be changed with new management.

Mr. Mostowy inquired as to how many taxes could be collected per the Assessor. Mr. Dwyer indicated that in his conversation with her, she did not indicate. Mr. Liguori inquired if there was a set number of days a camper could stay on the property. Mr. Mulholland indicated that the regulation stated 60 days per year for recreational vehicles occupied as a home.

There being no further comments, Mr. Formica closed the public hearing on the application of Patrick Quinn to amend the existing Special Permit for Aces High RV Park (301 Chesterfield Rd., East Lyme, Connecticut) to permit on-site winter storage of recreational vehicles at 9:22 PM.

PUBLIC HEARING #2

East Lyme Zoning Commission proposal to amend Section 22.1.3 (Multi-Family, Multi-Story units –CA, CB & CM Districts) of the zoning regulations by increasing the minimum parking criteria from one space per bedroom to one and one half spaces per bedroom.

It is specifically proposed to amend Section 22.1.3 by deleting the following language: “one space per bedroom” and substituting “one and one half spaces per bedroom”.

Mr. Formica read the October 7, 1998 letter from Harold Kaplan, Chairman East Lyme Planning Commission stating that the Planning Commission voted to approve the proposed amendment of

Section 22.1.3 of the zoning regulations to increase the minimum parking criteria from one space per bedroom to one and one half spaces per bedroom.

Mr. Formica noted the public advertisement of the Public Hearing was published October 23, 1998 and November 2 in the New London Day.

Mr. Dwyer stated that the subcommittee addressing this item reviewed the regulations of other towns (East Lyme, New London, Noank, Old Lyme, Stonington and Branford) and found that the other town's regulations require one and one half spaces per bedroom or more.

Mr. Formica stated he believed this was an improvement to the regulations.

George MacPherson, 419 Boston Post Rd. stated that when he was an apartment dweller he had three cars and supports with proposed amendment

Granville Morris, 27 Oak Hill Dr. stated that in his years in land use planning as an attorney, he has noted an under-requirement of parking spaces. He commended the Commission for addressing this issue.

There being no further comments, Mr. Formica closed the Public Hearing at 9:33 PM.

Respectfully submitted,



Anita M. Bennett
Recording Secretary