

EAST LYME ZONING COMMISSION

Regular Meeting, April 6, 2023. 7:30 PM

East Lyme Town Hall, main room

RECEIVED FOR RECORD
EAST LYME, CT

Members Present: Chairman Anne Thurlow, Debbie Jett-Harris, Terence Donovan, Nathan Hok, Bill Dwyer, Terry Granatek, Dave Schmitt, Alt., Jay Ginsberg, Alt.,

Members Absent: Denise Markovitz, Alt.

Also Present: William Mulholland, Zoning Official, Rose Ann Hardy, BOS liaison, Sue Spang, Recording Secretary

Call to Order: Chairman Thurlow called the meeting to order at 7:30

I. PLEDGE OF ALLEGIANCE-recited

II. PUBLIC DELEGATION: none

III. PUBLIC HEARINGS: (7:32)

1. Application of Eugen Emimi for Black Point Pizza, for a renewal of Special Permit for Outdoor Dining at 44 Black Point Road, Niantic
2. Application of Eduardo Martone, for a renewal of Special Permit for Outdoor Dining at 11 East Pattagansett Road, Niantic.
3. Application of East Lyme Café, LLC dba Smokey O'Grady's, for a renewal of Special Permit for Outdoor Dining at 306 Flanders Road, Niantic
4. Application of Niantic Morton House, LLC, for Five Churches by the Bay, for a renewal of Special Permit for Outdoor Dining at 215 Main Street, Niantic
5. Application of EH, LLC dba Family Pizza for a renewal of Special Permit for Outdoor Dining at 233 Main Street, Niantic.
6. Application of Leo Roche, for Strive LLC, for a renewal of Special Permit for Outdoor Dining at 247-2 Main Street, Niantic.
7. Application of Teddy Ignataiadis, for Main Street Grille, for a renewal of Special Permit for Outdoor Dining at 252 Main Street, Niantic.
8. Application of Chris Herbert, for La Llarona, for a renewal of Special Permit for Outdoor Dining at 267-283 Main Street, (aka 13 Hope Street), Niantic.
9. Application of Steve Turner, for Lillian's for a renewal of Special Permit for Outdoor Dining at 374 Main Street, Niantic.
10. Application of Kostas Anastasiou, for Niantic Diner, for Charlies, for a renewal of Special Permit for Outdoor Dining at 26 West Main Street, Niantic.
11. Application of Nejla Oksuz, for Niantic Pizza, for a renewal of Special Permit for Outdoor Dining at 53 West Main Street, Niantic.
12. Application of Steve Carpenteri, for Niantic Bay Inn, Inc. (aka Lyme Tavern), for a renewal of Special Permit for Outdoor Dining at 229 West Main Street, Niantic.
13. Application of Candace Devendittis, for Dev's on Main, for a renewal of Special Permit for Outdoor Dining at 255 Main Street, Niantic.
14. Application of Janeth Velin, for Rosa Negra, for a renewal of Special Permit for Outdoor Dining at 214 Flanders Road, Niantic.
15. Application of Martin Zavala, for Zavala's for a renewal of Special Permit for Outdoor Dining at 135 Boston Post Road, Niantic.

T. Granatek read the legal notice and memo from Zoning Official B. Mulholland. B. Mulholland stated the renewals are a yearly requirement and he has no issues with all the items. Item 13 which will be heard at a future time.

MOTION: (Dwyer/Jett-Harris) to close the Public Hearing for applications 1-12 and applications, 14 & 15. **Vote:** APPROVED unanimously.

MOTION: (Jett-Harris/Granatek) to continue the Public Hearing for application #13, Candace Devendittis, for Dev's on Main, for a renewal of Special Permit for Outdoor Dining at 255 Main Street, Niantic. Vote: APPROVED unanimously.

16. Application of George Norden for a Special Permit (Indoor Recreation) to operate an exercise center for individuals over 50 years of age, with chronic pain or illness, at 170 Flanders Road, Niantic, East Lyme Assessor's Map 26.3 lot 11.

The legal notice and sign were posted and T. Granatek read the memo from Zoning Official B. Mulholland.

George Norden, 3 Farmington Drive, Guilford, CT., informed the Commission that he has the same type of business in other locations. He plans on being open M, W, & F from 7:00 AM to 4:00 PM and T, F, from 9:00 AM to 4:00 PM. It is for adults over 50 and there will be approximately 6-8 clients and 2 trainers at one time.

There was no public comment.

MOTION: (Granatek/Dwyer) to close the Public Hearing. Vote: APPROVED unanimously. (7:43)

17. Application of ZDM Properties, LLC for a special Permit and Design Review to redevelop properties identified in the application as 338, 344, & 348 Main Street, Assessor Map 11.2 Lots 165 & 166 into mixed-use (including a takeout restaurant) project per sections 9.2.3 & 9.2.4, 25 & 24 of the Zoning Regulations. (7:44)

N. Peck recused and D. Schmitt was seated.

Norm Thibeault, Killingly Engineering Associates, 114 Westcott Rd. Killingly, CT. N. Thibeault described the location on Main St. where the proposed project is planned to go. He said the building that houses Café Sol, the historical building (constructed in 1894) that houses four apartments and a one story, flat roofed building with two businesses in it will be demolished to make way for a 3 story mixed use building. He stated they are not proposing a restaurant at this point and acknowledged if one were to go in, they would have to come back for approvals.

The proposed building would have 3750 sf. of retail space on the ground level, the second and third level will have a 18 total one and two bedroom apartments. There will be a total of 34 parking spaces, 26 on site at the back of the building and 8 on the street, which will be striped.

The total area required for the project is 24'000 sf. and the total area of the lot is 24,150 sf.

The building will be fully sprinkled for fire safety.

The building is proposed to have a maximum height of 30 ft with fencing for the mechanicals on the roof of 5-6ft.

They will be asking for a sidewalk waiver on the west side of Baptist Lane. There are sidewalks on the east side of Baptist Lane and Main Street. They are proposing a ramp and crosswalk at the intersection of Baptist Lane and Main Street.

All disturbance or damage on or off the site will be the responsibility of the contractor. There will be no burning or burying of materials on site. Property boundary markers will be maintained, if they are disturbed, they will be replaced at the termination of the project.

The stormwater system will be maintained by subgrade infiltration and detention. A catch basin in the southwest corner of the parking lot will feed back into the system. There will be very little runoff from the site.

The building will utilize town water and sewer.

A six-foot-high vinyl fence will be installed around the west, east and south side of the building with evergreens planted as an additional screen. There will be flowering cherry trees in the front.

N. Thibeault expressed the feeling that the building will be a landmark building and he foresees other developers following suit to give East Lyme the appearance of a seaside community that he believes the proposed building will provide the town.

A patio with wrought iron fence will be ground level on the east side of the building. He thought tenants

as well as the public would utilize the patio.

The lighting will be “dark sky” compliant.

(The Commission took a break from 8:15-8:19)

Peter Springsteel, architect, 105 Starr Street, Mystic, presented a photo tour of Main Street, attempting to show how the proposed three-story building will fit into the community. The residential access to the building will be at the back of the building. An elevator in the building will be totally within the building with no tower to show on the outside. The retail space on the lower floor will be built to specifications of any retail or office tenant. The space could be taken by one tenant or more.

The building design incorporates details from surrounding buildings such as pitched gables and double hung windows which will be dark bronze.

The siding will be a combination of man-made materials to mimic natural materials typically used in a New England, seaside community.

P. Springsteel believes the proposed building will hopefully spur other property owners on Main Street to beautify their buildings as some of them need repair and upgrading.

P. Springsteel also stated:

- The building will be type B, ADA accessible
- Traffic study used DOT numbers and traffic catalog to come up with the submitted study and numbers.
- No age requirements
- Owner or building manager will assure it is used correctly.
- No curfew proposed for residents of the building.
- They have no objection to installing car chargers or the infrastructure to accommodate car chargers.
- There is no room for parking to accommodate a full scale restaurant.
- Loading zone is in the rear.
- Fenced dumpster is in the rear.

Public Comment

Chairman Thurlow asked for public comment from people who are in favor of the proposed project—there were none.

Chairman Thurlow asked for public comment from people who are opposed to the proposed project:

Robert VanCour, 107 S. Beachwood Rd. said he had a family member who lived at the house that will be torn down if the project is approved. He stated it is one of the few affordable places to live in downtown and he had to find other accommodations for his relative out of town. The recently built three-story building (Norton Building) does not fit and is a behemoth, now another one is being proposed. He is concerned people utilizing or living in the proposed building will be parking at the town parking lot at the Hole in the Wall, taking parking spaces meant for beach goers and board walkers. He does not think the town will be enhanced by another behemoth building. It is too much on too little space.

Anthony Lisanti, 5 Baptist Ln, is concerned about the parking. He lives on the south side of the proposed building. He said during the summer when the town parking fills up people end up parking on the grass. He is concerned about the number of cars which will be added to the immediate area due to the proposed project. A. Lisanti asked about the noise from tenants and a possible future restaurant, as well as the trees encroaching on his property.

Jessica Dunican and Virginia Brennan, 366 Main St., live directly next to the proposed building. They had many concerns about the proposed building as their property directly abuts it. They have very good relations with the current owner of Café Sol and when there is an issue of sight line coming out of their driveway the owner has accommodated them. They have tried to contact the applicant to discuss issues

or questions, but have so far received no calls back. They asked where the fence is going to be and would it be right on their property line. They are concerned about the milage markers because they are historical and would be upset if they were damaged or removed. The applicant said the building would be approximately 16' from the property line.

J. Dunican and V. Brennan mentioned the dumpster placed close to their property and any damage that would result from the construction. It is very difficult to exit their property in the summer, especially with cars parked on the street.

When asked if the applicant had a timeline for the project, they stated they did not, and it depended on financing and approvals.

Amy Gonsalves, 72 Lovers Lane, said she does not understand how the project takes into consideration the environmental impacts or the impact of the additional traffic.

Richard Steele, 23 Rose Lane, is concerned about the stress on the sewer capacity of the town and that the project does not address affordability, considering they are removing four affordable rental units from the downtown. He asked if the historic house could be moved. If the patio is for the residents, then there should be direct access from the building. Baptist Lane is very narrow and difficult to get into and out of when going to the parking lot for the beach or the boardwalk. He also cannot conceive of commercial vehicles entering and exiting Baptist Lane.

Maria Defosse, 11 King Arthur Dr., believes it will have negative long-term impact on the neighborhood. She is unclear how it meets the POCD by tearing down three buildings to put up one large on. With the addition of downtown traffic, it will make it more difficult to ride her bike safely to town.

Melinda Graus, 27 East Shore Dr., Lollipops and Gumdrops owner, her store is on the opposite side of Baptist Lane from the proposed building, and she is very concerned for the safety of people who walk to the beach and boardwalk. The road is very narrow, and she has seen many close calls of people getting hit. There are many children and teens who access the beach on Baptist Lane.

Barb (?), 26 Huntley Ct, an 1800's house should not be so readily torn down.

Mary Rose Conklyn, 97 W. Main St., is worried about Baptist Lane being too narrow and the parking for the proposed building being inadequate. She asked if the business owners for the proposed building were included in the number of parking spaces required. She thinks the residents will be utilizing the public parking set aside for the beach and boardwalk. She is also worried about safety.

John Vilcheck, 4 Meadow St., remarked on the size of the building. He watched when Crescent Point was proposed and that was the first behemoth, then the Sift building went in which added another behemoth and now a third is being proposed. He said Main Street in turning into all three-story buildings.

Richard Steele, 23 Rose Lane, asked if a driveway could be installed on west side?

MOTION: (Jett-Harris/Donovan) to continue the Public Hearing to April 13. Vote: APPROVED unanimously.

(Peck is reseated)

IV. REGULAR MEETING

1. Approval of Minutes of February 16, 2023

MOTION: (Donovan/Jett-Harris) to approve the minutes of February 16, 2023, as amended.

J. Ginsberg Markovitz and D. Schmitt were seated.

Regular Meeting, I

—J. Ginsberg Markovitz and D. Schmitt were seated.

Vote: APPROVED Unanimously.

Approval of Minutes of March 16, 2023

MOTION: (Donovan/Granatek) to approve the minutes of February 16, 2023, as amended.

Call to Order: ~~Chairman Thurlow~~ T. Granatek called the meeting to order at 7:30
Vote: APPROVED. In favor-Donovan, Granatek, Jett-Harris, Dwyer, Peck. Opposed-none.
Abstaining-Thurlow.

2. Approval of Special Permit Renewals for Outdoor Dining, Public Hearing items 1-12, 14 & 15.
(item 13 is a continued public hearing)

MOTION: (Donovan/Jett-Harris) to approve the previously read special permits for outdoor dining, items 1-12, 14 & 15. Vote: APPROVED unanimously

3. Application of George Norden for a Special Permit (Indoor Recreation) to operate an exercise center for individuals over 50 years of age, with chronic pain or illness, at 170 Flanders Road, Niantic, East Lyme Assessor's Map 26.3 lot 11

MOTION: (Granatek/Jett-Harris) to approve the application of George Norden for a Special Permit (Indoor Recreation) to operate an exercise center for individuals over 50 years of age, with chronic pain or illness, at 170 Flanders Road, Niantic, East Lyme Assessor's Map 26.3 lot 11.

Vote: APPROVED unanimously.

4. Application of ZDM Properties, LLC for a special Permit and Design Review to redevelop properties identified in the application as 338, 344, & 348 Main Street, Assessor Map 11.2 Lots 165 & 166 into mixed-use (including a takeout restaurant) project per sections 9.2.3 & 9.2.4,25&24 of the Zoning Regulations.

Public Hearing continued

IV. OLD BUSINESS-

1. Subcommittees

1. Architectural Design Review Regulations CA Commercial Zone

B. Mulholland is refining the regulations.

V. NEW BUSINESS

1. Application of Todd Donovan, for The Clubhouse, for a Special Permit for Commercial Indoor Recreation (individual baseball/softball training) at 15 Industrial Park Rd, Niantic, Assessor's Map 26.1 lot 2.

Public Hearing will be scheduled.

2. Application of Dr Cara Obadowski, of the Niantic Veterinary Hospital, for a Special Permit to operate a veterinary practice at 9 Lake Ave., Niantic, Assessors Map 11.2 Lot131.

Public Hearing will be scheduled.

3. Any Business on the floor, if any, by the majority vote of the Commission-none

4. Zoning Official:

The Commission will be very busy in the next few months.

5. Comments from Ex-Officio-R. Hardy informed the members that the BOS approved the fee increases for Building and Zoning

6. Comments from Zoning Commission liaison to Planning Commission-none

7. Comments from the Chairman:

The Commission briefly discussed changes to the bylaws. Anyone with changes should email them to the Zoning Agent and the members.

VII. ADJOURNMENT

MOTION: (Jett-Harris) to adjourn at 9:58. Vote: APPROVED unanimously

Respectfully Submitted
Sue Spang,

