

Minutes of the East Lyme Zoning Commission April 10, 2025, Regular Meeting

Date and Time: 4/10/2025 7:28PM to 8:00PM

Present: Members: Chairman, Anne Thurlow, Secretary, Nancy Kalal, Norman Peck, Michael Foley, Debbie Jett-Harris. Alternates: Sarah Susco. Staff: William Mulholland. Ex-Officio: Roseanne Hardy. Recording Secretary: Jessica Laroco

Absent: Member: Denise Markovitz. Alternates: Jim Liska, Cathy Yuhas.

Location: East Lyme Town Hall Upper Conf Room 108 Pennsylvania Avenue

1. **Call to Order and Pledge**

-Ms. Thurlow called the April 10, 2025, Regular Meeting of the East Lyme Zoning Commission to order at 7:28PM and led the Pledge of Allegiance.

2. **Attendance**

-Ms. Thurlow called the roll and noted that Member Denise Markovitz, and Alternates Jim Liska and Cathy Yuhas were absent.

-Ms. Thurlow sat Alternate Sarah Susco

3. **Public Hearing**

Annual review-Special Permit application for restaurant Outdoor Dining spaces 1-17

1. Application of Roderick Cornish, for Charlie's Place, for renewal of Special Permit for Outdoor Dining at 26 W Main St, Niantic.
2. Application of Nejla Oksuz, for Niantic Pizza, for renewal of Special Permit for Outdoor Dining at 53 West Main Street, Niantic.
3. Application of Martin Zavala, for Zavala's, for renewal of Special Permit for Outdoor Dining at 135 Boston Post Rd, East Lyme.
4. Application of Anna Lathrop, for Gourmet Galley, for renewal of Special Permit for Outdoor Dining at 185 Main St, Niantic.
5. Application of Janeth Velin, for Rossa Negra, for renewal of Special Permit for Outdoor Dining at 214 Flanders Rd, Niantic
6. Application of Steve Carpenteri, for Niantic Bay Inn, Inc, (aka Lyme Tavern), for renewal of Special Permit for Outdoor Dining at 229 W Main St, Niantic.
7. Application of Supawa Au, for Spice Club, for renewal of Special Permit for Outdoor Dining at 239 Main St, Niantic.
8. Application of East Lyme Café, LLC dba Smokey O'Gradys, for renewal of Special Permit for Outdoor Dining at 306 Flanders Rd, East Lyme.
9. Application of Chris Herbert, for Constantine's by the Bay, for renewal of Special Permit for Outdoor Dining at 252 Main Street, Niantic.
10. Application of Eduardo Martone, for Castello's, for renewal of a Special Permit for Outdoor Dining at 11 East Pattagansett Rd, Niantic.

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11. Application of Eugen Emini, for Black Point Pizza, for renewal of Special Permit for Outdoor Dining at 44 Black Point Rd, Niantic.
12. Application of EH, LLC, dba Family Pizza, for renewal of Special Permit for Outdoor Dining at 233 Main St, Niantic.
13. Application of Leo Roche, for Strive LLC, for Black Sheep, for renewal of Special Permit for Outdoor Dining at 247-2 Main Street, Niantic.
14. Application of Hannah Formica, for 374 Kitchen & Cocktails, for renewal of Outdoor Dining at 374 Main St, Niantic.
15. Application of Chris Herbert, for La Llorona, for renewal of Special Permit for Outdoor Dining at 267-283 Main St, (aka 13 Hope St), Niantic.
16. Application of Candace Devendittis, for Dev's on Main, for renewal of Special Permit for Outdoor Dining at 255 Main St, Niantic.
17. Application of Andy Sklavouris, for Five Churches by the Bay, for renewal of Special Permit for Outdoor Dining at 215 Main St, Niantic.

-Ms. Kalal read a memo from the Zoning Official to the Zoning Commission (Attachment 1).

-Ms. Thurlow asked for public comments for, against or neutral to the Public Hearing.

1. Andy Sklavouris, representative for Five Churches by the Bay, 215 Main St, Niantic, wanted to speak about amending the Special Permit. However, Mr. Mulholland noted that this was not included in the application tonight.
2. Paul Formica, representative for 374 Kitchens and Cocktails, wished to speak about the description of umbrellas. He was reminded that there is a proposed Text Amendment upcoming and would be open for public comment at that time.

MOTION 1

Ms. Jett-Harris moved to close the Public Hearing.

Mr. Foley seconded the motion.

Motion passed 6-0-0.

4. Regular Meeting

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MOTION 2

Ms. Jett-Harris moved to approve items 1-7 above as presented.

Mr. Foley seconded the motion.

Motion passed 6-0-0.0

MOTION 3

Mr. Foley moved to approve items 8-17 above, amended to include bistro string lights, as presented.

Ms. Jett-Harris seconded the motion.

Motion passed 6-0-0.

5. Disposition of Minutes

Approval of Minutes of March 20, 2025, Regular Meeting

MOTION 4

Ms. Kalal moved to approve the Minutes of the March 20, 2025, Regular Meeting of the East Lyme Zoning Commission, as presented.

Ms. Jett-Harris seconded the motion.

Ms. Susco abstained from the vote.
Motion passed 5-0-1.

6. **Old Business** -There was none

7. **Subcommittee Reports** There were none

8. **New Business**- There was none.

8-a Any business on the floor, if any, by majority vote of the Commission. -There was none.

8-b Correspondence-There was none.

9. **Public Delegations** – There was none.

10. **Zoning Official**- No comment

11. **Comments from Ex-Officio**

-Ms. Jett-Harris asked if the BOS had discussed the Affordable Housing Appeals Moratorium.

-Ms. Hardy responded that there is time for discussion, and it has not happened yet.

-Ms. Jett-Harris asked that Ms. Hardy bring the idea to the BOS that electric boxes could be painted by local artists.

-Ms. Hardy agreed to bring the suggestion, but she thought the boxes were perhaps private property.

-Ms. Thurlow asked if there was any discussion regarding the old police station on Main St.

-Ms. Hardy indicated there was nothing currently, as there is contamination on the site.

-Ms. Thurlow asked if Amtrak had any plan to replace the rusted and bent fence.

-Mr. Mulholland recalled a distant discussion but that had been sidetracked, and he did not know the status.

-Ms. Jett-Harris thanked Ms. Hardy for reading the literature on the Short-Term Rentals.

-Ms. Hardy noted that the upcoming budget had proceeded from the BOS to the BOF and there was a lot of discussion, and cuts/reductions.

12. **Zoning Board Liaison to the Planning Commission**

a. April 8, 2025- Mr. Peck gave the following report:

-The Planning Commission is working on a 20 lot subdivision on Holmes Rd. This was continued and he wondered if they were following the Conservation Design District.

-Mr. Mulholland stated that he thought it was an Affordable Housing application (8-30g)

-Mr. Peck wondered why an Affordable Housing application was being presented to the Planning Commission.

-Mr. Mulholland noted that there may be other steps that include presenting them to the Zoning Commission.

-There is 3 lot subdivision which was approved, off of Heritage Rd.

-There was an interesting discussion about the Zoning Referral regarding the rezoning at the north end of town. He stated that the Planning discussion did not discuss water quality or the reasons for Zoning Commission's wish for Public Hearing. He reported that the sentiment seemed to be that the Planning Commission felt the Zoning Commission only wished to slow down or stop development. He reported that the opposition to the referral was unanimous, and a large reason presented was that it would promote 8-30g housing projects because of the large lot sizes. He feels that the Planning Commission was totally uninformed of the intention from the Zoning Commission for the rezoning. He still feels that someone should discuss it with the Planning Commission because it does not seem like they are ever informed. He expressed concern that they do not seem to be informed in their decisions.

-Ms. Jett-Harris noted that she had heard discussion that the upzoning was not following the POCD and she adamantly disagreed with that.

-Ms. Thurlow asked if Mr. Peck could remember a time when someone had gone to the Planning Commission and Mr. Peck replied that the only person who could, would be Mr. Mulholland or someone not on the Zoning Commission.

-Mr. Mulholland noted that the departments are closely spaced, and the Planning Director could speak with him at any time. The Minutes are available online for review.

-Mr. Foley asked if there were practical results to the Planning Commission denying a referral.

-Mr. Mulholland noted that the statute required a 2/3 majority vote of the Zoning Commission if that were the case, which is a majority vote of a 6 person board anyway.

-Ms. Jett-Harris asked how the valuation would work if they were 8-30g. This type of 8-30g setup of single family houses has not been done in East Lyme before.

b. May 13, 2025- Susco

13. Comments from the Chairman

14. Adjournment

MOTION 5

Ms. Jett-Harris moved to adjourn the April 10, 2025, Regular Meeting of the East Lyme Zoning Commission at 8:00PM.

Ms. Kalal seconded the motion.

Motion passed 6-0-0.

Respectfully submitted,
Jessica Laroco,
Recording Secretary

Town of

Zoning Department



East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357

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MEMO TO: East Lyme Zoning Commission
FROM: William Mulholland, Zoning Official *WM*
RE: Annual Outdoor Dining Permit Renewals
DATE: 4/9/25

It's that time of year again when all restaurants with outdoor dining facilities which serve alcohol must renew their permits. Section 20.25 of the Zoning Regulations requires that the Zoning Commission reapproves each Special Permit annually, provided that each restaurant has been compliant with the Outdoor Dining Regulations.

The following restaurant properties continue to be in compliance with your Regulations and I would recommend reapproval with the same conditions.

1. Charlie's Place
2. Niantic Pizza
3. Zavala's
4. Gourmet Galley
5. Rossa Negra
6. Lyme Tavern
7. Spice Club
8. Constantine's

The restaurants listed below will need to have their permits amended to reflect the installation of additional outdoor lighting in the form of strings of lights installed over the outdoor dining space. Generally, the lights have been suspended from poles surrounding the spaces. These poles provide a structural support for the lights. A review of these installations finds that the lights provide a certain ambiance to the dining experience.

I would recommend that the Board approve these permits including the additional form of lighting.

9. Smokey O'Grady's
10. Castello's
11. Black Point Pizza
12. Black Sheep
13. Family Pizza
14. 374 Kitchens & Cocktails

- 15. La Llorona
 - 16. Dev's On Main
 - 17. 5 Churches by the Bay
-

Motion to Approve: The renewals for Outdoor Dining Special Permits as presented with the same conditions, numbers 1-8.

Motion to Approve: The renewals for Outdoor Dining Special Permits as presented with the addition of bistro lighting for numbers 9-17.

Motion to Deny: List restaurants/reasons

