

TOWN OF EAST LYME
ZONING COMMISSION

MAY 5, 2011

PUBLIC HEARING

Members Present:
Marc Salerno, Chairman
Steve Carpenteri
Mathew Walker
Norm Peck
William Dwyer, Alternate

FILED May 10, 20 11
AT 9:10 AM.

J. Salerno
TOWN CLERK

Members Absent:
Ed Gada
Rosanna Carabelas

Also Present:
Bill Mulholland, Zoning Officer

MINUTES

CALL TO ORDER

Chairman Salerno called the meeting to order at 7:33 p.m.

PLEDGE OF ALLEGIANCE

Chairman Salerno led the assembly in the Pledge of Allegiance.

Chairman Salerno asked Mr. Dwyer to sit as a regular voting member for the Public Hearing.

PUBLIC DELEGATIONS

There were no public delegations.

PUBLIC HEARING

1. Continuation of Application of Craig Taft, for a Special Permit for Outdoor Dining at property identified in the application as 267-283 Main Street, Niantic, Connecticut. Assessor's Map 12.1, Lot 103.

Mr. Carpenteri read a memo from Mr. Mulholland.

Mr. Carpenteri recused himself for Item 1.

Mr. Mulholland stated the legal ad had run on this item.

Mr. Walker read a letter from Craig Taft to Mr. Mulholland.

Craig Taft presented the application. They did not receive the certified letter for the last public hearing. He and his partner, Bob Phillips are both East Lyme residents. They have been going to Burke's Tavern for 20 years. They will not be having hard rock, hip hop or gangster music. They have music inside 3 to 4 nights per week. They are proposing putting music on the patio on weekends. This will be a positive addition to East Lyme in the summertime. They will be responsible, and he and his partner are there all of the time. The music will be acoustic. This is nothing that hasn't been done before there; they just want to take the proper steps to have it approved now.

Mr. Mulholland stated it will be acoustic music, and do they have any idea the number of people who would be playing?

Mr. Taft stated they may have a guy on bass and a few guitars.

Mr. Mulholland asked what days of the week.

Mr. Taft stated it will be on weekends, and will really depend on the weather. They don't want to compete with themselves, so it wouldn't be on nights that there is music inside.

Mr. Dwyer asked if this Special Permit is for one year.

Mr. Mulholland stated yes they have alcohol so it would be for one year. If there are complaints he would call them, and then send a correspondence. At the time of their renewal of this permit he will report to this Commission any issues.

Mr. Salerno asked if there would be amplifiers outside.

Mr. Taft stated yes.

Mr. Walker stated they have had music on the patio over the years. He doesn't see any neighbors here in opposition.

Mr. Peck stated they have approved several of these for downtown, and he recalls there being a time limit on the music.

Mr. Salerno read the conditions that were place on the approval for The Black Sheep.

Mr. Taft stated The Black Sheep is different and is closer to neighbors. The sidewalk at The Black Sheep parallels the sidewalk. Burke's patio is segregated.

There was no public comment.

Mr. Salerno stated 11:30 seems kind of late and the sound travels down Hope Street. The first application they were being quite conservative with.

Mr. Mulholland stated later this evening they will be voting to amend the outdoor dining regulations. He did research and Newport, Rhode Island is very rigid for entertainment of any kind. The Black Sheep was our first venture. They are trying to balance the downtown by encouraging people to live there. It hasn't been out of control, and there is only the occasional complaint.

Mr. Salerno stated 11:30 may be a little late for the music.

Mr. Taft stated 11:00 would be the maximum. They would certainly be in compliance, and they may also have music on the patio on holidays.

Mr. Mulholland asked Mr. Taft to define weekends.

Mr. Taft said Friday, Saturday, Sunday and holidays.

Motion (1) Mr. Dwyer moved to close the Public Hearing.

Seconded by Mr. Peck.

Motion Passed 4-0.

2. Application of the Town of East Lyme to amend the East Lyme Zoning Regulations Section 20.27 Outdoor Dining.

Mr. Carpenteri returned for Item 2.

Mr. Mulholland stated the legal ad had run on this item.

Mr. Carpenteri read an email letter from Marcy Balint of the CT DEP.

Mr. Carpenteri read a letter from James D. Rabbitt, of the Southeastern CT Council of Governments.

Mr. Salerno reviewed the proposed amendment. He and Mr. Mulholland have worked on this. When the regulations were put in they were very conservative with them. This has been very successful. There have not been many issues, and they want to loosen them up. They would now only need a Special Permit if they are serving alcohol.

There was no public comment.

Mr. Salerno asked if the Commission thought changing the square footage to 1000 was enough.

Mr. Mulholland stated he had a discussion with someone who wanted 1500. Over 1000 could be problematic. That is something the Commission needs to decide.

Mr. Peck stated if the change is a substantial change they can't do it without a public hearing. If someone wants over 1000 square feet let them come in.

Mr. Carpenteri stated he likes the idea of keeping it at 3 years.

Mr. Mulholland stated all they would have to do to renew is come into his office.

Motion (2) Mr. Carpenteri moved to close the Public Hearing.

Seconded by Mr. Dwyer.

Motion Passed 5-0.

Respectfully Submitted,

Karen Miller Galbo