

TOWN OF EAST LYME

ZONING COMMISSION

FEBRUARY 16, 2012

PUBLIC HEARING

Members Present:

Marc Salerno, Chairman

Norm Peck

Terence Donovan

Matthew Walker

George McPherson

Matthew Kane

William Dwyer, Alternate (Seated for Item 2)

FILED Feb 22, 2012
AT 1:40 PM.

L. Blais, ATC
TOWN CLERK

Also Present:

Bill Mulholland, Zoning Officer

CALL TO ORDER

Chairman Salerno called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

Chairman Salerno led the assembly in the Pledge of Allegiance.

PUBLIC DELEGATIONS

There were no public delegations.

PUBLIC HEARING

1. **Application of the Town of East Lyme Parks & Recreation Department for a Special Permit and Coastal Area Management Site Plan Review to construct a new beach support building, with bathrooms, at property identified in the application as 8 Atlantic Street (aka McCook's Park) Assessor's Map 11.4, Lot 175.**

Mr. Mulholland confirmed that the legal advertisement had run on Item 1.

Mr. Walker read a memo from Mr. Mulholland, and a letter from Marcy Balint.

Mr. Mulholland reviewed the CAM Act application.

Chairman Salerno stated this will be going in the same spot as the existing bathroom.

Mr. Kane asked if it will be the exact same as the Hole in the Wall.

Mr. Scheer, Town Engineer, stated it would be very similar, but they have added a window in the front. He also stated that sand would render a pervious surface ineffective. So they would not want to have a pervious surface around the new building, as suggested by Marcy Balint.

There were no public comments.

Mr. Mulholland stated they have asked for a waiver of the buffer, and a waiver of the landscaping.

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

Seconded by Mr. Donovan.

Motion Passed 6-0.

- 2. Application of Gerry Karpuska, for a Special Permit for Outdoor Dining at property identified in the application as 26 W Main Street, Niantic, Connecticut. Assessor's Map 11.2, Lot 17.**

****Mr. Peck recused himself and Mr. Dwyer sat in his place.**

Mr. Mulholland confirmed the legal advertisement had run on Item 2.

Mr. Walker read a memo from Mr. Mulholland.

Gerry Karpuska, Cauty Lane, Old Lyme represented the Niantic Diner for the application. The outdoor dining would be a 918 square foot deck to the rear of the building. He stated the owner of the property manages the restaurant as well. He will be putting flower boxes around the deck to screen it. They will be moving a small dumpster up to the area. They will be closing at 9:00 p.m. from Sunday through Thursday, and at 10:00 p.m. on Friday and Saturday. They will be installing down lighting, and it will be low intensity. There will be access from the inside only. There is no parking in that area of the lot so they will not be losing any parking spaces.

Mr. Mulholland stated the property owners recently acquired the property to the West of this property. They meet all setbacks, and do not need a waiver.

Mr. Karpuska stated they are asking for small speakers to play very soft background music. Nobody other than the owner will control the volume on those speakers. They can turn off the speakers in bad weather and in the winter. They will have umbrellas over the tables, but there will be no writing on them. There is no roof over this area.

There was discussion of Mr. Mulholland's memo, as he referenced some of the old regulations.

Kostas Anastasiou of 13 Sapia Drive, Niantic stated that 95% of his customers are there for dinner. They are not there just to drink.

Mr. Donovan asked if there was to be parking under the deck.

Mr. Anastasiou stated there is no parking back there.

Mr. Dwyer asked about handicapped access.

Mr. Anastasio stated he will put a ramp in.

Public Comment

Patricia Avery, 32 West Main Street, Niantic stated the owners of the Diner have done a wonderful job and they run a great business. Her home is to the rear, and sound does travel across the field. They are considering subdividing in the future behind the restaurant. She requested that they prohibit outside speakers and entertainment, and that they allow minimal overhead lighting turned off by 10:00 or table lamps only.

Chairman Salerno asked the applicant if he could live without speakers, and if the lights would be turned off when they close.

Mr. Anastasio stated he could live without the speakers and the lights will go off when they close, other than a motion sensor light in the back.

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

Seconded by Mr. Walker.

Motion Passed 6-0.

****Mr. Peck returned to his seat, and Mr. Dwyer stepped down.**

- 3. Application of Stephanie Torlone, DVM for a Special Permit to operate Veterinary Acupuncture and Herbal Medicine, and Animal Hospital at property identified in the application as 369 Main Street, Niantic, Connecticut. Assessor's Map 11.2, Lot 135.**

Mr. Mulholland confirmed the legal advertisement had run on this item.

Mr. Walker read a memo from Mr. Mulholland.

Stephanie Torlone, 43 Button Road, North Stonington stated she would have one exam room at an acupuncture office that is existing. She would be putting solid waste in special containers. She will not need kennel space. They will be all outpatients, and there will be no surgical treatment.

Mr. Mulholland stated she will be using 150-200 square feet, and will have one animal per hour, and be open 8 hours a day.

There were no public comments.

Motion (3) Mr. Donovan moved to close the Public Hearing.

Seconded by Mr. Walker.

Motion Passed 6-0.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Karen Miller Galbo".

**Karen Miller Galbo
Recording Secretary**