

TOWN OF EAST LYME

ZONING COMMISSION

MAY 17, 2012

PUBLIC HEARING

Members Present:

Marc Salerno, Chairman
Matthew Kane
Terence Donovan
Norm Peck
Matthew Walker
George McPherson
William Dwyer, Alternate (Did not Sit)
John Hogan, Alternate (Did not Sit)

FILED IN EAST LYME
May 23, 2012 AT 10:50 AM

Brian D. Stevens ATC
EAST LYME TOWN CLERK

Also Present:

Bill Mulholland, Zoning Officer

CALL TO ORDER

Chairman Salerno called the meeting to order at 7:31 p.m.

There were no Alternates seated.

PLEDGE OF ALLEGIANCE

Chairman Salerno led the assembly in the Pledge of Allegiance.

PUBLIC DELEGATIONS

There were no Public Delegations.

PUBLIC HEARING

1. Continuation of Application of Theodore A. Harris, Esq., for East Lyme Café, LLC dba Smokey O'Grady's for a Special Permit for Outdoor Dining at property identified in the application as 306 Flanders Road, East Lyme.

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

Mr. Walker read a memo from Mr. Mulholland.

Attorney Ted Harris, 351 Main Street, Niantic stated this is an application for a Special Permit for Outdoor Dining. The actual deck has already been approved in accordance with the approved site plan. The focus is now on the service of alcohol. Attorney Harris submitted the following exhibits:

- 1) Site Plan dated March 22, 2009
- 2) Aerial Photo
- 3) Photos of Deck
- 4) Menu
- 5) Lighting examples

Attorney Harris stated the deck is 500 square feet and is raised above ground. There is a ramp to the top and a handicapped accessible door to the restaurant. They are planning on having approximately 6 tables, and there is a bar area. They have proposed a service bar with 8 seats around the bar. This will allow someone to watch what is going on on the deck. The deck will be partitioned off by a railing and hanging plants. The restaurant serves food all open hours. They have proposed the hours of operation to be 11:00 a.m. to 10:00 p.m. with service stopping at 10:00. They are proposing limited entertainment, there will be no speakers, but time to time they would like to be able to have one to two person acoustical music. There will not be any large bands, no big speakers, and the lighting will be cut off light fixtures which shine down. There will be lighting for the walkway which will be subdued. There will be refuse containers, and there are two dumpsters on site. The parking does meet current parking standards. They do meet the setback requirements. There will be no public address systems. There will be no signage on the deck.

Mr. Mulholland asked if they would have umbrellas.

Mr. O'Reilly, the owners stated they have had some in the past, but not now.

Mr. Mulholland stated they can have umbrellas, but they are not allowed to have any advertising or signage on them.

Mr. Mulholland asked the hours for entertainment.

Mr. O'Reilly stated they do not have any entertainment planned, but they did want to ask for it. They would like to have it from 6:30 to 11:00.

Mr. Mulholland asked how they will secure the bar.

Mr. O'Reilly stated they would use plywood or metal chain roll downs.

Mr. Peck asked if they would be willing to not have music blaring during burials at the cemetery behind them if the cemetery requested that of them.

Mr. O'Reilly stated that would not be a problem.

Mr. Mulholland asked if they would be having waitress service.

Mr. O'Reilly stated yes, and the bartender would also wait tables. They will have two employees out there; one would be out there at all times.

Mr. Donovan asked the capacity of the deck.

Mr. O'Reilly stated it would be 40 people.

Chairman Salerno stated they want to make sure they are outdoor dining and not congregating.

Mr. Donovan stated it will be hard to get people away from the bar at 10:00.

Mr. O'Reilly stated they will shut it down at 10:00 p.m.

Chairman Salerno stated they don't want a bar scene out there.

Mr. O'Reilly stated the bar inside seats approximately 45 people. Food is about 35-45% of their sales. It is getting closer to being a restaurant and not a bar.

Mr. Donovan asked about the Bud sign.

Mr. O'Reilly stated that is a sign on their walk in.

Mr. Mulholland asked if he would agree to remove that sign off of the walk in.

Mr. O'Reilly stated he would remove it.

Chairman Salerno stated the area with the counter needs to be part of the outside dining, so people aren't hanging out drinking there.

Mr. O'Reilly stated he can put chairs there.

Attorney Harris stated the fixed seating will discourage congregating; they can permanently affix the seating at the counter.

Mr. O'Reilly stated they will be setting the tables up with caddies, which will project the area as dining. They will do their best to police the situation.

There was no public comment.

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

Seconded by Mr. Donovan.

Motion Passed 6-0.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Karen Miller Galbo". The signature is written in a cursive, flowing style.

Karen Miller Galbo
Recording Secretary