

TOWN OF EAST LYME
ZONING COMMISSION

JUNE 7, 2012

PUBLIC HEARING MINUTES

FILED IN EAST LYME
June 12, 2012 AT 10:30 AM
Brooke D. Hovew ATC
EAST LYME TOWN CLERK

Members Present:

Marc Salerno, Chairman
Terence Donovan
Norm Peck
George McPherson
William Dwyer, Alternate (Seated)
James Liska, Alternate (Seated – Entered Meeting @ 7:36 p.m.)

Also Present:

Rose Ann Hardy, Ex-Officio
Bill Mulholland, Zoning Officer

Members Absent:

Matthew Walker
Matthew Kane

A. Call to Order

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

Chairman Salerno led the assembly in a moment of silence for the passing of Mr. Robert Bulmer.

B. Pledge of Allegiance

Chairman Salerno led the assembly in the Pledge of Allegiance.

Mr. Dwyer was seated as a regular member for the meeting.

C. Public Delegations

Frank Grace, the owner of Main Street Grill stated there is a scheduling conflict with this meeting. He requested they keep the Public Hearing open after this meeting because a lot of business owners who would like to attend this meeting are also at a Niantic Main Street meeting that the First Selectman is speaking at.

1. Town of East Lyme Zoning Commission proposal to amend the East Lyme Zoning Regulations Section 20.27 item number 4 to expressly prohibit outdoor bars and service bars.

Mr. Mulholland confirmed that the legal ad had run on this item.

**Mr. Liska entered the meeting at 7:36 p.m., and was seated as a regular member for the meeting.

Mr. McPherson read a memo from Mr. Mulholland.

Mr. McPherson read a memo from Marcy Balint of the CT DEEP.

Mr. McPherson read a letter from Mr. Goeschel.

Mr. McPherson read a letter from Southeastern Connecticut Council of Governments Regional Planning Commission.

Chairman Salerno stated the Zoning Commission initiated the outdoor dining regulations about 10 years ago. It was intended for dining, not bars. They want to now be more specific with the language. It is not targeted at any specific business.

Mr. Dwyer stated from what he has observed there is no problem existing. It costs these businesses thousands of dollars to make these. He likes the way it is.

Mr. Mulholland stated outdoor dining was intended to let restaurants have an accessory to allow outdoor dining. The Zoning Commission has asked for clarification regarding outdoor dining. If the Regulations don't say you can, you can't do it.

Chairman Salerno stated the Regulations were written for outdoor dining not outdoor bars.

Mr. Donovan stated we can't take away their business. The way it is written now it is harsh.

Frank Grace, the owner of the Main Street Grill stated the new words expressly prohibit him from facilitating added seats. He understands they don't want night club atmosphere. He is opposed to prohibiting this because it is an integral part of restaurants.

Craig Taft, the owner of Burke's Tavern stated his bar has been open for 15 years. There have been no issues. There are no problems. The Town is lucky to have responsible business owners. They are here to generate revenue for the Town. This makes no sense.

Mr. Mulholland stated they are going to get a legal opinion as to whether present owners would be "grandfathered" in.

Chairman Salerno stated it is his opinion that they would be.

Mr. Mulholland stated he doesn't feel the Zoning Commission is targeting any one business. They have chosen to take a look at it more closely and most likely present business owners would be grandfathered in.

Fred Finn, stated he can't believe the Zoning Commission wants to diminish the ability of businesses to bring in customers.

Mr. Peck stated the Zoning Commission is thinking of downtown. It is an effort to clean up Main Street. If they aren't pro-active with the Regulations they can envision bars up and down Main Street.

Mr. Mulholland stated this is a family community. The Commission has done a good job over the year. There needs to be a balance. They are very pro-business.

Frank Balantic, Laurel Hill Drive, stated this Regulation would stifle businesses. The one year renewal keeps it in check and as a resident he is concerned.

Steve Carpenteri, 25 Harvest Glen, stated he understands what they are trying to do, but they should look at the Regulations and control how many they allow.

Ms. Hardy entered the meeting at 8:20 p.m.

Mr. Grace stated the business owner needs to monitor the clientele.

Mr. Taft stated there is no middle ground in the language, it is stifling.

Mr. Peck suggested continuing the Public Hearing but in the meantime revisit the wording and trim it down.

Mr. Mulholland stated if the language is more forgiving and less restrictive they would not need to re-advertise. They can withdraw it or continue it.

Mr. McPherson stated as a Point of Order members of the Planning Commission are not allowed to speak to the Zoning Commission.

Motion (1) Mr. Liska moved to withdraw Town of East Lyme Zoning Commission proposal to amend the East Lyme Zoning Regulations Section 20.27 item number 4 to expressly prohibit outdoor bars and service bars.

Seconded by Mr. McPherson.

Motion Passed 6-0.

- 2. Application of Joel Rivera, Pastor, Assembly of Hope Church for a Special Permit to establish a church at property identified in the application as 6 Liberty Way, East Lyme. East Lyme Assessor's Map 09.4, Lot 1.**

Mr. Mulholland confirmed that the legal ad had run on this item.

**** Mr. Peck recused himself for Item 2.**

Mr. Dwyer read a memo from Mr. Mulholland.

Pastor Joel Rivera of the Assembly of Hope Church stated he was in agreement with Mr. Mulholland's memo.

Mr. Mulholland stated this is a part of the Bridal Mall Building.

Chairman Salerno stated they have to come to the Zoning Commission for parking, just to make sure there is an adequate amount.

Mr. Mulholland stated there are 57 spaces.

Pastor Rivera stated right now they have about 40-45 people who attend.

Mr. Mulholland stated most people don't go by themselves to church.

Mr. Donovan asked about signage.

Mr. Mulholland stated there is quite a bit of frontage and there will be no problem with signage.

Chairman Salerno stated there is a church in that area now and there has been no problem.

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

Seconded by Mr. Donovan.

Motion Passed 5-0.

Respectfully Submitted,



**Karen Miller Galbo
Recording Secretary**