

TOWN OF EAST LYME
ZONING COMMISSION
SEPTEMBER 18, 2014
REGULAR MEETING MINUTES

Members Present:

Marc Salerno, Chairman
Matthew Kane
George McPherson
Norm Peck
Peter Lukas, Alternate (Sat for Regular Meeting)
William Dwyer, Alternate (Sat for Regular Meeting)

FILED IN EAST LYME
CONNECTICUT
Sept 23, 2014 AT 9:00 AM/PM
Karen M. Salerno, Clerk
EAST LYME TOWN CLERK

Members Absent:

Matthew Walker
Terence Donovan
James Liska, Alternate

Also Present:

Rose Ann Hardy, Ex-Officio
Bill Mulholland, Zoning Officer
Attorney Mark Zamarka
Ernie Covino, Planning Representative

1. REMAND ORDER DATED JUNE 26, 2014, IN THE MATTER OF JAG CAPITAL DRIVE, LLC v. EAST LYME ZONING COMMISSION DOCKET NUMBER HHD LND CV 13-6044284S, FOR THE LIMITED PURPOSE OF A FACTUAL HEARING ON THE DAY TO DAY OPERATIONS OF THE BRIDE BROOK NURSING AND REHABILITATION CENTER.

Mr. Dwyer stated the Zoning Commission sets the ground rules. The Regulations state what convalescent homes are, nowhere is residential mentioned in the definition or permit.

Attorney Zamarka stated as noted in his opening comments during the Public Hearing, the Order is not specific regarding the factual hearing. The Zoning Commission is the finder of fact.

Mr. Dwyer stated he would not be allowed to go live there; he would need a doctor recommendation to get in.

Chairman Salerno stated he agreed and people can't come and go as they please.

Mr. McPherson stated it is locked down, there are no interior locks, they applied as a convalescent home, and it is not designated as residential. It is a convalescent and rehabilitation center.

Chairman Salerno stated the units don't have kitchens or showers. He recommended a Resolution.

Mr. Peck stated this is an affordable housing application. Affordable housing does not have 24 hour nursing. There is heavy use, visitation, large staff and a large parking lot.

Motion (1) Mr. McPherson moved to approve the following Resolution:

Be it therefore resolved that based on evidence presented pursuant to the Court's Remand Order dated June 26, 2014 the East Lyme Zoning Commission hereby determines that the Bride Brook Nursing and Rehabilitation Center is not a residential use pursuant to Section 8-30g(g)(2)(A) of the General Statutes.

Seconded by Mr. Peck.

Motion Passed 6-0.

- 2. APPLICATION OF J. ROBERT PFANNER, AGENT, FOR SUSAN CHODOROV AND ROBERT CRANE, OWNER, FOR A COASTAL AREA MANAGEMENT REVIEW FOR CONSTRUCTION OF A NEW SINGLE FAMILY DWELLING AND ASSOCIATED RETAINING WALLS, AT PROPERTY IDENTIFIED IN THE APPLICATION AS 17 SUMMIT AVENUE, NIAN TIC, CONNECTICUT**

This item was continued.

Attorney Zamarka left at 9:00 p.m.

- 3. APPROVAL OF MINUTES OF SEPTEMBER 4, 2014**

Motion (2) Mr. Peck moved to approve the Public Hearing and Regular Meeting Minutes of September 4, 2014.

Seconded by Mr. McPherson.

Motion Passed 6-0.

OLD BUSINESS

- 1. ZONING REGULATIONS REVIEW**

They met this past Monday. They did get through all the Regulations. They will have one more meeting to review the changes.

NEW BUSINESS

- 1. APPLICATION OF CKG ENTERPRISES, LLC, FOR A SPECIAL PERMIT FOR MIXED USE AT PROPERTY IDENTIFIED IN THE APPLICATION AS 159 MAIN STREET, NIAN TIC**

Chairman Salerno asked that this item be scheduled for a Public Hearing.

2. ZONING OFFICIAL

Mr. Mulholland stated his office has been busy. The center building at 38 Hope Street is moving along. The Smith building on Main Street will be starting imminently. He has had discussions with a new tenant for the Natural Food Store building for a restaurant. A new restaurant is going in where Pizza Cucina was.

3. COMMENTS FROM EX-OFFICIO

Ms. Hardy stated there was a Special Town Meeting last night; they approved the purchase of the Bayreuther property. At the Board of Selectmen meeting they had a presentation on a health clinic for town employees; there was a 4 to 1 vote to allow Mr. Formica to sign the contract for that. Flanders School is approaching its 100th birthday. The Boardwalk work has started. Planning Commission had a meeting, Hathaway Farms subdivision is almost complete, and they also approved the work at the intersection of Mostowy Road.

4. COMMENTS FROM ZONING BOARD LIAISON TO PLANNING COMMISSION

Mr. Lukas did not attend the meeting.

Mr. Dwyer is going to attend the October 7th meeting in place of Mr. Peck.

5. COMMENTS FROM CHAIRMAN

Chairman Salerno did not have any comments.

6. ADJOURNMENT

Motion (3) Mr. Lukas moved to adjourn the meeting at 9:20 p.m.

Seconded by Mr. McPherson.

Motion Passed 6-0.

Respectfully Submitted,



**Karen Miller Galbo
Recording Secretary**