

TOWN OF EAST LYME

ZONING COMMISSION

APRIL 4, 2013

REGULAR MEETING MINUTES

Members Present:

Marc Salerno, Chairman

Terence Donovan

Matthew Kane

Matthew Walker

George McPherson

William Dwyer, Alternate (Sat for Regular Meeting)

James Liska

FILED IN EAST LYME
CONNECTICUT
APR 9 2013 AT 8:25 AM PM
Matthew Walker, AIC
EAST LYME TOWN CLERK

Members Absent:

Norm Peck

Peter Lukas, Alternate

Also Absent:

Bill Mulholland, Zoning Officer

Holly Cheeseman, Ex-Officio

1. APPLICATION OF HARRY AND TRIFONAS LOGINIDIS DBA FAMILY PIZZA FOR A RENEWAL OF A SPECIAL PERMIT FOR OUTDOOR DINING AT PROPERTY IDENTIFIED IN THE APPLICATION AS 233 MAIN STREET, NIANTIC.

Motion (1) Mr. McPherson moved to approve the application of Harry and Trifonas Loginidis dba Family Pizza for a renewal of a Special Permit for Outdoor Dining at property identified in the application as 233 Main Street, Niantic with the following conditions:

- a. The patio shall close one hour after the kitchen closes but not later than 12 midnight.
- b. Set back requirements are waived to zero as per the site plan.
- c. A sign will be posted that there is "No Sitting On The Wall" outside in the patio area.
- d. Patrons shall not use the patio area for consumption of alcohol unless seated at a table.

Seconded by Mr. Kane.

Motion Passed 6-0.

This will be published on April 11th and become effective on April 12th.

2. APPLICATION OF LEO ROCHE FOR STRIVE LLC DBA BLACK SHEEP FOR A RENEWAL OF A SPECIAL PERMIT FOR OUTDOOR DINING AT PROPERTY IDENTIFIED IN THE APPLICATION AS 247-22 MAIN STREET, NIANTIC.

Motion (2) Mr. Dwyer moved to approve the application of Leo Roche for Strive LLC for a renewal of a Special Permit for Outdoor Dining at property identified in the application as 247-2 Main Street, Niantic CT with the following conditions:

- a. The outside live acoustic music will not have any amp on the guitar; only the microphone and the microphone will be cut off at 8 p.m.
- b. The soft, background, outside dinner music from the speaker will be shut off at 10 p.m.
- c. The patio shall close one hour after the kitchen closes but not later than 12:30 a.m.
- d. The setback requirements will be waived to zero as per the site plan.
- e. A sign will be posted that there is "No Sitting On The Wall" outside in the patio area.
- f. Patrons shall not use the patio area for consumption of alcohol unless seated at a table.
- g. Seating areas shall be roped off when patio service ends.

Seconded by Mr. McPherson.

Motion Passed 6-0.

This will be published on April 11th and become effective on April 12th.

3. APPLICATION OF CRAIG TAFT, FOR CTRP ENTERPRISES, LLC DBA BURKE'S TAVERN FOR A RENEWAL OF A SPECIAL PERMIT FOR OUTDOOR DINING AT PROPERTY IDENTIFIED IN THE APPLICATION AS 267-283 MAIN STREET, NIAN TIC.

Motion (3) Mr. McPherson moved to approve the application of Craig Taft for Burke's Tavern, for a Special Permit for Outdoor Dining/Patio at property identified in the application as 267-283 Main Street, Niantic, Connecticut (aka 13 Hope Street, Niantic, Connecticut) with the following conditions:

1. Entertainment until 11:00 p.m.

Seconded by Mr. Dwyer.

Motion Passed 6-0.

This will be published on April 11th and become effective on April 12th.

4. APPLICATION OF NICK & RITA FOKAIDIS DBA VILLAGE PIZZA AND GRILL FOR A RENEWAL OF A SPECIAL PERMIT FOR OUTDOOR DINING AT PROPERTY IDENTIFIED IN THE APPLICATION AS 53 WEST MAIN STREET, NIAN TIC.

Mr. Donovan stated they should be reminded of the umbrella rule.

Mr. Salerno will have Mr. Mulholland remind her of the umbrella rule in their Regulations.

Motion (4) Mr. Donovan moved to approve the application of Nick & Rita Fokaidis for a Special Permit for Outdoor Dining/Patio per East Lyme Zoning Regulation 20.27 at property identified in the application as 53 West Main Street, Niantic, Connecticut with the following conditions.

- a. The outside live acoustic music will not have an amp on the guitar.
- b. Low volume speakers will be allowed.

Seconded by Mr. McPherson.

Motion Passed 6-0.

This will be published on April 11th and become effective on April 12th.

5. APPLICATION OF THEODORE A. HARRIS, ESQ., AGENT FOR BENCHMARK SENIOR LIVING, TO AMEND THE EAST LYME ZONING REGULATION SECTION 9 AND SECTION 25.5 REGARDING ADDITIONS TO ASSISTED LIVING FACILITIES.

Motion (5) Mr. Donovan moved to approve the application of Theodore A. Harris, Esq., agent for Benchmark Senior Living, to amend the East Lyme Zoning regulations Section 9 and Section 25.5 regarding additions to assisted living facilities as Amended (Attached).

Seconded by Mr. McPherson.

Motion Passed 6-0.

This will be published on April 11th and become effective on April 12th.

6. APPROVAL OF MINUTES OF MARCH 21, 2013

Motion (6) Mr. McPherson moved to approve the Minutes of March 21, 2013.

Seconded by Mr. Donovan

Motion Passed 5-0-1 (Mr. Walker Abstained)

OLD BUSINESS

1. PARKING SUBCOMMITTEE

There was nothing to report.

2. SIGN SUBCOMMITTEE

They will be meeting on April 18th at 6:30 p.m. Mr. Donovan will have Jen send an email to Mr. Kalal and Mr. Christensen to invite them.

3. OUTDOOR DINING BARS SUBCOMMITTEE

Mr. Donovan reviewed proposed changes to the Regulations. He will email Mr. Mulholland and have hard copies sent to the members prior to the next meeting so they can be ready to discuss at that time.

4. POULTRY SUBCOMMITTEE

They will have something typed up for the members at the next meeting.

NEW BUSINESS

- 1. MODIFICATION OF THE APPLICATION OF THEODORE A. HARRIS, AGENT FOR JAG CAPITAL DRIVE, LLC TO REZONE FROM ITS EXISTING ZONING DESIGNATION (LIGHT INDUSTRIAL) TO AFFORDABLE HOUSING DISTRICT FOR PROPERTY IDENTIFIED IN THE APPLICATION AS WEST MAIN STREET/CAPITAL DRIVE, ASSESSOR'S MAP 09.0, LOT 19.**

Mr. Salerno stated this will be scheduled for a Public Hearing on May 16th.

- 2. MODIFICATION OF THE APPLICATION OF THEODORE A. HARRIS, AGENT FOR JAG CAPITAL DRIVE, LLC FOR APPROVAL OF AFFORDABLE HOUSING DEVELOPMENT, AND A CONCEPTUAL SITE PLAN TO CONSTRUCT SIXTY NINE (69) RESIDENTIAL UNITS ON PROPERTY IDENTIFIED IN THE APPLICATION AS WEST MAIN STREET/CAPITAL DRIVE, ASSESSOR'S MAP 09.0, LOT 19.**

Mr. Salerno stated this will be scheduled for a Public Hearing on May 16th.

3. ANY BUSINESS ON THE FLOOR, IF ANY BY THE MAJORITY VOTE OF THE COMMISSION

There was no business on the floor.

4. ZONING OFFICIAL

There was no Zoning Official report.

5. COMMENTS FROM EX-OFFICIO

Ms. Cheeseman sent in a report to Mr. Salerno. The Board of Selectmen met in Executive Session regarding the purchase of Bayreuther property on Quarry Dock Road, they approved the Noise Ordinance, they nominated Peter Lukas to be an Alternate on the Zoning Commission, and Michael Mainz on the Cable TV Advisory Board. The April 17th Board of Selectmen meeting has been cancelled.

6. COMMENTS FROM ZONING BOARD LIAISON TO PLANNING COMMISSION

Mr. Peck is not present.

7. COMMENTS FROM CHAIRMAN

Mr. Salerno will not be at the next meeting. Mr. Walker will chair the meeting. They may not need a meeting if there isn't much on the schedule, he will let them know if it is cancelled.

8. ADJOURNMENT

Motion (7) Mr. McPherson moved to adjourn the meeting at 8:59 p.m.

Seconded by Mr. Dwyer.

Motion Passed 6-0.

Respectfully Submitted,

A handwritten signature in black ink that reads "Karen Miller Galbo". The signature is written in a cursive, flowing style.

**Karen Miller Galbo
Recording Secretary**

PROPOSED REGULATION AMENDMENT

(1) Add new Section 9.2.7 (CB Zone – Special Permits)

“Additions to Assisted Living Facilities existing as the effective date of this provision, subject to the following:

- (1) No such addition shall increase gross floor area by more than twenty five (25%) percent or extend to additional land not part of the facility as of the effective date of original approval.**
- (2) The facility after any such addition shall comply with the standards outlined in Section 25.5**

(2) Add the following to Section 25.5

Use: Additions to Assisted Living Facilities

Zone: CB

Controls:

- 1. Minimum lot area: 40,000 square feet, with public water and sewer**
- 2. Minimum living floor area:**

Efficiency Unit without cooking facilities	275 Square Feet
Efficiency Unit with cooking facilities	325 Square Feet
One Bedroom	475 Square Feet
Two Bedroom	650 Square Feet
- 3. Common area: The common area of the structure shall be at least 35% of the total building area. Common area shall be defined as all area not devoted to residential units.**
- 4. Parking Requirements: .4 spaces per living unit.**
- 5. Transportation: The facility shall provide daily private transportation for residents to local facilities and services.**
- 6. Occupancy: Residential units shall be for persons of at least 62 years of age and in the case of multiple occupancy of a dwelling unit, one (1) person shall be at least 62 years of age, none less than 55 years.**
- 7. Emergency call system: Each residential unit shall have an emergency call/intercom system with 24 hour on site response.**
- 8. Residential unit facilities: a.) Each residential unit shall include at least a toilet, sink and one shower. B.) a residential unit may include cooking facilities.**
- 9. Density: 40 residential units/acre maximum density**
- 10. Noise regulation: No outdoor sound systems shall be allowed**
- 11. Sidewalks: Sidewalks shall be available or constructed to provide access to neighborhood facilities and services.**
- 12. Gross floor area: the minimum gross floor area for a building containing an Assisted Living Facility shall be 20,000 square feet.**
- 13. Common kitchen/dining facilities: The facility shall have kitchen facilities for preparing and serving full meals to all residents. Common dining facilities shall be provided.**

- 14. Open Space:** In addition to required buffers and parking/roadway area, the facility shall provide a suitably landscaped recreational/open space of not less than 10% of the total lot area. Calculations for this area shall include all passive/active outdoor recreational facilities as well as other landscaped areas exclusive of the buffers and roadway/parking area.
- 15. Staffing:** a registered or licensed practical nurse shall be on site or on call 24 hours/day