

**PUBLIC HEARING II Thursday, FEBRUARY 5th, 2009
EAST LYME ZONING COMMISSION
MINUTES**

The East Lyme Zoning Commission held a Public Hearing on 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 on Thursday, February 5, 2009 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the Public Hearing after the previously scheduled Public Hearing and called it to order at 7:48 PM.

PRESENT: Mark Nickerson, Chairman, Marc Salerno, Acting Secretary,
Ed Gada, Norm Peck, Steve Carpenteri, William Dwyer, Alternate

ALSO PRESENT: Leo Roche, Applicant
William Mulholland, Zoning Official
Rose Ann Hardy, Ex-Officio

ABSENT: Rosanna Carabelas, Secretary, Bob Bulmer, Alternate, Gregory
Massad, Alternate

PANEL: Mark Nickerson, Chairman, Marc Salerno, Acting Secretary,
Ed Gada, Norm Peck, William Dwyer, Alternate

Pledge of Allegiance

The Pledge was previously observed.

Public Hearing II

1. 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

Mr. Carpenteri said that as he also owns and operates a restaurant in the area that he would recuse himself from this application. He seated himself in the audience.

Chairman Nickerson said that the Legal Ad for this application had run in The Day on January 23, 2009 and February 2, 2009.

He then asked Marc Salerno, Acting Secretary to read the correspondence into the record.

Mr. Salerno read the following correspondence:

- ◆ Memo dated 2/5/09 to the East Lyme Zoning Commission from Wm. Mulholland, Zoning Official – Re: Special Permit Application Outdoor Dining Renewal Black Sheep Restaurant - noting that the Commission approved the original permit on October 18, 2007 with specific conditions.

Mr. Nickerson called upon the applicant for his presentation of this application.

Leo Roche said that he owns the Black Sheep Restaurant located at 247 Main Street and that his outdoor dining permit is up for renewal. He asked if it would be possible to extend the time that people would be allowed out on the patio until 12:30 AM from the current 11:30 PM and said that the reason is because it is summertime when it would most be used and people like to sit out longer during the summer. If they get there at 11 PM after a movie or other entertainment and order, it would be 11:30 PM before they would get their food and they would not be able to eat outside.

Mr. Nickerson said that his concern is that the concept is outdoor dining and that he would not want it to become an outdoor lounge.

Mr. Roche said that people coming in at 11 PM would not be able to eat outside if they close the outside to eating at 11:30 PM as by the time they got their food, they would have to leave the patio.

Mr. Nickerson asked that if they keep the clock off the table, that he envisions it (from what he is saying) as an extension of the restaurant rather than the bar room.

Mr. Mulholland noted that in the minutes from the previous permit request (October 18, 2007) that a site plan was submitted showing six (6) tables on the patio with four (4) seats at each and asked if that was still the plan. (Attached at end of minutes)

Mr. Roche said yes.

Mr. Peck asked if there would be restaurant service after 10 PM.

Mr. Roche said yes, there is service after 10 PM now and that it would continue to be so.

Mr. Salerno asked about flower pots on top of the wall to keep people off.

Mr. Roche said that he would put flower pots or boxes there to keep the people off and added that he had his staff keeping people off the wall during the light parade.

Mr. Mulholland suggested that pots could be taken and that boxes would be more permanent.

Mr. Roche said that he would most likely put boxes but would like to be able to make that determination.

Mr. Salerno asked if the wall is 3' high.

Mr. Roche said that it is and that any minor variations were due to the grading in the front.

Mr. Mulholland asked that they be specific with their conditions as they had in the past as he would be the contact who would get calls from the public.

Mr. Salerno asked about smoking outside the door.

Mr. Roche said that it would not be allowed as the manager would be watching and with tables there, people would have to go out to the sidewalk to smoke. He indicated that he would place a receptacle out there that would be cleaned daily.

Mr. Dwyer asked, as this is a renewal, if there were complaints from the issuance of the last special permit.

Mr. Mulholland and Mr. Nickerson said that he has only been open for about 12 weeks now.

Mr. Nickerson called for anyone from the public who wished to speak in favor of this application –

Laura Capshaw, 239 Montauk Ave., Stonington said that she represents the Chamber of Commerce of Eastern CT and that they are in support of the growth of Mr. Roche's business as it provides a destination with ambience for tourists who like to come and enjoy a meal on Main Street near the water.

Tony Sheridan, Great Neck Rd., Waterford, President of the Eastern CT Chamber said that he would like to add to what Ms. Capshaw has said – tourism is a major economic driver in southeastern Connecticut and the Chamber spends a fortune promoting it and to be able to come to this area and sit and eat outside is an ambient concept that adds greatly to the community and the area. He said that he would encourage them to give this a shot and to also go along with the applicant's suggestion.

Mr. Nickerson called three times for any other comments from the public –

Hearing none –

Mr. Nickerson asked if the Commissioners had any other questions –

Hearing none –

Mr. Nickerson called for a motion to close this Public Hearing.

****MOTION (1)**

Mr. Salerno moved that this Public Hearing be closed.

Mr. Gada seconded the motion.

Vote: 5– 0 – 0. Motion passed.

Mr. Nickerson closed this Public Hearing at 8:00 PM.

(Note: Mr. Carpenteri rejoined the table)

Respectfully submitted,

Karen Zmitruk,
Recording Secretary