

**EAST LYME ZONING COMMISSION
PUBLIC HEARING II
Thursday, JUNE 4th, 2009
MINUTES**

The East Lyme Zoning Commission held a Public Hearing on its own proposal to amend Section 20.27 – Restaurant Outdoor Dining in CB Zones on Thursday, June 4, 2009 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the Public Hearing and called it to order at 7:39 PM after the previously scheduled Public Hearing.

PRESENT: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary, Ed Gada,
Marc Salerno, Steve Carpenteri, Norm Peck

ALSO PRESENT: Bob Bulmer, Alternate
William Mulholland, Zoning Official

ABSENT: William Dwyer, Alternate, Gregory Massad, Alternate

PANEL: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary, Ed Gada,
Marc Salerno, Norm Peck, Bob Bulmer, Alternate

Pledge of Allegiance

The Pledge was previously observed.

Public Hearing I

1. The East Lyme Zoning Commission proposal to amend Section 20.27 – Restaurant Outdoor Dining in CB Zones.

Chairman Nickerson noted that the Legal Ad for this application had run in The Day on 5/22/09 and 6/1/09. He also noted that Mr. Carpenteri had recused himself from discussion on this application and was seated in the audience and that he had seated Bob Bulmer, Alternate at the table.

He then asked Rosanna Carabelas, Secretary to read the correspondence into the record.

Ms. Carabelas read the following correspondence into the record:

- ◆ Letter dated 6/4/09 to EL Zoning Commission from William Mulholland, Zoning Official – Re: Proposed Zoning Regulation Text Amendment Section 20.27 – Restaurant Outdoor Dining in CB Zones – noting that this is a Commission proposal to allow outdoor dining special permit renewals for three years for those establishments that do not serve liquor and for one year for those that do serve liquor or alcoholic beverages.
- ◆ Letter dated 5/6/09 to Mark Nickerson, Chairman ELZC from Gary Goeschel, Planning Director – Re: Referral of Zoning Commission application on renewal language for outdoor dining in CB zones - finding the application CONSISTENT with the POCD.
- ◆ Letter dated 5/27/09 to Rosanna Carabelas, Secretary ELZC from Robert Baron, Chairman, SECCOG Regional Planning – Re: Zoning Referral of Application on renewal language for outdoor dining – finding that the proposed amendment would have no adverse inter-municipal impact.

Mr. Nickerson said that this is a Commission generated change and asked for comments from the Commissioners.

Mr. Bulmer said that they have provided for those that do serve alcohol and for those establishments that do not however, they have not addressed those that allow you to bring a bottle with you to the establishment.

Mr. Mulholland said that the concept was to regulate outdoor dining and associated activities.
Mr. Nickerson said that they could always amend it in the future should it become an issue.

Mr. Nickerson then called for comments from the public on this application –

John Wilson, 13 Park Place asked if the way that it read now was that it was a yearly renewal and if they were trying to cut down on paperwork with this change.

Ms. Carabelas said that it was to reduce the cost to the businesses also who have had to pay yearly.
Mr. Nickerson added that was correct and that they have also realized that there are ice cream shops and pizza places that have to keep coming back yearly and there are no issues with them so they thought they could extend them to three years. The establishments that serve liquor would still be for one year.

Mr. Wilson said that he then thinks that it is a good idea and that he likes the concept of having a place to sit outside when visiting various places.

Rich McFadden, 281 Main St. said that he owns the Eclectic Chef and his concern is those that serve liquor as some people came into his store with plastic cups with alcoholic beverages and he does not think that it is from Burke's as they have a six foot high fence around their outside area. He said that he would like to see them perhaps have fences around outside areas for those that serve liquor.

Mr. Nickerson said that is why those restaurants that are serving liquor have to stick to the one year renewal term. This is for those that do not serve alcohol to go to a three year renewal period providing there have been no issues.

Mr. Nickerson asked if the Commission had other comments –
Hearing none –
He called for a motion to close this Public Hearing –

****MOTION (1)**

Mr. Salerno moved to close this Public Hearing.

Ms. Carabelas seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson closed this Public Hearing at 7:53 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary