

**PUBLIC HEARING III Thursday, MARCH 5, 2009
EAST LYME ZONING COMMISSION
MINUTES**

The East Lyme Zoning Commission held a Public Hearing on the Application of Melinda Graus for a Special Permit for an Ice Cream window at the side and rear of her store located at 334 Main Street, Niantic, CT on Thursday, March 5, 2009 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Acting Chairman Carabelas opened the Public Hearing and called it to order at 7:51 PM after the previously scheduled Public Hearings.

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

ALSO PRESENT: Melinda Graus, Applicant
William Mulholland, Zoning Official
Rose Ann Hardy, Ex-Officio, Board of Selectmen

ABSENT: Mark Nickerson, Chairman, Bob Bulmer, Alternate, Gregory Massad, Alternate

PANEL: Rosanna Carabelas, Acting Chairman, Marc Salerno, Acting Secretary, Ed Gada, Norm Peck, Steve Carpenteri, William Dwyer, Alternate

Pledge of Allegiance

The Pledge was previously observed.

Public Hearing I

1. Application of Melinda Graus for a Special Permit for an Ice Cream window at the side and rear of her store located at 334 Main Street, Niantic, CT

Acting Chairman Carabelas said that the Legal Ad for this application had run in The Day on February 20, 2009 and March 2, 2009.

She then asked Marc Salerno, Acting Secretary to read the correspondence into the record. Mr. Salerno read the following correspondence:

- ◆ Memo dated 3/5/09 to the East Lyme Zoning Commission from Wm. Mulholland, Zoning Official – Re: Special Permit for an Ice Cream Window at candy shop at 334 Main Street – noting that this falls under a classification of fast food restaurant and that at present there is no plan to install tables or outdoor seating although this could be applied for at a later time. It was also noted that the Commission may fully credit existing plantings in lieu of planting evergreen along the property line (Section 24.6 E-1).

Ms. Carabelas called upon the applicant or their representative for a presentation of this application. Melinda Graus, 27 East Shore Drive said that she wants the special permit for an outdoor side window for ice cream and that there would be a new window in the front along Baptist Lane next to the sidewalk with a gravel base put down around the window area.

Ms. Carabelas asked if there would be a walkway from the sidewalk to the window that would be of gravel. Ms. Graus said yes.

Mr. Mulholland explained that Ms. Graus wants to be able to order equipment should she be allowed to do this and that at a later time she may come back and apply for a patio that would hold a few tables with umbrellas for people to eat their ice cream at. He noted also that this falls under fast food restaurant.

Ms. Graus said that patrons would only be able to purchase ice cream from the outside window and not from the inside and that it would most likely be a seasonal operation. People would not be able to purchase it from inside the candy shop. Perhaps, if this was successful, she said that she might also offer milk shakes. She said that she currently sells canned/bottled soda inside of her candy shop.

Ms. Carabelas called for comments from the public, in favor of this application –
Rich McFadden, 281 Main Street said to the Commission to 'let her have this' – as it is good for business and they need good businesses in downtown Niantic.

Ms. Carabelas called for comments from the public against or neutrally on this application –
Hearing none –
Ms. Carabelas asked if the Commissioners had any other questions –
Hearing none –
Ms. Carabelas called for a motion to close this Public Hearing.

****MOTION (1)**

Mr. Salerno moved that this Public Hearing be closed.

Mr. Carpenteri seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Ms. Carabelas closed this Public Hearing at 7:58 PM.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary