



TOWN OF OLD SAYBROOK
Zoning Commission

Robert C. Friedmann, Chairman
Mark R. Caldarella, Vice Chairman
Geraldine M. Lewis, Secretary
Madeleine B. Fish
Ann Marie Thorsen

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Alternate Members
Justin Terribile
Marc W. Delmonico
Vacancy

SPECIAL MEETING MINUTES

Monday, March 22, 2021
Web/Audio Meeting

I. CALL TO ORDER

Chairman R. Friedmann called the meeting to order at 7:00 p.m.

II. ROLL CALL

Attendant Members

Robert Friedmann
Mark Caldarella
Madeleine Fish
Ann Marie Thorsen
Justin Terribile (seated for Geraldine Lewis)
Marc Delmonico

Absent Members

Geraldine Lewis

Attendant Staff

Chris Costa, Zoning Enforcement Officer
Joanne Galli, Recording Clerk

66 members of the public were in attendance.

III. REGULAR BUSINESS

A. MINUTES

The acceptance of the Minutes of the Zoning Commission meeting dated March 15, 2021 will be postponed until the special meeting of the Zoning Commission on March 29, 2021.

B. CORRESPONDENCE

Correspondence will be postponed until the March 29, 2021 meeting.

IV. OLD BUSINESS

- A. **“Smoke on the Water” Petition to Amend the Zoning Regulations** to include outdoor restaurant definition and standards and to allow temporary non-residential restaurant trailers in the SP-2 District and for Town owned properties located on the CT River or Long Island Sound for a maximum of 180 days per calendar year.
Petitioner: The Point, LLC. Agent: Attorney Edward Cassella

The Chairman stated that a multitude of opinions both for and against this text change to allow outdoor restaurants in the SP-2 district were received and reviewed. In addition, referrals from many of the town's commissions were submitted and reviewed as well. The Chairman noted that while the majority of the opposition came from the North Cove neighborhood, there are several hundred feet of buffer (SP-1 District) between the SP-2 District and the residential District including North Cove. The Commission reviewed and edited the text during deliberations. These edits included the removal of take-out service since it conflicts with the definition in Section 9 which only permits take out for indoor restaurants. Text amendments relating to food and beverage concession service in the SP-2 district were deleted. The Commission felt that Parks and Recreation could make this request as a separate petition. See Addendum A for the new zoning regulation amendment adopted at the March 22, 2021 special meeting of the Zoning Commission attached to the minutes.

MOTION to approve the **"Smoke on the Water" Petition to Amend the Zoning Regulations** to include outdoor restaurant definition and standards and to allow temporary non-residential restaurant trailers in the SP-2 District for a maximum of 180 days per calendar year as presented **MADE:** R. Friedmann **SECONDED:** Mark Caldarella **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, M. Fish, A.M. Thorsen, J. Terrible **ABSTAINING:** None **OPPOSED:** None **APPROVED:** 5-0-0.

MOTION to adopt April 12, 2021 as the effective date for **"Smoke on the Water" Petition to Amend the Zoning Regulations** to include outdoor restaurant definition and standards and to allow temporary non-residential restaurant trailers in the SP-2 District for a maximum of 180 days per calendar year as presented **MADE:** R. Friedmann **SECONDED:** M. Fish **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, M. Fish, A.M. Thorsen, J. Terrible **ABSTAINING:** None **OPPOSED:** None **APPROVED:** 5-0-0.

V. COMMITTEE, REPRESENTATIVE & STAFF REPORTS

Committee, Representative & Staff reports will be postponed to the March 29, 2021 Zoning Commission meeting.

VI. ADJOURNMENT

MOTION to adjourn the meeting of March 22, 2021 at 7:41 p.m. as presented to the next special meeting of the Zoning Commission scheduled for Monday, March 29, 2021 at 7:00 p.m. **MADE:** R. Friedmann **SECONDED:** M. Caldarella **VOTING IN FAVOR:** R. Friedmann, M. Caldarella, M. Fish, A.M. Thorsen, J. Terrible **ABSTAINING:** None **OPPOSED:** None **APPROVED:** 5-0-0.

Respectfully submitted,

Joanne Galli
Recording Clerk

NEXT SPECIAL VIRTUAL MEETING Monday, March 29, 2021 at 7:00 P.M.

Check our website for dial in information and additional meeting documents.

[Zoning Commission web page](#)

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NEXT REGULARLY SCHEDULED VIRTUAL MEETING Monday, April 5, 2021 at 7:00 P.M.

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ADDENDUM A

Smoke on the Water
Zoning Regulation Amendment
Adopted at the 3/22/2021 Special Meeting of the Zoning Commission
Effective 4/12/2021

New text is underlined

~~Deleted text is strike-through~~

Section 9 Definitions

(NEW) Restaurant, Outdoor. The retail outdoor sale of food to the general public for consumption on the premises, with food service for customers who are consuming the food and beverage seated at tables or counters located outside.

Section 37 Saybrook Point SP Districts

	SP-1	SP-2	SP-3
37.1.12 Indoor restaurant <i>or outdoor restaurant</i>			
Or other food and beverage service establishment	X	S	X

Section 53 Special Standards

(NEW) **Restaurant, Outdoor.** An outdoor restaurant serving customers who are consuming the food and beverages at tables or counters located outside. The outdoor restaurant is required to include restaurant facilities on the same lot, including, for example, dedicated restrooms, utility connections, tables, chairs, and hostess station. A Food and Beverage Concession Service (as set forth above) will not be used in the operation of an outdoor restaurant or be allowed as an accessory use for an outdoor restaurant.

Outdoor seating. Outdoor seating associated with an indoor restaurant, an outdoor restaurant or for the consumption of food purchased at a retail establishment will be renewed by Certificate of Zoning Compliance on an annual basis by the Commission to insure that pedestrian ways are not obstructed and to ensure the exterior cleanliness of the establishment is maintained.

A. Restaurant or other indoor food or beverage establishment. An indoor restaurant, an outdoor restaurant or other indoor food and beverage establishment will be permitted to have outdoor seating as an accessory use on the property in which the indoor restaurant or outdoor restaurant is located. An indoor restaurant will be permitted to locate one additional exterior seat for every three parking spaces approved for the indoor restaurant use.

B. Retail establishment. A retail establishment will be permitted to have outdoor seating as an accessory use on the property where the retail business is located when the purpose of the seating is for the consumption of food purchased at retail on the premises such as ice cream or pre-packaged foods not prepared on the premises. A maximum of two (2) tables and eight (8) chairs or two (2) picnic tables are permitted per retail business.

The Zoning Commission in its discretion may permit a business to exceed the permitted number of outdoor seats by no more than fifty (50) seats in addition to the approved number of outdoor seats allowed as of right as a Special Exception when at a minimum the business can demonstrate that one (1) parking space is provided for every three (3) outdoor seats or that there is adequate parking or bicycle/boat/pedestrian traffic in the area that additional parking spaces are not necessary.

Outdoor seating for all other uses (i.e.: employee lunch areas, waiting areas, picnic areas, lawn furniture and street furniture) is permitted and does not require a Certificate of Zoning Compliance unless the seating tables and furniture placed outdoors is for sale or for storage purposes.

Section 66 Trailers

(NEW) **66.2.2 D. Temporary Non-Residential Restaurant Trailer.** A wheeled trailer used for a permitted *outdoor restaurant* use, which will be located on the same lot as the *outdoor restaurant* use. Temporary non-residential restaurant trailers will be used for storage, restaurant facilities, and/or food preparation and will be located on the lot for fewer than 180 days in any calendar year, including time for installation, set-up, breakdown and removal of the trailers and other non-permanent features of the site. When located in a *Special Flood Hazard Area*, the temporary non-residential restaurant trailer will only be approved subject to a Storm & Flood Emergency Action Plan for evacuation of the site in the event of a major storm or hurricane as specified in Chapter 128 of the Old Saybrook Town Code Flood Plain Management.

(NEW) **66.3.4 Temporary Non-Residential Restaurant Trailer.** The parking of *temporary non-residential restaurant trailers* will comply with the following special standards:

- A. Temporary non-residential restaurant trailers will conform to *setback* requirements for buildings and other structures and will be located so as to not occupy and obstruct parking or loading spaces required for uses on the site or lanes used for the purpose of emergency access or other essential circulation patterns.
- B. Temporary non-residential restaurant trailers will be designed and located in a manner that is consistent with the intent of the Article VI/Design Standards and the Gateway Conservation Zone standards in these Regulations.