



CITY OF NEW BRITAIN

EST. 1871

CITY PLAN
CHAIRPERSON EILEEN GORCZYCA

WWW.NEWBRITAINCT.GOV

MEETING NOTICE

CITY PLAN COMMISSION REGULAR MEETING
MONDAY * SEPTEMBER 14, 2020 * 6:30 P.M.
CITY HALL * ROOM 201 * 27 WEST MAIN STREET
NEW BRITAIN, CONNECTICUT

COMMISSION MEMBERS

Eileen Gorczyca
G. Geoffrey Bray
Craig DiAngelo

Mary-Jean Wasley
Homer White

Agenda

1. Call to Order and Roll Call
2. Public Comments
3. Minutes of July 6, 2020 – Regular Meeting
4. Petition #35163 – Removal of the Christopher Columbus Monument from McCabe Park
5. Subdivision Approval – S-222: Noble Subdivision – 965 Farmington Avenue
6. Zoning Board of Appeals Items
7. Staff Report
8. Other Matters
9. Adjournment

Copies to:

Mayor Erin E. Stewart
Justin Dorsey, Chief of Staff
Mark Bernacki, Town & City Clerk
Mark Moriarty, Director of Public Works
Property Management
Sergio Lupo, Director, LP&I

Common Council Liaisons:

Chris Anderson
Howard Dyson
Kristian Rosado
Daniel Salerno

MINUTES: REGULAR MEETING

City Plan Commission
Room 201
27 West Main Street
New Britain, Connecticut
July 6, 2020

Members Present

Eileen Gorczyca, Chairperson
G. Geoffrey Bray, Vice-Chairman

Craig DiAngelo
Mary Jean Wasley

Others Present

Timothy Stewart
Gregory Tropea
Erik Szyluk, Maiden Builders LLC
Alderman Daniel Salerno, Common Council Liaison
Steven P. Schiller, AICP Planner
Danielle Rosado, Administrative Assistant

Joseph Tropea
Jim Jones, Jones Engineering LLC

1. Call to Order and Roll Call:

Chairperson Gorczyca called the meeting to order at 6:35 p.m. A quorum of four (4) members was present upon roll call.

2. Public Comments:

There were no public comments.

3. Minutes of May 4, 2020 – Regular Meeting

ACTION: A motion to accept the Regular Meeting Minutes of May 4, 2020, was made by Commissioner Bray and seconded by Commissioner Wasley. The motion passed by unanimous vote.

4. Minutes of May 13, 2020 – Special Meeting

ACTION: A motion to accept the Special Meeting Minutes of May 13, 2020 was made by Commissioner Wasley and seconded by Commissioner DiAngelo. The motion passed by unanimous vote.

5. Subdivision Approval – S-219, 393 Slater Road Subdivision

This is a two (2) lot subdivision at the southeast corner of Slater and Pinehurst Avenue, zone S-2, creating a new buildable lot on Pinehurst Avenue. It was reviewed by the Commission in 2018 and was ready for conditional approval when the applicant decided not to proceed because of the costs of public improvements, mostly sewer main extension and sidewalk improvements. Since it has been two (2) years, an updated survey and revised plans will need to be submitted.

ACTION: After some discussion, a motion to table this matter was made by Commissioner DiAngelo and seconded by Commissioner Bray. Motion passed by unanimous vote.

MINUTES: REGULAR MEETING

City Plan Commission
Room 201
27 West Main Street
New Britain, Connecticut
July 6, 2020

6. Subdivision Approval – S-222, Noble Subdivision, 965 Farmington Avenue

This would be a four (4) lot subdivision at the corner of Farmington Avenue and Alexander Road. Lot 1 would be a little over an acre and contain the Noble Gas Station/Dunkin Donuts store; Lot 2 would be a prospective development pad, slightly under an acre; Lot 3 is just over a half (1/2) acre and is occupied by the Frisbee's Ice Cream restaurant; and Lot 4, the easterly lot along Alexander Road, is nearly four (4) acres in area, originally proposed for a memory care assisted living facility. The ZBA approval for the memory care facility has lapsed and the site may be proposed for another use.

ACTION: After some discussion, a motion to table this matter was made by Commissioner Bray and seconded by Commissioner Wasley. Motion passed by unanimous vote.

7. Subdivision Approval – S-223, Brianna's Meadow Subdivision, 50 Curtin Avenue

This would be a six (6) lot subdivision at the corner of Ward Street and Curtin Avenue. The proposal is compliant with the T, Two-Family zone requirements. Subject to comments provided from the Engineering Department, this may be conditionally approved.

ACTION: After some discussion, a motion to conditionally approve this item per recommendations from the Engineering Department was made by Commissioner DiAngelo and seconded by Commissioner Bray. Motion passed by unanimous vote.

8. Subdivision Approval – S-224, Grandview Heights Subdivision, 247 Kelsey Street

This is essentially re-establishing two (2) lots from an 1893 subdivision. The location is on the south side of Kelsey Street between Whitman and Jefferson Streets. The lots conform to the T, Two-Family zone requirements. Relative minor public improvements are required and the Engineering Department is comfortable allowing conditional approval at this time.

ACTION: After some discussion, a motion to conditionally approve this item per recommendations from the Engineering Department was made by Commissioner Bray and seconded by Commissioner Wasley. Motion passed by unanimous vote.

9. Subdivision Approval – S-226, Belmont Heights Subdivision, 20 Belmont Street

The Commission reviewed this prospective subdivision for ZBA consideration in May. It is the re-establishment of four (4) lots from the Hunter Terrace Subdivision in 1916.

ACTION: A motion to accept the waiver for concrete curbing was made by Commissioner DiAngelo and seconded by Commissioner Bray. After some discussion the motion passed by 2-1 vote (Commissioner Wasley and Commissioner Bray opposed with Commissioner DiAngelo in favor).

ACTION: A motion to conditionally approve this item per recommendations from the Engineering Department was made by Commissioner DiAngelo and seconded by Commissioner Bray. Motion passed by unanimous vote.

MINUTES: REGULAR MEETING

City Plan Commission
Room 201
27 West Main Street
New Britain, Connecticut
July 6, 2020

10. Zoning Board of Appeals Items

APPLICATION: #4883
APPLICANT: Select Asset Management, LLC
ADDRESS: 18 Highland Street
ZONE: OP, Office and Public

The applicant is requesting a variance to Sections 230-10-20 and 230-10-30.40, in order to allow the creation of paved off-street parking in a required front yard area at 18 Highland Street.

The applicant's submitted plan shows the conforming lot and two-family house, which was constructed around 1890. The house is set on the lot at a slight angle, with a nonconforming front yard setback of about 10 feet. It appears that the house has never had any off-street parking, at least within the past 50 years or so, when it appears part of the property was sold for expansion of the New Britain General Hospital Highland Street parking lots. Apparently the residents have either not owned vehicles or have gotten by parking in the adjacent hospital lot.

Mr. Schiller summarized the favorable staff report stating that recognizing the limitations of the site, the character of the surrounding area and the desire to have all residential properties be self-sufficient in providing off-street parking, the City Plan Commission has no objections to the granting of the requested variances.

ACTION: A motion to approve the favorable staff report was made by Commissioner DiAngelo and seconded by Commissioner Wasley. After some discussion, the motion was denied by vote 2-1 (Commissioner Bray and Commissioner Wasley opposed and Commissioner DiAngelo voted in favor).

ACTION: A motion to reopen this matter was made by Commissioner DiAngelo and seconded by Commissioner Wasley. After further information was provided by the applicant, a motion to rescind the initial vote was made Commissioner DiAngelo and seconded by Commissioner Wasley. A motion to approve this matter was made by Commissioner DiAngelo and seconded by Commissioner Wasley with Commissioner Bray opposing. The motion passed by a 2-1 vote.

APPLICATION: #4884
APPLICANT: Gary Bougoin
ADDRESS: 211 Buell Street
ZONE: T, Two-Family

The applicant is requesting a variance to Section 230-120-10, which prohibits placement of a swimming pool within any required minimum yard setback at 211 Buell Street.

The applicant's plans show the house with a driveway to the east side accessing a detached garage in the rear yard. The applicant would like to place the pool in the rear yard area to the west of the garage. The area is approximately 34 feet wide from the garage to the western property line and 36 feet from the rear lot line to the house. The pool would be placed so as to maintain a 7 foot side yard toward the neighboring property on the west side, 12 feet towards the

MINUTES: REGULAR MEETING

City Plan Commission
Room 201
27 West Main Street
New Britain, Connecticut
July 6, 2020

property to the rear and approximately 8 feet from the rear of the house. The applicant indicates that appropriate fencing will be installed for safety and to screen the view of the pool from the street.

Mr. Schiller summarized the favorable staff report stating the Commission has no objections to the granting of this variance, provided that all required safety measures such as appropriate fencing, self-latching gates, etc. are installed and found to be in compliance to the satisfaction of the Department of Licenses, Permits, and Inspections.

ACTION: A motion to approve the favorable staff report was made by Commissioner DiAngelo and seconded by Commissioner Wasley with Commissioner Bray opposing. The motion passed by 2-1 vote.

6. Staff Report

There was no staff report.

7. Other Matters

There were no other matters to report.

8. Adjournment

ACTION: There being no further business to come before the Commission, Commissioner Bray made a motion to adjourn, seconded by Commissioner Wasley and passed unanimously at 7:20 p.m.

Respectfully submitted,

Subject to Approval:



Danielle Rosado, Administrative Assistant



CITY OF NEW BRITAIN NEW BRITAIN, CONNECTICUT

REPORT OF : **CITY PLAN COMMISSION**

To Her Honor, the Mayor, and the Common Council of the City of New Britain:

The undersigned beg leave to report the following:

Item # 35163

RE: Removal of the Christopher Columbus Monument from McCabe Park

The City Plan Commission, at a Regular Meeting held on September 14, 2020
voted___ to___ to approve the following report:

BACKGROUND: This report is prepared in accordance with Section 19-22 of the City Ordinances for the above-referenced referral of Petition #35163 regarding consideration of the removal of the Christopher Columbus monument from McCabe Park, situated near the northern end of Main Street at the intersection of North Street.

The intent of Section 19-22 is to allow the City Plan Commission to review and report to Council on various significant actions involving City properties, parks, facilities, streets, etc. in order to ensure consistency of the proposed action with the City's Plan of Conservation and Development and with good planning principles and policy. Accordingly, Section 19-22 stipulates that "No street or other public way shall be accepted, widened, narrowed, renamed or vacated; no park, parkway, square, playfield, playground or recreational or off-street parking facility acquired or developed; or public building or structure, and no public utility, whether publicly or privately owned, shall be constructed, removed, relocated, vacated, abandoned, altered or extended in the city or in the planned section or sections thereof, until and unless the general location, character and extent thereof has been submitted to the Commission for a report." It is noted that upon receipt of the report, the Common Council "shall approve or reject such action by a majority vote." Over the years, the City Plan Commission's reports pursuant to this section have nearly all related to acceptance or discontinuance of street rights-of-way, a limited number of water department and park projects, and, in a few instances, situations where the City acquired and conveyed land related to an Economic Development project. In this case, consideration of the monument's removal falls under the ordinances' general reference to structures and to parks.

FINDINGS: The Christopher Columbus monument was originally proposed in 1938, by the United Italy Society, along with a committee formed encompassing more than 20 other local Italian-American clubs and organizations, who also donated funds to initiate the project. A special subcommittee of the Common Council was assigned to the project and it was ultimately authorized and funded by the Council in July 1941. The monument, which was designed by Connecticut sculptor Carl Lang was dedicated on Columbus Day, October 12, 1941, in a ceremony which drew more than 5,000

attendees, including the governor, a US Senator and numerous other dignitaries. It is understood that at the turn of the 20th century, Italian-Americans, like many other immigrant groups to this country, were part of a marginalized community that suffered discrimination and economic hardship. They celebrated Christopher Columbus, a recognized American hero at the time, as a means of celebrating their own heritage and national pride; in recognition and as promotion of the many Italian contributions to American history, culture and society; as something symbolic of their own voyage to the new world; and as inspiration for themselves as they overcame prejudices and assimilated into American society. However, history is constantly evolving and virtually no historical figure is without controversy. In more recent times, for many people, Columbus has come to represent the many negative aspects related to white European colonization in the New World, including exploitation of indigenous people, genocide, slavery and oppression. Accordingly, it is reasonable to expect that the Common Council may, on occasion, need to revisit monuments and memorials of this sort and take action, as deemed appropriate, to ensure that they reflect current community values of diversity and inclusion and that all members of the community are able to celebrate their heritage and culture, while respecting the histories and circumstances of those coming from different backgrounds.

CONCLUSION: The question of determining how best to address matters of this nature is probably beyond the scope of what a City Plan Commission should be tasked with under Section 19-22. Assessing historical events and persons, identifying the most appropriate manner to portray their achievements and contributions to the nation and community can be a complex matter. It may sometimes require deep historical and cultural knowledge and understanding and it should be obligated to include opportunity for public input and community involvement in the process. Also, even being aware of the negative aspects of someone's history, it should be noted that a monument can serve as a valuable educational purpose, giving historical context and a fuller understanding to that piece of history.

Regarding the current proposal for the removal of the Christopher Columbus monument at McCabe Park, and regardless of how they ultimately arrive at their decision, it appears that the Council has essentially three options for consideration relative to this proposal:

1. To retain the monument in its current form, aware that this measure may be interpreted as signaling the community's tacitly condoning some of the more negative aspects of history associated with the individual;
2. To retain the monument with the addition of a plaque or sign of some sort, giving a well-thought out statement, contextualizing the monument and giving a more expansive, and balanced account of Columbus's history and, thereby, serving as much in an educational role as commemorative one; and
3. Removal of the monument, presumably to a location at some local Italian fraternal organization or similar place, preferably within the community.

As a matter unrelated to this particular monument, the City Plan Commission is of the opinion that commemorative monuments, statues, sculptures, murals and other forms

of artwork and streetscape are essential elements to creating a vibrant and attractive downtown environment. Monuments to local history, in particular, are viewed as an important element in "placemaking" principle. Regardless of the outcome of this proposed removal of the Columbus monument, the City Plan Commission would recommend that some form of statue, sculpture or streetscape be added as focal point for this part of Main Street.

RECOMMENDATION: The City Plan Commission recognizes that there are opposing opinions and strongly held convictions on both sides of this matter and, in general, is of the opinion that matters regarding such issues as historical context, cultural diversity and community values fall beyond the Commission's purview under Section 19-22 and these decisions should ultimately fall either to the Common Council in its capacity as duly elected representatives of the citizens of New Britain, or to some form of commission or sub-committee dedicated specifically to such issues.

In the meantime, the City Plan Commission has been made aware of an offer from the General Ameglio Society of New Britain to take ownership of the monument. As a means of addressing the current discord surrounding this proposal, it is recommended that the City allow the General Ameglio Society to take ownership of the monument and, at no cost to the City, arrange for its removal and relocation to their property.

For reasons related to good planning principle, streetscape design and "placemaking" the Commission would recommend that upon its removal the monument be replaced with some form of a focal point, either a planting or some form of sculpture or other artwork.

Eileen Gorczyca, Chairperson
City Plan Commission

OLD BUSINESS

APPLICATION: #4887 and #4888
APPLICANT: Noble Energy Real Estate Holdings, LLC
ADDRESS: 234, 240 Newington Avenue; 18 Charles Street
ZONE: B-3, Secondary Business

BACKGROUND: The applicant is requesting, under Application #4888, a special exception pursuant to Section 160-20-120, in order to allow development of a retail gasoline station, donut shop and convenience store. Also associated with this special exception is variance Application #4887, a request for variances of Section 270-40-40.120.20, which restricts fueling stations within 200 feet of a public playground, Section 270-40-40.120.30, which restricts new fueling stations within a 1,000 foot radius of another fueling station, and Section 270-40-40.120.100, which requires there be at least 2 stacking spaces behind the each fueling station.

The subject site consists of three parcels located on the northern side of Newington Avenue between Charles and Childs Streets, which, combined, total just over 1.3 acres. 234 Newington Avenue is at the corner of Newington Avenue and Childs Street and is currently occupied by an existing 2,000 square foot Dunkin' Donuts restaurant with a drive-thru lane exiting onto Childs Street. 240 Newington Avenue is an irregular shaped piece occupied by a two-level structure. For many years the building was the Log Cabin restaurant, but in more recent years it has been used for a church and a catering business. 18 Charles Street is another small parcel, vacant except for parking the accessory to the uses at 240 Newington Avenue. The properties are zoned B-3, Secondary Business and the applicant is seeking to merge them all, demolish the existing structures and develop the site for a modern combination gasoline station, Dunkin' Donuts and convenience store.

FINDINGS: The applicant's plans depict the 1.32 acre combined site with a proposed 4,300 square foot gasoline station/convenience store situated on the northern half of the property with the 8 fuel pump islands and 6,600 square foot canopy situated towards the front of the lot, nearer to Newington Avenue. Approximately one quarter of the retail building floor area would be occupied by the Dunkin' Donuts restaurant and there would be drive-thru lane with a menu, order board and pick-up window running around the backside of the building. The drive-thru lane would have stacking space for at least 5 vehicles as well as a by-pass lane. The site plans show a total of 29 parking spaces, which meets the requirement of parking for the convenience store and restaurant floor area. There are a total of 16 fuel pumps arranged in groupings of 4 under the canopy structure. The canopy and pump locations are proposed to be set back approximately 40 feet and parallel to the front lot line along Newington Avenue.

There are several specific condition requirements for approval of the special exception for fueling stations under Section 270-40-40.120. They include that the site be at least 15,000 square feet in area and have at least 150 feet of frontage on a public street;

that it is at least 200 feet from any school, playground, library, hospital, etc.; that it is at least 1,000 feet from any existing gasoline station or repair garage; that the pumps are at least 15 feet from the street right-of-way; that curbs shall be constructed so as to channel traffic safely to the entrance and exit driveways and that the site be paved and have appropriate drainage.

The plans submitted appear to comply with all applicable requirements, except for the three variances requested - Section 270-40-40.120.20, restricting fueling stations within 200 feet of a public playground, Section 270-40-40.120.30, restricting new fueling stations within a 1,000 foot radius of another fueling station, and Section 270-40-40.120.100, which requires at least 2 stacking spaces behind each fueling station. Chesley Park is located on the opposite corner of the Newington Avenue – John Downey Drive intersection, approximately 90 feet property line to property line. The nearest activity portions of the park are basketball courts approximately 130 feet away from the proposed fueling station, the playground area is further south another 120 feet or so. The nearest existing fueling station is an Irving gasoline station, located on the northwest corner of Newington Avenue and Market street, approximately 660 feet to the west. The fuel island has a total of sixteen (16) dispensing locations with sufficient bypass aisles, but no real stacking space behind the pump location.

The applicant hardship claims regarding these safeguards are essentially that the site and location are well-suited to the use and that the properties are not reasonably or economically viable to be assembled and converted to any alternative type of business use; that the proposed development would be compatible to the area and a visual enhancement to the area. The applicant also points out that the proximity to the park and to the other fueling station are unavoidable, existing conditions and that the portion of the park nearest the site is not, in fact, a playground portion. In regard to space for vehicle stacking at the fueling pumps, it is noted that stacking might reasonably be desirable at a typical, smaller fueling station, where two or more stacked vehicles waiting in line often result in access driveways or egress ways being blocked. The applicant points out that this proposed layout is a more modern design, that has an ample number of accessible pumps, with spacing that allows vehicles to skirt around and by-pass vehicles that are fueling and, that with this arrangement and number of pumps, there is essentially no waiting and no back-up and that, finally, this is a superior layout in terms of traffic and convenience to the customer.

CONCLUSION: Presently the proposed site is mostly paved parking with the existing buildings and businesses underutilized and not optimally laid out or integrated. The plans, as proposed, with full professionally designed landscaping plans would improve the appearance of the properties and this part of the Newington Avenue corridor entering the city. The applicant has documented compliance with the applicable provisions required for the approval of this special exception, with the exception of the three requested variances. The variances waiving the three specific safeguards would not seem to have any significant adverse effect on the design or on the surrounding area.

One element of the site design deserving more careful consideration is the proposal for the new access and exit driveways proposed on Newington Avenue at the center of the site. Engineering review suggests that this added driveway might pose traffic problems being located mid-block between two existing traffic lights on a fairly busy traffic arterial. Newington Avenue is also a state route potentially requiring approvals from the State Department of Transportation for the added curb cut.

RECOMMENDATION: The City Plan Commission has identified Newington Avenue as a "gateway" into the city and has emphasized the importance of a well-designed and aesthetically attractive development in this area. The Commission is of the opinion that this is an appropriate and economically feasible use for the site and that, with a high quality design and professional landscaping plan, would present an attractive entrance into the city and be a good convenience for area residents. For these reasons, the Commission recommends approval of the requested variances, Application #4887 and for special exception Application #4888. The City Plan Commission would suggest that approval should be made subject to either removal of the proposed Newington Avenue entrance or at the least requiring more in depth and detailed engineering review findings from the City Engineering staff and State Department of Transportation, that it can be done safely without negative impact to traffic flow. It should be noted that presuming the variances and special exception approvals are granted, the location will still require approval of the Common Council acting in its capacity as local zoning authority, pursuant to Connecticut General Statutes Section 14-319.



Date : Aug 10, 2020
Drawn By : CTL
Checked By : SPS/DR

**234 & 240 Newington Avenue/18 Charles Street
Application # 4887**

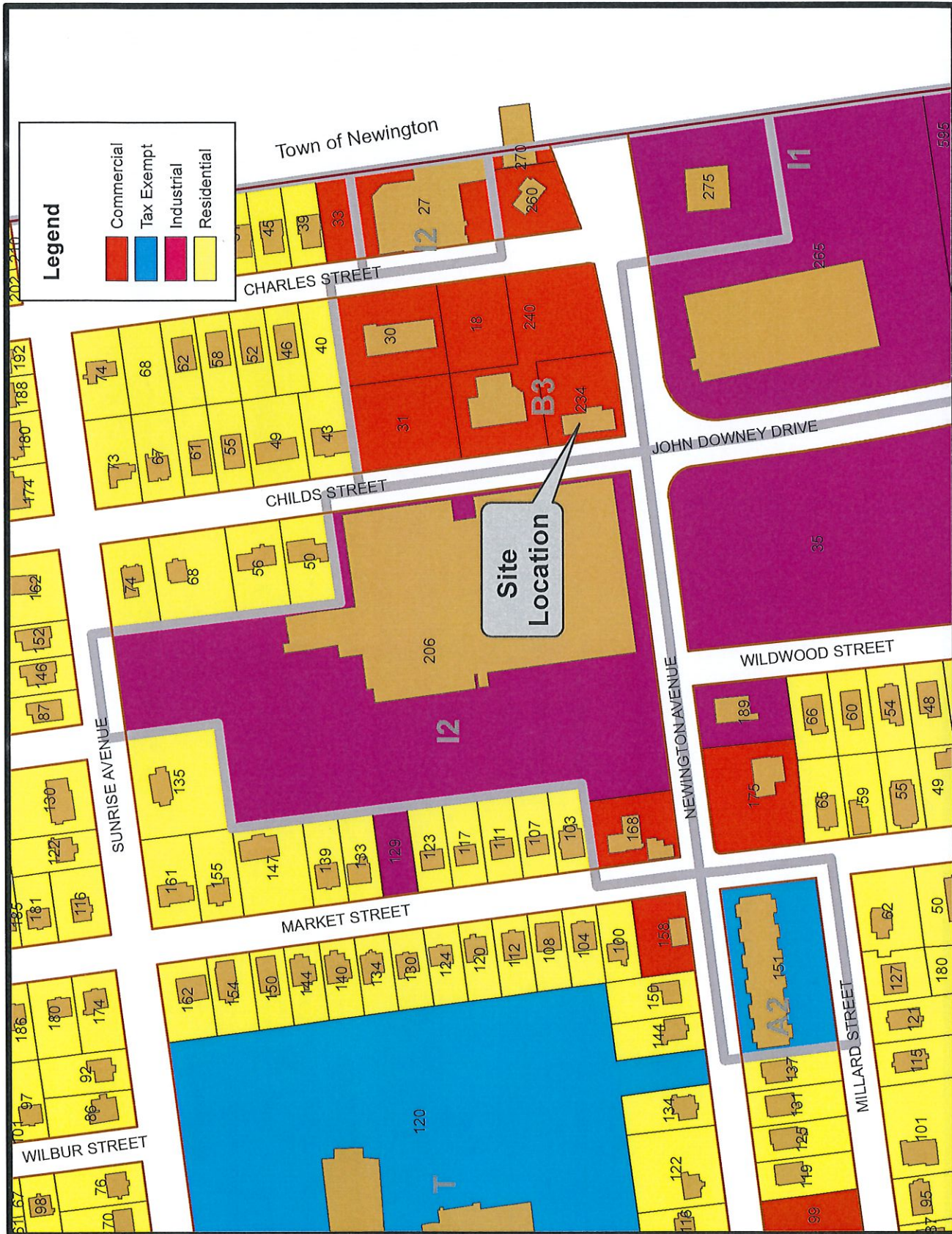


City of New Britain

Department of Public Works
Director - Mark E. Moriarty P.E.



200 100 0 200 Feet



Date : Aug 10, 2020
Drawn By : CTL
Checked By : SPS/DR

234 & 240 Newington Avenue/18 Charles Street
Application # 4888

City of New Britain
Department of Public Works
Director - Mark E. Moriarty P.E.



NEW BUSINESS

APPLICATION: #4889
APPLICANT: Thomas Eric Buckley, Jr.
ADDRESS: 57 Murray Street
ZONE: T, Two-Family

BACKGROUND: The applicant is requesting variances to Section 90-10, permitted uses; 90-40-30, minimum lot area per dwelling unit; and 240-20 required off-street parking in order to legalize a three-family house in a T, Two-Family zoning district. The subject property is located on the northern side of Murray Street at the western end of the cul-de-sac street.

FINDINGS: The property is an 8,056 square foot lot, with a 63-foot frontage. The existing wood-frame house was built around 1900, prior to zoning. It is a relatively common style home that is 2-1/2 stories in height with third floor dormers added to the upper-floor attic space, at some point, to accommodate a third dwelling unit. This was a fairly common thing during various times in the city's history and often referred to as an attic conversion. The T zoning district currently allows only single and two-family houses, notwithstanding the fact that in many T-zoned neighborhoods there are many legally non-conforming three-family houses constructed prior to the adoption of our "modern" zoning ordinances in 1967. Although Building Department records show certificates of occupancy for only two dwelling units, City tax records show a total of six bedrooms and three full bathrooms, suggesting that this third floor unit has existed for a number of years.

The T zone requires a total of 3,000 square feet of lot area per dwelling unit and the off-street parking requirement for residential uses is two (2) parking spaces per unit. The subject property is 8,056 square feet in area, somewhat short of the 9,000 square feet required for a three-unit building. The property currently has a graveled area that is approximately 50 feet in length and 15 to 20 feet in width used for parking near the eastern property line. It would appear adequate to potentially stack three cars in line along the property line, with a fourth space closer to the house. The applicant's submitted plan shows a proposed parking scheme that would add a parking space in the front yard and count two additional on-street spaces, but this is not a workable solution that the City Plan Commission would support.

The applicant's hardship claim is that the third floor fixtures and appliances appear to have been in place and the house has been used as a three-unit building for many years, and, at the time of purchase, it was presumed to be a legally grandfathered condition. He also notes that there are a number of similar three-family homes in nearby areas, many functioning with less than the standard required number of off-street parking spaces.

CONCLUSION: The City Plan Commission acknowledges that there are numerous situations like this in the city, where a property is legally recognized in the building department or assessors' records as a two-family house and where an attic space has been converted, often several decades ago, to create a third residential unit. Past actions have varied over the years, but often it is determined that the current owner was unaware at the time of purchase and that legalizing the third floor unit would not negatively affect the character of the property or the neighborhood. This determination is usually predicated on finding that the apartment spaces comply with applicable fire and building code and that there is at least reasonable provision of off-street parking, if not strict compliance with current standards. In this situation, the parking layout depicted proposes a front yard parking space which would be detrimental to the appearance of the property and violate zoning restrictions. A conforming design, with the required six parking spaces in the rear yard appears feasible and would bring the property into closer compliance with zoning.

RECOMMENDATION: For the reasons stated above, the City Plan Commission would recommend against approval these variances unless the applicant comes back with a revised and conforming parking layout for approval and provided the building is inspected to ensure that it conforms to all applicable building, housing and fire code standards.



City of New Britain

Department of Public Works
Director - Mark E. Moriarty P.E.

57 Murray Street
Application # 4889

Date : Sept 4, 2020
Drawn By : CTL
Checked By : SPS/DR

APPLICATION: #4890
APPLICANT: Jan Wojas, AIA for Wojas Arch LLC
ADDRESS: 446-450 South Main Street
ZONE: B-1, Neighborhood Business

BACKGROUND: The applicant is requesting a variance to Section 140-10 permitted uses, in order to legalize a tire sales and installation business and an auto glass tinting business at the rear of an existing commercial plaza. The subject property is located on the eastern side of South Main Street across from the intersection of Brook Street and is zoned B-1, Neighborhood Business.

FINDINGS: The subject property is approximately 1.6 acres in area and is the site of two buildings, both constructed around 1989. The front building is approximately 3,000 square feet in area was originally built as a bank branch office and now used as a dental office. The main plaza building has just over 8,000 square feet in area on the main level and is occupied by a number of small businesses, such as a pizza restaurant, fried chicken restaurant, nail and hair salons and two or more barber shops. There is about a 20 foot difference in elevation from the front of the building to the rear and consequently, the basement level is exposed to the eastern rear of the property, it was originally constructed as storage space with several large overhead garage doors. This basement space has in recent years been leased out and used for two businesses, the sales of and installation of used tires and an auto glass tinting operation. These businesses were apparently started without proper permitting and, aside from the question of zoning, there were also a number of building and fire code problems with these businesses occupying the building.

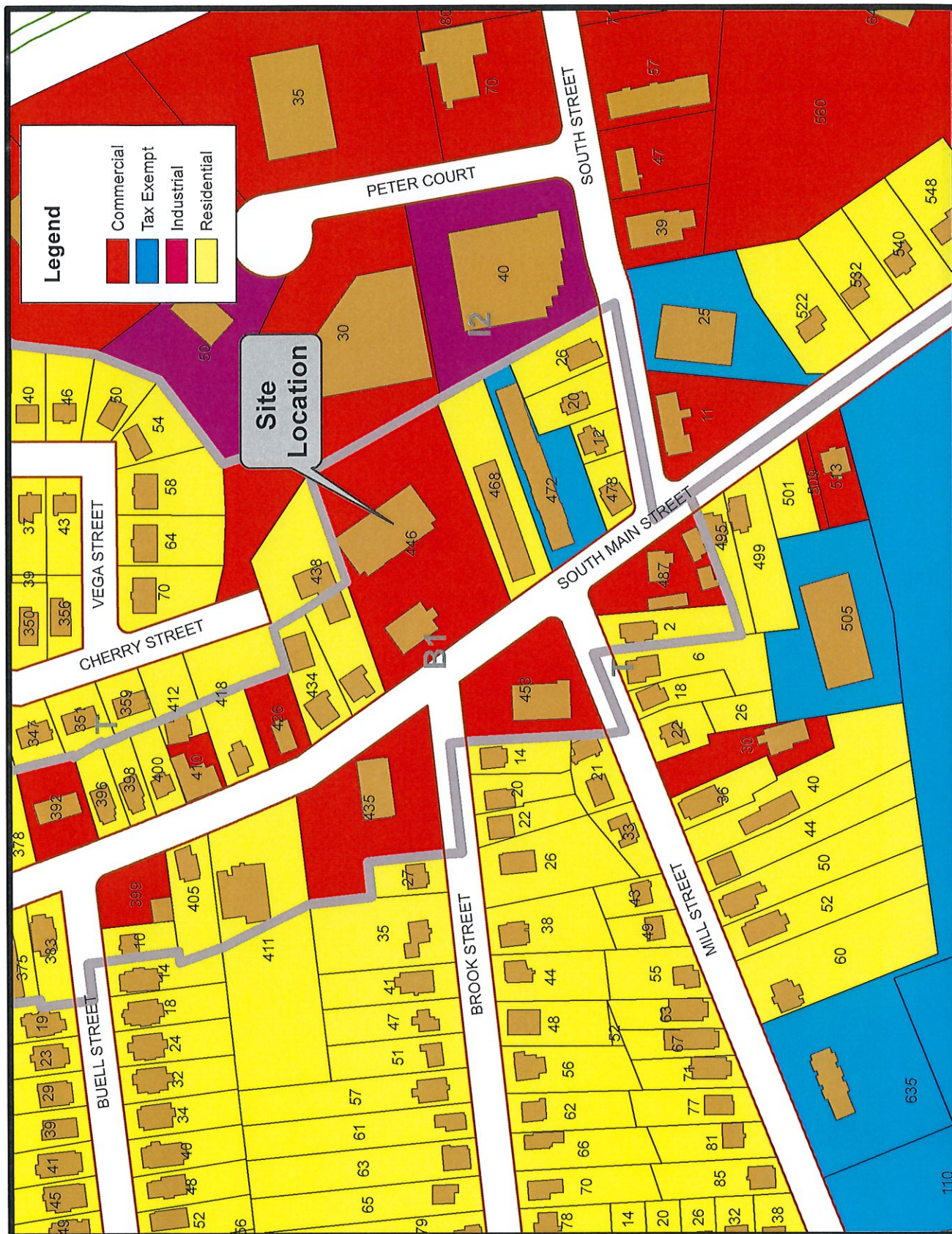
The current owner is now seeking to bring the building into compliance. The use variance would be necessary because auto-related uses are not allowed in the B-1 zoning district. The applicant's hardship claim is that the variance is necessary to bring these pre-existing businesses into compliance and allow use of this unattractive and otherwise underutilized space.

CONCLUSION: The used tire sales and auto glass tinting operations fall under the category of general automotive related businesses that are not licensed by the state Department of Motor Vehicles. Several years ago the city reviewed and adopted new zoning regulations for all auto-related types of businesses. With this review there was an assessment as to where these businesses were compatible uses and a determination was made that they should be limited to larger sites over 10,000 square feet in area and only allowed by special exception in the I-2 and B-3 zoning districts. Therefore, motor-vehicle uses like these are not permissible in a B-1 zoning district. Also it was anticipated that such businesses would generally be permitted as a single business use on a property, not as part of a multi-tenant commercial plaza. In this situation the property is shared with at least six other business spaces. The applicant's plans show the plaza has basically enough parking spaces for the floor area of the existing businesses with

sufficient space, if properly arranged, to accommodate the required parking for the tire sales and glass tinting businesses. The site plan shows a total of 72 conforming parking spaces, one more than calculated to meet the minimum number required. It should be noted that the plans do not depict any trash handling or recycling accommodations in the form of dumpsters or recycling locations for these two businesses and that the outdoor storage of tires here in the past has been cited as a health problem.

The City Plan Commission has usually urged caution in dealing with auto-related uses like these and is of the opinion that they are seldom a compatible fit with the restaurants, dental and medical offices and other retail and service activities typically found in this type of commercial plaza. The Commission is especially wary of auto-related activities like this occupying rear spaces that are not visible from the street, as they often result in various abuses related to outdoor storage of parts and poor trash and recycling practices. The Commission is also concerned that, in this case the auto-related businesses contribute to a sense of overcrowding for the site and that the plan does not accommodate vehicle transport trucks sometimes used for these businesses.

RECOMMENDATION: For the reasons stated above, and out of concern that this might set a poor precedent for commercial plazas elsewhere, the City Plan Commission would recommend that this variance be denied.



Date : Sept 4, 2020
Drawn By : CTL
Checked By : SPS/DR

446-450 South Main Street
Application # 4890

City of New Britain
Department of Public Works
Director - Mark E. Moriarty P.E.



APPLICATION: #4891
APPLICANT: Roslyn Y. Samuel-Crossdale
ADDRESS: 670 Stanley Street
ZONE: I-2, General Industry

BACKGROUND: The applicant is requesting a variance to Section 200-10, permitted uses in an I-2, General Industry zone, in order to allow a former funeral home location to be converted into church use. The subject property is located near the southwest corner of Stanley and Chestnut Streets. The subject property, also known as 271 Chestnut Street, is the site of the former Venskunas Funeral Home, which was permitted by variance #3802 in July 1998. The Board previously dismissed, without prejudice, an identical variance request for a church at this location on January 16, 2020, Application #4856.

FINDINGS: The applicant's plans depict the property accessed through two T, two-family zoned properties that border on Stanley Street. The property is approximately 0.8 acres in area, occupied by the 7,000 square foot funeral home building and paved parking for approximately 25 vehicles. The site is in a mixed use transitional area, bordered to the west by the Route 9 corridor, to the north by Chestnut Street, on the east by two T-zoned residential properties and to the south by I-2 zoned properties occupied by a small warehouse and parking and by the former Varpas Club. The applicant offers no real hardship claim, other than suggesting that site is suited to church use and that the church would be compatible and beneficial to the surrounding neighborhood.

CONCLUSION: While this property is probably well-suited to church use, the City Plan Commission is of the opinion that it would not be the highest and best use for this property. The numerous studies and master plans the Commission has reviewed over the years have consistently noted a shortage of suitably zoned land and buildings in the city, in which to attract and expand businesses to help create jobs and bolster the tax base. Accordingly, the Commission has had a general policy of recommending against variances that would allow non-business use for any industrial or commercially-zoned space.

Additionally, in this case, the applicant has not shown any real valid hardship other than their desire to use the property for a use that it is not zoned for. This is not a legally valid hardship since the property itself presents no real limitation and is adequately suited to almost any conforming business use. Further, there is no hardship on the part of the applicant since the church does not own the property and could logically go and seek another space in any appropriately zoned location.

RECOMMENDATION: As a matter of principle, the City Plan Commission is strongly opposed to use variances to allow industrial or commercially-zoned properties to be used for a non-business uses, especially where there is no valid hardship demonstrated. The Commission, therefore, recommends that this variance be denied.



Date : Sept 4, 2020
Drawn By : CTL
Checked By : SPS/DR

**670 Stanley Street
Application # 4891**

City of New Britain
Department of Public Works
Director - Mark E. Moriarty P.E.

APPLICATION: #4892
APPLICANT: Amisha Desai
ADDRESS: 1375 East Street
ZONE: TOD-ES 1, Transit-Oriented Development - East Street Primary

BACKGROUND: The applicant is requesting variance to Section 250-30-20.50, maximum permitted area for a pole mounted business sign and to Section 250-30-20.10 which prohibits pole signage within 20 feet of a property line. The subject property is the former French Model Club located on the eastern side of East Street across from the intersection of Biltmore Street. The area is zoned TOD-ES 1, Transit-Oriented Development - East Street, Primary. The site was previously granted a variance, Application #4801 in May 2018, relating to parking, in order to allow conversion of the French Model social club into a restaurant and banquet hall.

FINDINGS: Section 250-30-20.50 restricts the maximum detached pole sign size to an area of 32 square feet per side. The applicant's submitted plans show the proposed pole mounted signage consisting of two separate signs, a rectangular 9 feet by 2.3 foot, internally lit sign, totaling 20.7 square feet in area, reading "The Grand Allure Banquet Hall" at the top of the pole, with a smaller 54 inch diameter round sign below, totaling 14.1 square feet in area and reading "The Hive, Bar & Restaurant". The two signs together total approximately 34.8 square feet, a relatively small exceedance over the 32 square feet permitted.

Section 250-30-20.10 requires that pole mounted signs be set back at least 20 feet from all property lines, including the front lot line at the street. The building is approximately 36 feet back from East Main Street front lot line, but there is an additional 10 foot easement that was taken by the state and, partially within the easement, a public sidewalk installed, leaving the property with approximately 24 feet between the building and sidewalk. The applicant would like to place the sign somewhere in the small front lawn area between the building and the sidewalk, up closer to the street where it would be more visible. It appears that there is adequate space to place the sign at least 20 away from the northern property line feet. Placed as planned with the sign set perpendicular to the road, the nearest part of the sign about 2 feet from the sidewalk the pole would be about set back 8.5 feet from the easement line and 18.5 feet from actual front lot line.

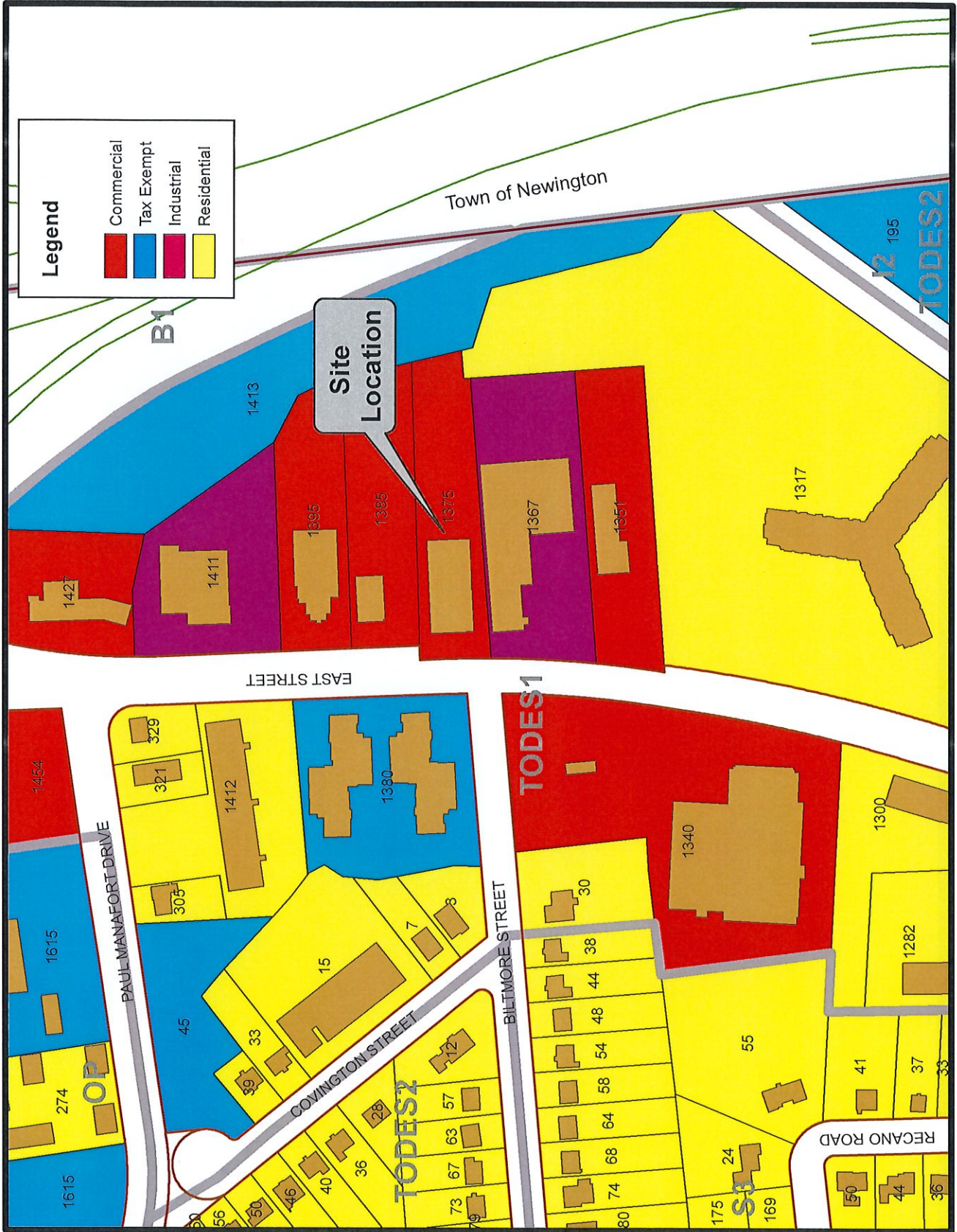
For the sign size variance, the applicant's hardship claims is that there are essentially two different businesses each needing to be identified and that both signs need to be large enough to be visible. Regarding the sign placement, the applicant indicates that street configuration and easement is unusual here and that sign visibility is important to direct traffic to the driveway and avoid creating confusion and potential traffic problems. She points out that the degree of deviation from the zoning requirements is relatively minor and not out of character for this part of East Street.

CONCLUSION: The proposed signage would not appear to be out of character or to negatively affect the surrounding area. The difference in sign area is less than a 9% increase over the permissible 32 square foot sign area and the front yard placement just behind the walk would be essentially an 18.5 foot setback of the pole rather than the required 20 foot setback from the front property line. The nature of this traffic and existing development on this portion of East Street suggests that business identification signage needs to be prominently visible.

RECOMMENDATION: The City Plan Commission recognizes the need for clear and visible identification signage on this part of East Street and is of the opinion that the requested variances result in relatively minor deviations from the regulations and would not negatively affect the character of the area. The Commission, therefore has no objections to the granting of these requested variances.



200 Feet
100
0



Date : Sept 4, 2020
Drawn By : CTL
Checked By : SPS/DR

1375 East Street
Application # 4892

APPLICATION: #4893
APPLICANT: Timothy Stewart for Beacon Pharmacy
ADDRESS: 233 Main Street
ZONE: CBD, Central Business District

BACKGROUND: The applicant is requesting a variance to Section 170-110-10-70.10 regarding signage in the CBD, Central Business District, in order to allow installation of a business identification sign for a Beacon Pharmacy that is being opened on the first floor level of the CMHA building on the southeast corner of Main Street and Bank Street.

FINDINGS: The applicant's signage plan depicts the proposed sign to be mounted on the Main Street side of the building reading "Beacon Prescriptions", 15 feet in width and 4.5 feet in height, totaling 52.5 square feet in area. In the CBD area, building-mounted signage is permitted to be 1.5 square feet in area for each linear foot of wall space. In this case the west facing wall of the building is 62 feet in length which would allow over 90 square feet of signage. Section 170-110-10-70.10 prohibits any letter on a sign within 50 feet of the street line from exceeding 18 inches in height or width. The building wall on which the sign would be mounted is set back approximately 28 feet from Main Street. The majority of the letters spelling out "Beacon" are approximately 20 inches in height, the two end letters, the "B" and the "N" are approximately 36 inches in height.

The applicant indicates that this is the standard corporate sign for similar Beacon Pharmacy locations and that the scale and proportions are appropriate for a downtown location especially for a building set back more than 25 feet from the street. He further suggests that anything smaller would not have good visibility from the street.

CONCLUSION: The proposed pharmacy signage would be in compliance with the size restrictions of Section 170-110-10-70.10 for the overall sign area. The only point of noncompliance is that the individual letters exceed the 18 inch height size restriction of Section 170-110-10-70.10 for buildings within 50 feet of the street line. The purpose of that 18 inch restriction is to prevent oversize lettering and the objectionable appearance when such buildings signs are placed on smaller storefronts situated very close to the sidewalk. In this case the front wall of the CMHA building is 60 feet in width and the sign is more than 25 feet from the street right-of-way. The sign proposed is consistent with the Beacon Pharmacy corporate standard and would not appear to be oversized or out of character in this location.

RECOMMENDATION: The City Plan Commission is of the opinion the lettering size for this signage is appropriately suited to the location and not out-of-scale on the building. The Commission, therefore has no objections to the granting of this variance.



Date : Sept 4, 2020
Drawn By : CTL
Checked By : SPS/DR

233 Main Street
Application # 4893



City of New Britain
Department of Public Works
Director - Mark E. Moriarty P.E.