

CITY OF NEW BRITAIN

ZONING BOARD OF APPEALS
CHAIRMAN MATTHEW MALINOWSKI

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REGULAR MEETING AND PUBLIC HEARING
ROOM 201 – CITY HALL
NEW BRITAIN, CONNECTICUT
THURSDAY, AUGUST 20, 2020
6:00 p.m.

AGENDA

- 1. CALL TO ORDER
- 2. ROLL CALL
- 3. APPROVAL OF MINUTES: July 16, 2020 Regular Meeting
- 4. NEW BUSINESS
 - A. PUBLIC HEARING AND DISCUSSION:

#4885: Mei Qin Lin - 230 Oak Street

#4886: Regina Wlodkowski for Remark Insurance Agency, LLC – 175 Burritt Street **#4887:** Noble Energy Real Estate Holdings, LLC – 234, 240 Newington Avenue;

18 Charles Street

#4888: Noble Energy Real Estate Holdings, LLC – 234, 240 Newington Avenue;

18 Charles Street

- 5. OTHER NEW BUSINESS
- 6. ADJOURNMENT

Next Meeting: Thursday, September 24, 2020 @ 6:00 p.m.

ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> MINUTES - Regular Meeting July 16, 2020 Page One

Members Present:

Matthew Malinowski, Chairman Paul Catanzaro Jerrell Hargraves Marion Fischbein Mario Santos, Alternate Nicole Bosco, Alternate

Staff Present:

John Diakun, City Attorney Steven P. Schiller, Planner II Danielle Rosado, Secretary

CALL TO ORDER:

Chairman Matthew Malinowski called the meeting to order at 6:00 p.m.

2. ROLL CALL:

A quorum of six (6) members was present upon roll call. The participants in attendance were informed that, since five (5) affirmative votes are required in order for any application to be approved, all pending applicants would be given the opportunity to request a postponement to the next scheduled meeting, where it would be presumed that a full board would be present.

3. APPROVAL OF MINUTES: MAY 21, 2020, REGULAR MEETING

ACTION: A motion to approve the minutes of the May 21, 2020 Regular Meeting was made by Commissioner Fischbein and seconded by Commissioner Hargraves. The motion passed by 4 to 0 vote with Commissioner Catanzaro abstaining.

4. NEW BUSINESS

A. PUBLIC HEARING AND DISCUSSION:

#4883: Select Asset Management, LLC – 18 Highland Street

#4884: Gary Bourgoin - 211 Buell Street

5. OTHER NEW BUSINESS

There was no other new business.

ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> MINUTES - Regular Meeting July 16, 2020 Page Two

6. ADJOURNMENT

There being no further business to come before the Zoning Board of Appeals, the meeting was adjourned on a motion by Commissioner Hargraves, seconded by Commissioner Santos, and unanimously approved, the time being 6:15 p.m.

Respectfully submitted,

Danielle Rosado, Secretary

Danielle Rose

ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> No. 4883 July 16, 2020

Select Asset Management, LLC 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. Zone: OP

Members Present:

Matthew Malinowski, Chairman Paul Catanzaro Jerrell Hargraves Marion Fischbein Mario Santos, Alternate Nicole Bosco, Alternate

Chairman Malinowski opened the public hearing and Attorney John Diakun determined that the signed affidavit was in order.

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.

The Engineering Department had the following comment on this application:

1. A driveway and possibly concrete permit will be required from the Public Works Department prior to installing the driveway. Final curb cut and drive location to be reviewed and determined by Public Works.

There was no Building Department report for this application.

Speaking in favor:

Erik Szyluk, 73 Russ Street, Hartford, CT

<u>ACTION</u>: A motion to approve Application #4883 was made by Commissioner Hargraves and seconded by Commissioner Catanzaro. After a discussion, a motion to amend the initial motion to include the recommendations of the Engineering Department was made by Commissioner Hargraves and seconded by Commissioner Catanzaro and passed by unanimous vote.

APPLICATION #4883 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS
Matthew Malinowski, Chairman

Danielle Rosado, Secretary

ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> No. 4884 July 16, 2020

Gary Bourgoin 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. Zone: T

Members Present:

Matthew Malinowski, Chairman Paul Catanzaro Jerrell Hargraves Marion Fischbein Mario Santos, Alternate Nicole Bosco, Alternate

Chairman Malinowski opened the public hearing and Attorney John Diakun determined that the signed affidavit was in order.

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 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.

The Engineering Department had no comment on this application.

There was no Building Department report for this application.

Speaking in favor:

Gary Bourgoin, 211 Buell Street, New Britain

<u>ACTION</u>: A motion to approve Application #4884 was made by Commissioner Catanzaro and seconded by Commissioner Santos. The motion passed by unanimous vote.

APPLICATION #4884 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman

Danielle Rosado, Secretary



ZONING BOARD OF APPEALS

City Plan Commission Report ZBA Hearing Date: August 20, 2020

New Business

Application #4885 230 Oak Street

Application #4886 175 Burritt Street

Application #4887
234, 240 Newington
Avenue/18 Charles
Street

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

City of New Britain

Zoning Board of

Appeals

Meeting Room 201

6:00 p.m.

APPLICATION: #4885
APPLICANT: Mei Qin Lin
ADDRESS: 230 Oak Street

ZONE: B-1R, Neighborhood Business Residential

BACKGROUND: The applicant is requesting special exception approval pursuant to Section 145-20-80, to allow the establishment of a small grocery market in a B-1R, Neighborhood Business Revitalization zone. The subject property is situated on the western side of Oak Street, between Allen and LaSalle Street. The applicant indicates that the vacant building and on-site parking is well-suited to their proposed market. Identical applications for this property were previously approved by the Zoning Board of Appeals, Application #4805 in August 2018, and #4848 in July 2019, but in both instances, approvals lapsed when the applicant was not able to obtain building permits and begin work within the 180 day timeframe.

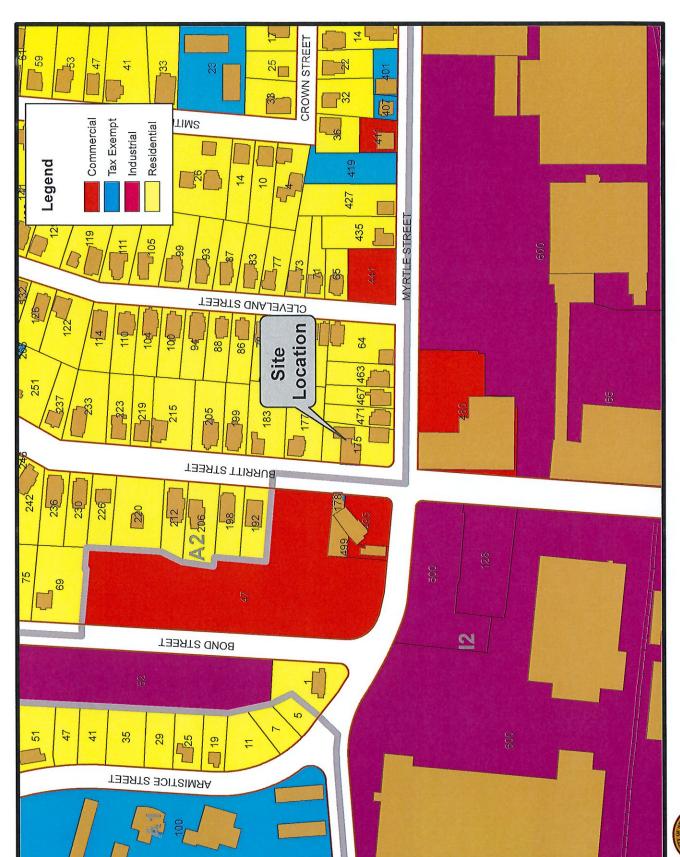
FINDINGS: The subject property is a .42 acre parcel that is occupied by a single-story, 3,000 square foot building that was built around 1984. The applicant's floor plans show a floor area of just under 2,000 square feet for the grocery sales and remaining area allocated to storage, restroom and office space. The site has an existing paved parking area with a total of 13 parking spaces. The parking requirement for a grocery or other type of store is one space per every 200 square feet of net floor area, and so the existing parking is more than adequate.

The applicant points out that the store is a permissible special exception and a generally compatible use for a residential neighborhood and, further, that the site has ample parking and is ideally suited to their use.

<u>CONCLUSION</u>: This type of small-to-medium sized neighborhood store is a permissible special exception use in the B-1R zoning district. The B-1R zoning district was, in fact, drafted with the intent of encouraging compatible, small-scale, neighborhood commercial businesses such as this. The floor area and parking are sufficient for the intended use, and the store would be an appropriate and compatible use for this mixed-use neighborhood business area.

RECOMMENDATION: The City Plan Commission is of the opinion that the property is adequately suited for a grocery market and that the store would be a compatible use for the area. The Commission, therefore, has no objections to the approval of this special exception.

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Application # 4885 175 Burritt St

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

City of New Britain

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

Application #4885 230 Oak Street

230 Oak Street	#4799	SPECIAL EXCEPTION To allow the establishment of a small church in a B-1R zone. DENIED: March 2018
230 Oak Street	#4805	SPECIAL EXCEPTION To allow the establishment of a grocery market in a B-1R Zone. GRANTED: August 2018
230 Oak Street	#4848	SPECIAL EXCEPTION In order to allow the establishment of a grocery market in a B-1R Zone. GRANTED: July 2019

APPLICATION:

#4886

APPLICANT:

Regina Włodkowski for Remark Insurance Agency, LLC

ADDRESS:

175 Burritt Street

ZONE:

A-2, Multi-Family Houses

BACKGROUND: The applicant is requesting variances to Sections 110-30-70 and 250 regarding permitted signs in residential zoning districts. The subject property is the former Brothers Two Restaurant situated on the northeastern corner of Burritt Street and Myrtle Street. The property was previously granted variances for use and parking in October 2019, Application #4859, allowing conversion of the nonconforming restaurant into an insurance office. The area is zoned A-2, Multi-Family Houses.

FINDINGS: Sections 110-30-70 and 250 do not allow business signs in the A-2 residential zone, with the exception of a one square-foot professional announcement sign or a 6 square-foot identification sign for a church or other religious institution. The applicant is seeking identification signage for the insurance office, which would be consistent with what would be allowed under Section 250-30 for a business in a B-1, B-2 or B-3 business zone. The applicant's sign sketches show a sign of approximately 4 by 10 over the front main entrance to the building identifying as the Remark Insurance Agency, LLC, as well as several smaller signs in each of the 8 front windows on the building, identifying the insurance offerings and reading "auto", "home", "fire" and the business name. The submitted sketch plan is inadequate to assess the proposed size of the window signage.

CONCLUSION: Notwithstanding the A-2 residential zoning, having found the proposed office use on this property to be compatible and appropriate for the location it would seem unreasonable to not allow reasonable business identification for the insurance agency. Section 250-30 would allow a maximum 120 square-foot, wall-mounted sign for this business if it were in a business zoning district and it would appear that the 40 square foot sign over the front door would be permissible and reasonable for this business and building size.

Some level of window signage would also seem appropriate, provided that it is uniform in size and coordinated in color and appearance. As previously mentioned, the applicant's plans are unclear and not to scale. The City Plan Commission is often concerned about window signage limitations being ignored, resulting in excessive and unsightly conditions.

RECOMMENDATION: The City Plan Commission has no objections to the granting of the requested variances, subject to the applicant being required to develop and submit more detailed, professional quality signage plans for review and approval by the City Planning staff, with the wall sign limited to the size shown and the window signage limited to not more than 15% of each window area, not more than 1 foot in height across the full width of each window, and all suitably coordinated as to color size and appearance.

Application # 4886

230 Oak St

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

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



Application #4886 175 Burritt Street

499 Myrtle Street	#4698	VARIANCE To open a bait supply shop in an existing, small business space. CONTINUED: May 2015
175 Burritt Street	#4859	VARIANCES In order to allow the conversion of a nonconforming restaurant into an insurance office. GRANTED: October 2019

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 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 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 and order board and pick-up window running around the back side 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 parallel and 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, 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.

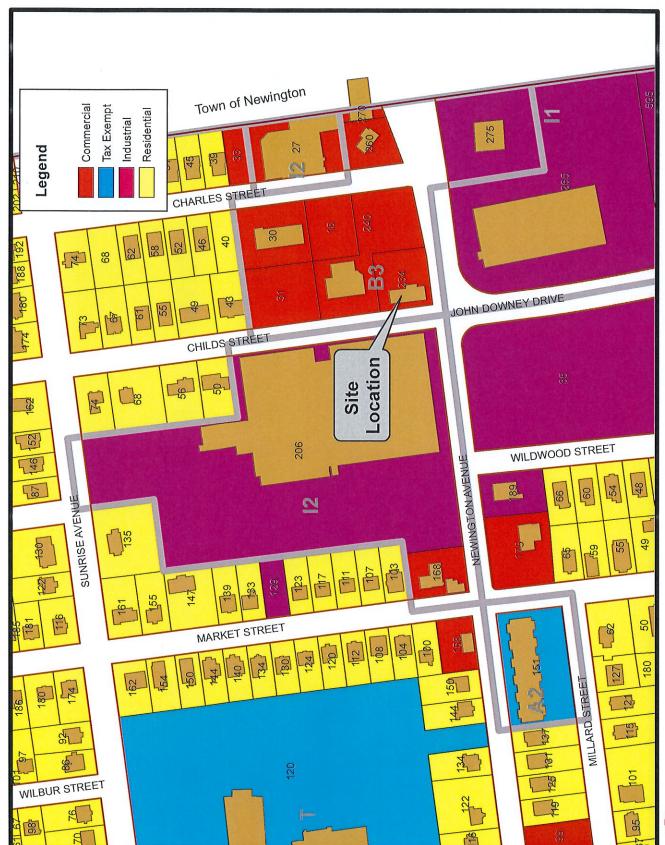
One element of the site design deserving more careful consideration is the proposal for the new access and exit driveways proposed on Newington Avenue at the center of the site. Engineering review suggests that this added driveway might pose traffic problems being located mid-block between two existing 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 "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 form 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.

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

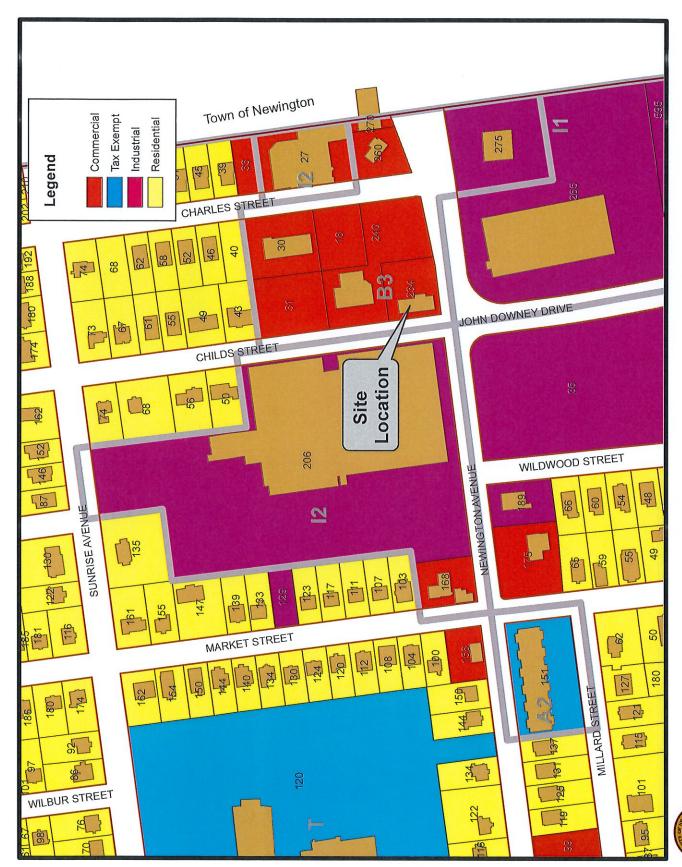
Date : Aug 10, 2020 Drawn By : CTL Checked By : SPS/DR

City of New Britain

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

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

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



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

Application #4887 & #4888 234, 240 Newington Avenue/18 Charles Street

27 Charles Street	#4157	CERT. OF LOCATION APPROVAL To allow the expansion of a motor vehicle dealer/repairer operation. GRANTED: January 2005
30 Charles Street	#4339	SPECIAL EXCEPTION To allow an alcohol permit for an existing social club. GRANTED: June 2007
275 Newington Avenue	#4784	SPECIAL EXCEPTION To allow a martial arts studio to open in a former bank branch office building. GRANTED: November 2017