

## 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, SEPTEMBER 23, 2021
6:00 p.m.

#### **AGENDA**

- 1. CALL TO ORDER
- 2. ROLL CALL
- 3. APPROVAL OF MINUTES: AUGUST 19, 2021 Regular Meeting
- 4. NEW BUSINESS
  - A. PUBLIC HEARING AND DISCUSSION:

#4930: Ja'mani Eaton/Ousmani Sylla – 450 South Main Street

#4931: Timothy T. Stewart – 1055 West Main Street

**#4932:** Marlon Soriano for The Industrial Bar & Cocktails LLC – 222 Main Street **#4933:** Matt Butler for the Hook and Ladder New Britain LLC – 136 Main Street

- 5. OTHER NEW BUSINESS
- 6. ADJOURNMENT

Next Meeting: Thursday, November 18, 2021 @ 6:00 p.m.

## ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> MINUTES - Regular Meeting August 19, 2021 Page One

#### **Members Present**

Jerrell Hargraves, Vice-Chairman Bryan Anderson Marion Fischbein Maryann Sobolewski Mario Santos, Alternate

#### **Staff Present:**

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

#### 1. CALL TO ORDER:

Vice-Chairman Jerrell Hargraves called the meeting to order at 6:02p.m.

#### 2. ROLL CALL:

A quorum of five (5) 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: July 22, 2021, REGULAR MEETING

**ACTION**: A motion to approve the minutes of the July 22, 2021 Regular Meeting was made by Commissioner Fischbein and seconded by Commissioner Anderson. The motion passed by unanimous vote.

#### 4. OLD BUSINESS

A. PUBLIC HEARING AND DISCUSSION:

#4920: Christine Prendergast – 228 Corbin Avenue

#4925: Marco Ocasio - 260 Hart Street

#### 5. NEW BUSINESS

B. PUBLIC HEARING AND DISCUSSION:

**#4926:** Scott Fanning for Dunkin' Donuts – 741 West Main Street **#4927:** Klingberg Comprehensive Program – 370 Linwood Street

## ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

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#4928: Brian Pendergast – 1 Hartford Square

#4929: Mark Friedland for JASKO Development - 267-277 Main Street

#### 6. OTHER NEW BUSINESS

There was no other new business.

#### 7. ADJOURNMENT

There being no further business to come before the Zoning Board of Appeals, the meeting was adjourned on a motion by Commissioner Anderson, seconded by Commissioner Santos, and unanimously approved, the time being 7:01 p.m.

Respectfully submitted,

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Danielle Rosado, Secretary

## ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> No. 4920 August 19, 2021

Christine Prendergast is requesting a variance to Section 230-120-10, which prohibits placement of a swimming pool within any required minimum yard setback at 228 Corbin Avenue. Zone: S-2

#### **Members Present:**

Jerrell Hargraves, Vice-Chairman Bryan Anderson Marion Fischbein Roman Nowak Maryann Sobolewski Mario Santos, Alternate

Vice-Chairman Hargraves opened the public hearing and Attorney Mary Pokorski determined that the signed affidavit was in order.

The applicant would like to install a 12 by 24 foot diameter above-ground pool in the rear yard of the property, situated near the garage and encroaching into the minimum required 25-foot setback.

Mr. Schiller summarized the City Plan staff report stating that the City Plan staff, having reviewed the revised plans, is of the opinion that a 13 foot setback would typically have favorable recommendation from the Commission and that it appears adequate to provide protection and buffering to the neighboring property. Presuming all applicable pool safety measures, such as fencing, self-locking gates, etc., planning staff has no objections to the granting of this variance.

The Engineering Department had no comment on this application.

The Building Department had no comment on this application.

Speaking in favor:

Christine Prendergast, 228 Corbin Avenue, New Britain, CT;

David Prendergast, 228 Corbin Avenue, New Britain, CT

**ACTION:** A motion to approve Application #4920 was made by Commissioner Anderson and seconded by Commissioner Fischbein and passed by unanimous vote.

APPLICATION #4920 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman

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Danielle Rosado, Secretary

## ZONING BOARD OF APPEALS

City Hall – Room 201 New Britain, CT 06051

> No. 4925 August 19, 2021

Marco Ocasio is requesting a variance to Section 230-120-10, which prohibits placement of a swimming pool within any required minimum yard setback at 260 Hart Street. Zone: S-2

#### **Members Present:**

Jerrell Hargraves, Vice-Chairman Bryan Anderson Marion Fischbein Roman Nowak Maryann Sobolewski Mario Santos, Alternate

Vice-Chairman Hargraves opened the public hearing and Attorney Mary Pokorski determined that the signed affidavit was in order.

The applicant would like to install la 12 by 24 foot above-ground pool in the rear yard of the property. While the yard is large, the topography is such that flattest portions of the yard are towards the rear most part of the property.

Mr. Schiller summarized the City Plan staff report stating that the City Plan Commission is of the opinion that this pool encroaches much too closely to neighboring property lines and would have the potential for negative effect to the neighbors. The Commission therefore recommends against approval of this variance.

The Engineering Department had no comment on this application.

The Building Department concurred with City Plan's opposition to the granting of a variance.

Speaking in favor:

Marco Ocasio, 260 Hart Street, New Britain, CT;

Marisol Almodovar Ocasio, 260 Hart Street, New Britain, CT

**ACTION:** A motion to approve Application #4925 was made by Commissioner Santos and seconded by Commissioner Fischbein. After some discussion and concerns regarding the close proximity to the neighbors, a motion to amend the prior approval and add a stipulation that the pool must be at least 8 feet from all property lines was made by Commissioner Santos and seconded by Commissioner Fischbein and passed by unanimous vote.

APPLICATION #4925 WAS CONDITIONALLY GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman

Danielle Rosado, Secretary

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## ZONING BOARD OF APPEALS

### City Hall - Room 201 New Britain, CT 06051

No. 4926 August 19, 2021

Scott Fanning for Dunkin' Donuts is requesting a variance to Section 230-110.10.10, required transitional yard setback, in order to allow Dunkin' Donuts to add a second menu board and drive-thru bypass lane at their store at 741 West Main Street. Zone: B-1

#### **Members Present:**

Jerrell Hargraves, Vice-Chairman Bryan Anderson Marion Fischbein

Roman Nowak Marvann Sobolewski Mario Santos, Alternate

Vice-Chairman Hargraves opened the public hearing and Attorney Mary Pokorski determined that the signed affidavit was in order.

Mr. Schiller summarized the City Plan Commission report stating that the City Plan Commission recognizes the need to improve traffic flow and alleviate on site traffic congestion that on occasion interferes with traffic flow near the site driveways, and the Commission is of the opinion that, with the fencing and vegetative screening retained, the proposed reduction in the transitional yard buffer would not result in significant detriment to the bordering residentially zoned property. Therefore the Commission has no objections to the granting of the requested variance, provided that approval is contingent on the applicant obtaining all required approvals for the proposed drive-way modifications.

The Engineering Department had the following comments on this application:

- 1. The proposed curb cut is excessively wide and will require CTDOT review and approval.
- 2. A full site plan submission and review will be required.

The Building Department offered a positive recommendation to the granting of a variance.

Speaking in favor:

Scott Fanning, 93 Montevideo Road, Avon, CT;

Andrew Quirk, Kratzert, Jones & Associates, Milldale, CT

Speaking against:

John Meister, 23 Russwin Road, New Britain, CT

**ACTION:** A motion to approve Application #4926 was made by Commissioner Anderson and seconded by Commissioner Santos and passed by unanimous vote.

APPLICATION #4926 WAS GRANTED BY UNANIMOUS VOTE.

**70NING BOARD OF APPEALS** Matthew Malinowski, Chairman

Canelle P Danielle Rosado, Secretary

# City of New Britain ZONING BOARD OF APPEALS

## City Hall – Room 201 New Britain, CT 06051

No. 4927 August 19, 2021

Klingberg Comprehensive Programs is requesting variances to Section 90-10, permitted uses and 90-20, special exception uses, in order to allow the addition of a large tent structure for outdoor activities to be added to the Klingberg Family Center at 370 Linwood Street. Zone: T

#### **Members Present:**

Jerrell Hargraves, Vice-Chairman Bryan Anderson Marion Fischbein Roman Nowak Maryann Sobolewski Mario Santos, Alternate

Vice-Chairman Hargraves opened the public hearing and Attorney Mary Pokorski determined that the signed affidavit was in order.

Mr. Schiller summarized the City Plan Commission report stating the City Plan Commission is supportive of Klingberg's mission and service to the community and is of the opinion that the tent is a reasonable accessory for their operations. The Commission therefore has no objections to the granting of these variances.

The Engineering Department has no comment on this application.

The Building Department offered a positive recommendation to the granting of variances.

Speaking in favor:

Teresa Alaimo, 370 Linwood Street, New Britain, CT;

<u>ACTION</u>: A motion to approve Application #4927 was made by Commissioner Fischbein and seconded by Commissioner Anderson and passed by unanimous vote.

APPLICATION #4927 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. 4928 August 19, 2021

Brian Pendergast is requesting a special exception pursuant to Section 220-20-20, in order to allow an indoor sports and fitness training club to occupy a portion of an existing industrial building at 1 Hartford Square. Zone: I-2

#### **Members Present:**

Jerrell Hargraves, Vice-Chairman Bryan Anderson Marion Fischbein Roman Nowak Maryann Sobolewski Mario Santos, Alternate

Vice-Chairman Hargraves opened the public hearing and Attorney Mary Pokorski determined that the signed affidavit was in order.

Mr. Schiller summarized the favorable City Plan Commission report stating that given the character of the property and this tenant space, and since this fitness training club meets the Section 270-40-40.50.10 special exception requirements for a club, the City Plan Commission has no objections to the granting of this requested special exception, subject to the space being inspected and verified to be in compliance with all applicable building and fire code requirements for occupancy.

The Engineering Department has no comment on this application.

The Building Department offered a positive recommendation to the granting of a special exception.

Speaking in favor:

Brian Penderaast, 1 Hartford Square, New Britain, CT

Nick Pinto, Sentry Commercial, 1 Hartford Square, New Britain, CT

**ACTION:** A motion to approve Application #4928 was made by Commissioner Anderson and seconded by Commissioner Fischbein and passed by unanimous vote.

APPLICATION #4928 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. 4929 August 19, 2021

Mark Friedland for JASKO Development is requesting a variance to Section 170-10-220, which prohibits first floor residential space in the CBD Zone fronting towards several specific primary street frontages in the downtown area, in order to allow plans for a six-story mixed-use building on the site of the former Burritt Bank building at 267-277 Main Street. Zone: CBD

#### **Members Present:**

Jerrell Hargraves, Vice-Chairman Bryan Anderson Marion Fischbein Roman Nowak Maryann Sobolewski Mario Santos, Alternate

Vice-Chairman Hargraves opened the public hearing and Attorney Mary Pokorski determined that the signed affidavit was in order.

Mr. Schiller summarized City Plan Commission report stating the City Plan Commission is supportive of this overall project and is of the opinion that permitting these two ground floor residential units facing Bank Street would not be out of character, nor deter from the benefits of the project. Accordingly, the Commission has no objections to the granting of this variance.

The Engineering Department had the following comments on this application.

- 1. The Engineering Department has no comment on this application.
- 2. A full site plan submission and review will be required.

The Building Department offered a positive recommendation to the granting of a variance.

Speaking in favor:

Mark Friedland, JASKO Development, 66 West Main Street, New Britain, CT

Kevin Solli, Solli Engineering, LLC, 501 Main Street, Monroe, CT

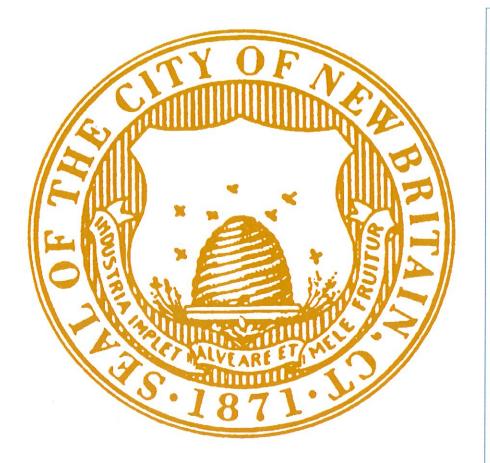
**ACTION:** A motion to approve Application #4929 was made by Commissioner Anderson and seconded by Commissioner Fischbein and passed by unanimous vote.

APPLICATION #4929 WAS GRANTED BY UNANIMOUS VOTE.

ZONING BOARD OF APPEALS Matthew Malinowski, Chairman

Danielle Rosado, Secretary

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# ZONING BOARD OF APPEALS

City Plan Commission Report ZBA Hearing Date: September 23, 2021

## **NEW BUSINESS**

Application #4930 450 South Main Street

Application #4931
1055 West Main
Street

Application #4932 222 Main Street

Application #4933 136 Main Street

City of New Britain

Zoning Board of

Appeals

Meeting Room 201

6:00 p.m.

APPLICATION:

#4930

APPLICANT:

Ja'mani Eaton and Ousmani Sylla

**ADDRESS:** 

450 South Main Street

ZONE:

**B-1**, Neighborhood Business

**BACKGROUND:** The applicants are requesting a variance to Section 170-10, permitted uses, in order to allow a hookah lounge to occupy an existing storefront. 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**: Section 220-10-970 states: "Any use not specified as a permitted use, special exception use, accessory use, permitted home occupation use, or use by temporary permit are prohibited uses...", although the Chief Zoning Official is also given some degree of discretion in deeming a use permissible under a general use category such as a barbershop, a hair salon and nail salon falling under essentially the same use category.

The subject property is approximately 1.6 acres in area and is the site of two commercial buildings, both constructed around 1989. The front building is a 3,000 square foot dental office, and the main plaza building, to the rear, is just over 8,000 square feet in floor area 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. The hookah lounge would occupy one of the vacant tenant spaces in the rear building. The site plan shows a total of 72 conforming parking spaces, which was deemed more than sufficient for the 11,000 square feet of commercial space.

The applicants are essentially asserting that a hardship exists in the City's zoning ordinances not expressly addressing hookah lounges as an individual permitted use. They claim establishments of this sort are becoming more common in the region and offer an added cultural attraction that would enhance the City's night life and benefit area restaurants and bars. They indicate that the lounge itself would not serve food or alcohol and that they would plan to employ security guards to maintain safe and legal behavior.

**CONCLUSION:** Despite community health concerns related to smoking, the impact of this type of business, as described, would arguably not be too different from a small restaurant or café in terms of traffic generation. Conceivably, as the applicants suggest, it could be a complementary use to the area's restaurants and other attractions. The City Plan Commission, however, is concerned about the nature of the use, how it would be operated without food or liquor sales, and how it might relate to cannabis legalization. The Commission is of the opinion that a use of this nature should probably not be addressed through the variance process and that it is preferable that the applicants consider a zoning amendment that would establish Hookah Lounges as a individual business use, allowed by special exception limited to a small number of business zones and subject to appropriate safeguards and limitations, such as distancing from schools and playgrounds.

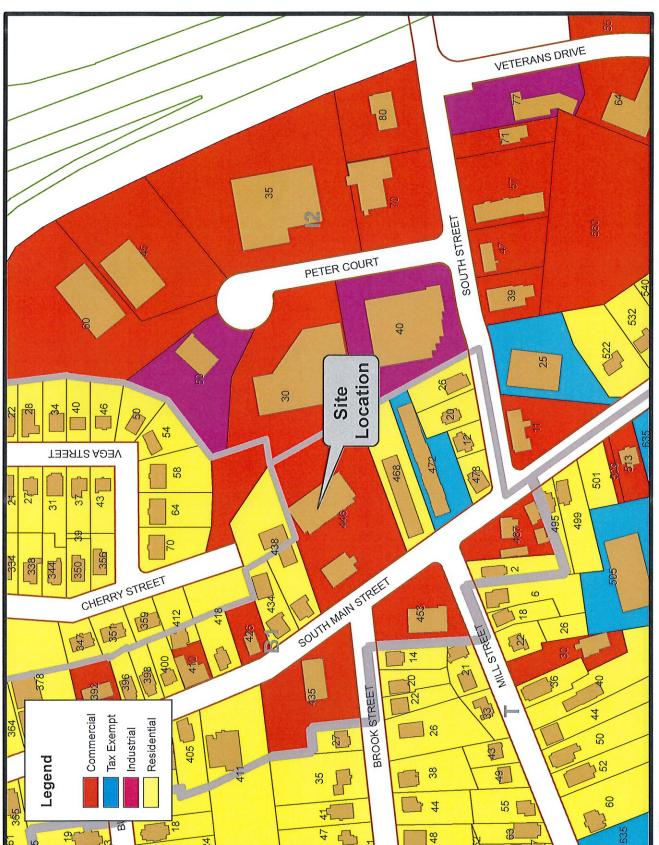
**<u>RECOMMENDATION</u>**: The City Plan Commission has reservations about this type of use and feels that additional information and specific controls may be necessary. Accordingly, the Commission is opposed to the granting of this variance.

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Application # 4930

450 South Main Street

Date: Sept 7, 2021 Drawn By: CTL Checked By: SPS/DR

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

# Application #4930 450 South Main Street

| 30 Peter Court            | #4022 | VARIANCE To allow a parking lot expansion for an existing industrial facility. GRANTED: February 2003                                                                            |
|---------------------------|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 446 South Main Street     | #4173 | VARIANCE To allow a second sign on a commercial property. GRANTED: May 2005                                                                                                      |
| 446-450 South Main Street | #4343 | SPECIAL EXCEPTION  To obtain a package store liquor permit.  GRANTED: September 2007                                                                                             |
| 40 South Street           | #4611 | SPECIAL EXCEPTION  To allow the operation of a small church.  GRANTED: November 2012                                                                                             |
| 453 South Main Street     | #4816 | VARIANCES To replace and expand the gas pump canopies at an existing gasoline station. GRANTED: November 2018                                                                    |
| 446-450 South Main Street | #4890 | VARIANCE In order to legalize a tire sales and installation business and an auto glass tinting business at the rear end of an existing commercial plaza.  DENIED: September 2020 |

APPLICATION: #4931

APPLICANT: Timothy T. Stewart for DPM New Britain Self Storage, LLC

ADDRESS: 1055 West Main Street ZONE: B-2, Shopping Center

**BACKGROUND:** The applicant is requesting a modification to an existing variance Section 150-10, for permitted uses and variances to Sections 150-40-70.01, required front yard and 150-40-70.02, required side yard toward a side street, in order to construct additional storage unit buildings on the Cube Smart property on West Main Street. The property is zoned B-2, shopping centers, and the current storage facility was formerly a Shaw's supermarket, which was permitted to be converted to self-storage operations, under variance application #4707 in July 2015. The original variance was granted with specific conditions restricting the storage use to the existing building footprint and prohibiting any outdoor storage. Two subsequent variance requests, essentially identical to this current application were denied by the Zoning Board of Appeals, applications #4829 in January 2019 and #4902 in January 2021.

FINDINGS: The applicant's submitted plan depicts the 7.6 acre property with the former Shaw's supermarket building and the 312 space parking lot. The applicant indicates an intent to add 63 ground level storage units on the site. The new plans provided for this application, are similar to those submitted with the prior January 2021 application with some modifications for traffic circulation added landscaping and depiction of a prospective development pad at the southwestern corner of the parking lot. The new storage buildings would be constructed near the southeastern corner of the property, behind the Dunkin' Donuts restaurant. The plans showed a lower height, garage-style building design with a total of forty 10-by-20 foot units and another twenty-three 10-by-10 foot units, all with individual roll-up access doors.

Approximately 15 of the new units would project into the 70-foot side yard setback towards Stanwood Drive, the closest one of approximately 35 feet from the property line on Stanwood Drive. The property also has a 25-foot required side yard setback along the rear lot line of the Dunkin Donuts property. Two of the buildings would encroach into this setback to about 15 feet from the lot line. The area of new construction is proposed to be heavily landscaped with evergreen plantings provide screening toward Stanwood Drive to the east and Dunkin' Donuts to the south. The rest of the site would remain unchanged, including the potential development pad situated on the southwestern corner of the property near North Mountain Road.

The applicant claims that the modification of the original July 2015 variance approval to add these individually accessible units is warranted because the site is not currently being utilized efficiently and, that even with the added units, traffic generation and noise would remain essentially unchanged from current conditions. The applicant also suggests that similar or more intrusive uses would be permissible in the I-2 and I-1 zoning districts that are nearby and also border residential neighborhoods. In the past submissions the owner/applicant has indicated that the tenants will be prohibited from washing, repairing or working on vehicles on-site and that access would be restricted to normal work day hours.

**CONCLUSION:** At the time of the original approval, the City Plan Commission had serious concerns regarding conducting self-storage operations on the property, particularly that noise and traffic generation might impact nearby residential neighbors on Stanwood Drive. The Zoning Board of Appeals issued a conditional approval, subject to all storage operations being located within the former supermarket building. Addition of these individually accessible units would potentially alter the character of the operations on the property, both in increasing traffic and in creating the likelihood of more automobile storage on the site, rather than the more commercial business products and typical furniture and household goods presently stored within the building.

**RECOMMENDATION:** The City Plan Commission is of the opinion that the original 2015 variance approval, allowing the change in use to self-storage, provided economic relief sufficient to address the owner's hardship that arose from the characteristics of the existing supermarket building and the site not feasibly lending themselves to any conforming B-2 business use under current market conditions. There was also some suggestion, at the time, that this might be a temporary use, preserving the building and allowing it to be financially self-sustaining until a higher and better use presents itself. The addition of these new units would be a reversal of the specific conditions of approval that were instrumental in allowing the business to be granted in the first place and would result in a substantive change to the appearance and character of the operations on the site. This would potentially be a detriment to the adjoining neighborhood and limit the potential for other higher, better and more compatible uses being attracted to the site. Consistent with their past recommendations on this matter, the City Plan Commission is opposed to the approval of these variances and to the modification of the original conditions of approval.

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

1055 West Main Street Application # 4931

Date: Sept 7, 2021 Drawn By: CTL Checked By: SPS/DR

# Application #4931 1055 West Main Street

| 75 North Mountain Road | #4419 | VARIANCE To allow the splitting of an industrial park. GRANTED: August 2008                                                                         |
|------------------------|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| 1010 West Main Street  | #4703 | SPECIAL EXCEPTION  To allow a used motor vehicle dealers & general repair license.  GRANTED: October 2015                                           |
| 1055 West Main Street  | #4707 | VARIANCE To convert an existing supermarket to a climate controlled, self-storage facility. GRANTED W/CONDITIONS: July 2015                         |
| 1055 West Main Street  | #4829 | VARIANCE In order to construct additional storage units or the Cube Smart property. DENIED: January 2019                                            |
| 1055 West Main Street  | #4873 | VARIANCES In order to construct additional storage unit buildings on the Cube Smart. DISMISSED W/O PREJUDICE: May 2020                              |
| 1055 West Main Street  | #4902 | MODIFICATION TO EXISTING VARIANCE In order to construct additional storage building unit buildings on the Cube Smart property. DENIED: January 2021 |
|                        |       |                                                                                                                                                     |
|                        |       |                                                                                                                                                     |

APPLICATION: #4932

APPLICANT: Industrial Bar and Cocktail, LLC

ADDRESS: 222 Main Street

ZONE: CBD, Central Business District

**BACKGROUND:** The applicant is requesting a special exception, pursuant to Section 170-20-70, in order to allow issuance of a full liquor permit for a restaurant space in the historic Porter's Building, which is located on the western side of Main Street between Court and West Main Streets. The area is zoned CBD, Central Business District, which allows alcohol permits by special exception, subject to the conditions and safeguards of section 270-40-40.10.10 through 270-40-40.10.50.

FINDINGS: The proposed permit space is the first floor of the 5-story Porter's building. The 5story building was constructed around 1885 and historically was used as a furniture store for many years. In recent decades, after the furniture store closed, the first floor was used by various retail stores, including BD's and ND's and the upper floors vacant or used for storage. More recently the entire building was fully restored and renovated with 44 apartment units on the upper floors and the street level space renovated to accommodate restaurant and bar space. The submitted floor plans show the approximately 10,000 square foot first floor space with a small lobby area and access to residential taking up a portion of the floor area, but the rest is an open floor plan with at least four or five different food providers including a taqueria, a barbeque kiosk, a café and a coffee kiosk, along with the bar space. The bar itself would be approximately 34 feet in length and approximately 9 feet in width along the north wall of the space. This "restaurant mall" arrangement is a relatively new concept in the food business where the individual food stations within the space would offer take out service to patrons who would then carry their food to their tables in the common seating area. Men and women's restroom facilities are located along the southern side of the shared space.

The CBD zoning district allows alcohol permits restaurant liquor permits by special exception, in accordance with the special conditions and safeguards of Section 270-40-40.10, which relate most relevantly to a required 500 feet along the same street frontage as a residential zone, school or religious institution and this location easily meets all of those standards. Subsection 270-40-40.10.10 prohibits liquor permits within 1,500 of another alcohol license, except for new permits allowed by special exception. This wording is interpreted as allowing the ZBA the discretion to review and deny new permits within 1,500 feet of any other location, if they believe there is an excessive proliferation of licensed locations in an area. The nearest existing alcohol permit locations within 1,500 feet radius include a package store permit at 160 Main Street; club permits at the two Elks Clubs on Elm Street and on Washington Street; grocery beer permits at the C-Town Market on Main Street and the Caribbean Market on Arch Street; a café permit at Room With A Cue on Arch Street and the brewery taproom permit at Five Churches Brewery.

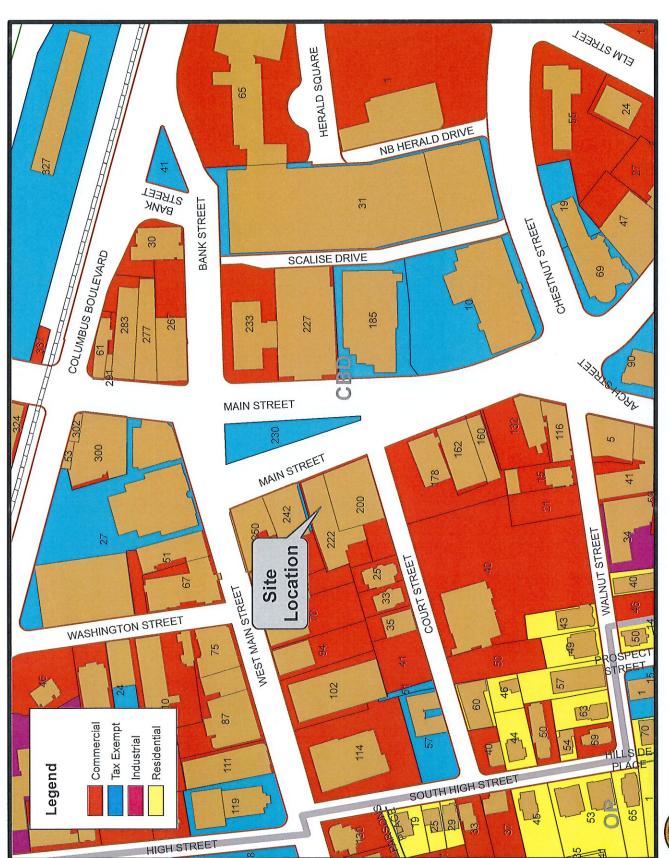
**CONCLUSION:** The location is in compliance with applicable provisions of Section 270-40-40.10 regarding distancing from schools and churches. Along with the accompanying restaurants sharing the space, this would appear to be a very suitable and desirable attraction for the downtown, helping fulfill some of the long-held policy goals of bringing more nightlife and entertainment activities to the downtown and making the City a more interesting place to live and visit.

**RECOMMENDATION:** As noted above, the location is compliance with applicable provisions of Section 270-40-40.10 and the proposed use is consistent with long-standing planning goals of increasing nightlife and entertainment activities in the downtown. The City Plan Commission, therefore, supports the granting of this special exception.

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Application # 4932 222 Main Street

Date: Sept 7, 2021 Drawn By: CTL Checked By: SPS/DR

City of New Britain

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



| Application #4932<br>222 Main Street |   |  |  |  |
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APPLICATION: #4933

APPLICANT: The Hook and Ladder New Britain, LLC

ADDRESS: 136 Main Street

ZONE: CBD, Central Business District

**BACKGROUND:** The applicant is requesting a special exception, pursuant to Section 170-20-70, in order to allow issuance of a restaurant liquor permit for a restaurant space in the historic Andrews Building, which is located on the western side of Main Street, a short distance north of the intersection with Arch and Chestnut Streets. The area is zoned CBD, Central Business District. The property has been approved for several restaurant liquor licenses in the past, including permits licensed as Banquers, #2968 in November 1985; Green Table Tavern and later Tools, #4354 in September 2007; the Main Street Pub #4644 in August 2013; and then Grand Pizza and The Kitchen #4726 in March 2016.

FINDINGS: The CBD zoning district allows alcohol permits, including restaurant liquor permits by special exception, in accordance with the special safeguards and conditions of Section 270-40-40.10. The specific conditions include restrictions prohibiting the granting of alcohol permit locations in residential zones, or within 500 feet along the same street frontage as a residential zone, school or religious institution. The location is entirely surrounded by CBD zoning with no nearby residential districts or schools. The South Congregational Church is located on Main Street approximately 200 feet away, but is on the opposite side of the Arch Street and Chestnut Street intersection, which for this location in the past been routinely as not being on the same street frontage.

Subsection 270-40-40.10.10 is interpreted as allowing the ZBA the discretion to deny permits within 1,500 feet of any other permit location, if they believe there is an excessive proliferation of alcohol permits in an area. The nearest existing alcohol permit locations within 1,500 feet include a package store at 160 Main Street; club permits at the Elks Clubs on Elm Street and on Washington Street; grocery beer permits at the C-Town Market on Main Street and the Caribbean Market on Arch Street; a café permit at Room With A Cue on Arch Street and the brewery taproom permit at Five Churches Brewery.

The property is in the municipal parking district and, therefore, exempt from having to meet any off-street parking requirements, but the property does have approximately 28 on-site parking spaces, and there is available on-street parking and a municipal lot and parking garages nearby.

**CONCLUSION:** Restaurant and cafés are permitted uses in the CBD zoning district and the serving of alcoholic beverages is a common and generally acceptable and desirable accessory to a normal restaurant use. The City's Plan of Conservation and Development has, for many years, promoted a goal of increased nightlife and entertainment activities in the downtown, and the most recent restaurant at the site was viewed as being popular and a positive influence in the downtown area. This current restaurant and liquor permit request is consistent with the City's goals of creating a vibrant and attractive downtown environment. While the City Plan Commission has, on occasion, expressed concern relative to full liquor permits in areas too near residential neighborhoods and in areas where the

number of existing permits is excessive, this location is desirable and appropriate for this type of use presented.

**<u>RECOMMENDATION</u>**: The City Plan Commission notes that the location is deemed to be in compliance with applicable provisions of Section 270-40-40.10 and for the reasons stated above, the City Plan Commission supports the granting of this special exception.

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City of New Britain

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

Application # 4933

Date: Sept 7, 2021 Drawn By: CTL Checked By: SPS/DR

# Application #4933 136 Main Street

| 136 Main Street     | #4354 | SPECIAL EXCEPTION  To allow issuance of a restaurant liquor permi GRANTED: September 2007                  |
|---------------------|-------|------------------------------------------------------------------------------------------------------------|
| 160 Main Street     | #4465 | SPECIAL EXCEPTION  To allow issuance of a restaurant liquor permi GRANTED: April 2009                      |
| 160 Main Street     | #4624 | SPECIAL EXCEPTION  To allow issuance of a package store liquor permit.  GRANTED: January 2013              |
| 136 Main Street     | #4644 | SPECIAL EXCEPTION  To allow issuance of a restaurant liquor permit GRANTED: August 2013                    |
| 132 Main Street     | #4726 | SPECIAL EXCEPTION  To allow issuance of a restaurant liquor permit GRANTED: March 2016                     |
| 116-122 Main Street | #4739 | VARIANCES To allow the installation of an electronic, billboard-type sign on the roof. DENIED: August 2016 |
|                     |       |                                                                                                            |
|                     |       |                                                                                                            |