

TOWN OF WEST HARTFORD

TOWN COUNCIL PUBLIC HEARING

May 12, 2009, 6:35 p.m., Legislative Chambers

Re: Application on behalf of Elm Food & Beverage, LLC, DBA Elements Bistro, for an amendment to Special Development District 3 at 1128 New Britain Avenue to establish an outdoor dining area in front of and adjacent to Elements Bistro



**UNITED  
REPORTERS**

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1 A p p e a r a n c e s :

2 Town Council Members Present:

3 MAYOR SCOTT SLIFKA

4 CHARLES T. COURSEY

5 TIMOTHY L. BRENNAN

6 LEON DAVIDOFF

7 STEVEN I. ADLER

8 JOSEPH VERRENGIA

9 JOSEPH VISCONTI

10 SHARI CANTOR

11

12 Alternate:

13 KEVIN AHERN

14

15 RONALD VAN WINKLE

16 Interim Town Manager

17 JOSEPH A. O'BRIEN, ESQ.

18 Corporation Counsel

19 PATRICK ALAIR, ESQ.

20 Deputy Corporation Counsel

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22 ESSIE S. LABROT

23 Town Clerk/Council Clerk

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A p p e a r a n c e s (Cont'd.):

For the Applicant:

URFORM, LLC

25 Westborough Drive

West Hartford, Connecticut 06107

By: BRET BOWIN

1                   PRESIDENT SLIFKA: And we will  
2 open up the 6:30 public hearing -- oh, hold  
3 on.

4                   (Pause.)

5                   PRESIDENT SLIFKA: Okay. I  
6 think we're set. Call the 6:30 hearing to  
7 order.

8                   Ms. Labrot, roll call, please.

9                   MS. LABROT: Mr. Adler.

10                  COUNCILOR ADLER: Here.

11                  MS. LABROT: Mr. Brennan.

12                  COUNCILOR BRENNAN: Here.

13                  MS. LABROT: Mrs. Cantor.

14                  MRS. CANTOR: Here.

15                  MS. LABROT: Mr. Coursey.

16                  COUNCILOR COURSEY: Here.

17                  MS. LABROT: Mr. Davidoff.

18                  COUNCILOR DAVIDOFF: Here.

19                  MS. LABROT: Mr. Slifka.

20                  PRESIDENT SLIFKA: Here.

21                  MS. LABROT: Mr. Verrengia.

22                  COUNCILOR VERRENGIA: Here.

23                  MS. LABROT: Mr. Visconti.

24                  COUNCILOR VISCONTI: Here.

25                  MS. LABROT: Mr. Ahern.

1 MR. AHERN: Here.

2 PRESIDENT SLIFKA: Thank you.

3 The subject matter is an  
4 application on behalf of Elm Food and  
5 Beverage, LLC, Elements Bistro, for amendment  
6 to Special Development District 3 at 1128 New  
7 Britain Avenue to establish an outdoor dining  
8 area in front of and adjacent to Elements  
9 Bistro.

10 And I see representing the  
11 applicant we have Mr. Bowin and Mr. Gondek.

12 Welcome, the floor is yours.

13 BRET BOWIN: Good evening,  
14 Council. I'm Bret Bowin, for the record, of  
15 UrForm, LLC, and I live at 25 Westborough in  
16 West Hartford.

17 And tonight I -- we want to  
18 present our application for the -- what we're  
19 actually asking for is ten additional seats.  
20 We currently have a zoning permit that allows  
21 16 seats which we're using, and so far with  
22 the weather, it's been relatively successful.  
23 But we view the application tonight with --  
24 for the SDD, to add more seats so we can be  
25 more of a destination and make it so people

1 can come there and have, you know, enough of  
2 an atmosphere to want to be in our area, as  
3 well as to make an amenity for the Elmwood  
4 area.

5 We additionally need the  
6 application for the -- to construct a barrier  
7 and to do other building amenities. Our  
8 proposed barrier has planters incorporated in  
9 it, as well as a -- a canvas awning.

10 additionally the -- the third  
11 thing we want -- propose to do for building  
12 amenities is to create a new doorway to  
13 service the outdoor dining area. What we'll  
14 do is we'll remove one of the existing glass  
15 panels, and we'll put in a new aluminum store  
16 front system with a door egress, and that way  
17 the customers will come inside the restaurant  
18 and meet the hostess who will seat them  
19 through the restaurant as opposed to in the  
20 access being directly off of our sidewalk  
21 area, and that way all the service would be  
22 done through the interior.

23 We have a gate proposed in our  
24 -- a railing system. It's only for emergency  
25 egress just to make sure that the -- if

1 anybody needs to get out that way they can.

2 Let's see, additionally we  
3 have included in our application heaters, for  
4 -- to increase the season. We'll have three  
5 speakers unmounted on the ceiling, we're  
6 proposing. They'll have a separate volume  
7 control. As well as some ambient lighting,  
8 some Christmas tree style white lights that  
9 will sparkle, and they'll be on a dimmer as  
10 well.

11 I'm going to turn it over to  
12 Fred Gondek, a partner at the restaurant,  
13 general partner, to discuss operational  
14 issues.

15 MR. GONDEK: Good evening.  
16 Fred Gondek, 62 Taylor Road. I'm the  
17 managing partner of Elm Food and Beverage and  
18 general manager of Elements Bistro. I live  
19 in the neighborhood, the reception has been  
20 tremendous from other people that live in the  
21 neighborhood. We're adding kind of a sparkle  
22 and pizzazz to the plaza. What I want to do  
23 now is offer outdoor dining. I've had a lot  
24 of people say that there's no outdoor dining  
25 in Elmwood. We've got 16 seats, but because

1 of regulations we're -- we're confined to  
2 having four tables with four chairs each,  
3 which really means that eight people could  
4 occupy the patio for an extended period of  
5 time. With this application we'll be more  
6 flexible with the seating. We'll be able to  
7 have tables of two and reconfigure the dining  
8 area. We'll make it a more attractive, a  
9 more vibrant kind of focal point in the plaza  
10 and in Elmwood.

11 We're just trying to do what  
12 we think is a good thing for the area and  
13 what's a good thing for my business. I'm  
14 trying to be competitive with the restaurants  
15 in the center and bring a little of the  
16 center sparkle to Elmwood. We're trying to  
17 make it a more walkable neighborhood, and I  
18 have a lot of people walking to the  
19 restaurant now. It's -- it's -- it's been  
20 amazing to me. It's been very gratifying,  
21 the reception we've gotten and people saying  
22 it's nice that we have another restaurant in  
23 Elmwood; something that brings a little  
24 something different to the area and now the  
25 outdoor dining, I think, is going to enhance



1 that. So we're hoping you'll approve this --  
2 this issue. Thank you.

3 PRESIDENT SLIFKA: Thank you  
4 Mr. Gondek.

5 Brett, Anything else?

6 BRET BOWIN: No, that's --  
7 that it. If you have questions, we're happy  
8 to answer them.

9 PRESIDENT SLIFKA: Okay. Are  
10 there any questions for the applicant?

11 Mr. Adler.

12 COUNCILOR ADLER: Thank you,  
13 Mr. Mayor.

14 First of all, thank you for  
15 being in Elmwood. I think the patio is going  
16 to provide a little bit more sidewalk appeal  
17 to that area, so first of all I appreciate  
18 that.

19 MR. BOWIN: Thank you.

20 COUNCILOR ADLER: A couple of  
21 things, speakers, in terms of the noise  
22 ordinance, I think our noise ordinance is  
23 that music is to either be dialed down or  
24 turned off at 10 -- 10 p.m. if I'm not  
25 mistaken, so I just want to make sure that --

1 MR. GONDEK: Well, there will  
2 be volume controls, and we're -- our -- the  
3 style of restaurant is not to be loud. I  
4 mean it's -- it's ambient background music.

5 COUNCILOR ADLER: Right.

6 MR. GONDEK: And one of the --  
7 one of the reasons we want to put the  
8 speakers out there is to kind of mask some of  
9 the traffic noise on New Britain Avenue, even  
10 though we're set back from -- from the road a  
11 little bit, at times there is some noise on  
12 -- on the street. But the intention is not  
13 to turn the volume up. You know, our -- our  
14 customer base is -- is more mature than  
15 people that want to listen to music at  
16 ear-splitting levels.

17 COUNCILOR ADLER: I'm -- I'm  
18 familiar with your environment, so I can  
19 appreciate that. On --

20 (Cell phone rings)

21 COUNCILOR ADLER: Is that the  
22 music that we're hearing now?

23 MR. GONDEK: Yeah, I'll turn  
24 it down if you'd like.

25 (Laughter.)

1 COUNCILOR ADLER: Whose --  
2 whose ringtone was that? That was pretty  
3 nice.

4 So -- so if we could talk a  
5 little bit about the server stations that may  
6 be on that patio and from a -- from a West  
7 Hartford Board of Health perspective, if  
8 we've already had sign-off associated with  
9 that, so that -- that's kind of the first  
10 question.

11 MR. GONDEK: Well, what we've  
12 got now is a cart type system where we put  
13 what we need to go out there. And we're  
14 talking silverware in a covered tray, we're  
15 talking a bus pan for some dirty dishes and  
16 what we need to clean the tables, that's what  
17 we're bringing out there at the time. When we  
18 get the next -- if we get the approval, we'll  
19 do a little more permanent station, but still  
20 there's not going to be a lot out there  
21 because there's no refrigeration out there.  
22 One of the reasons for the access door is  
23 that we will have additional refrigeration in  
24 the bar area where we'll hold the condiments  
25 for people that need them out on the patio,

1 and they'll be accessible and won't be much  
2 of a walk to get to.

3           There'll be a trash container  
4 out there, but we -- we typically clean our  
5 tables immediately and bring everything  
6 inside. I'm very sensitive to outdoor  
7 dining. I've -- I've been exposed to it in  
8 other restaurants I've managed over the  
9 years, and we know that you have to keep it  
10 clean because of bugs, and -- and people  
11 don't like bugs basically. But there's going  
12 to be a minimum service station out there  
13 just with the very basics that we need, but  
14 there won't be any perishables outside.

15           COUNCILOR ADLER: Have -- have  
16 we had the West Hartford -- I don't have a  
17 document in front of me, but have we had the  
18 West Hartford/Bloomfield board sign-off on  
19 this?

20           MR. GONDEK: Yes. Yes.

21           MR. BOWIN: Yes, it should be.  
22 It was submitted with the application.

23           COUNCILOR ADLER. Okay. I --  
24 I just don't have it in front of me. Okay  
25 great, I appreciate the workstation update.

1                   In terms of the storage  
2 heaters, those are gas-based heaters and  
3 during the off season are those heaters going  
4 to remain on the -- the patio area and if  
5 not, you know, from a -- a fire safety  
6 perspective, where are those containers going  
7 to be maintained, if there's a storage area  
8 behind the facility or not?

9                   MR. BOWIN: The proposed gas  
10 heaters will be hard piped, tied into the  
11 building, municipal gas so there will not be  
12 any storage of containers.

13                   Additionally we have a storage  
14 area in the basement that we'll use for all  
15 our furniture and -- and the heaters. The  
16 heaters will be removed for the season.

17                   COUNCILOR ADLER: Okay.  
18 That's helpful. The -- with the storage, has  
19 the fire inspection also signed off?

20                   MR. BOWIN: Yes. We --  
21 there's e-mails. I believe you should have  
22 that from Mike Sinsigalli.

23                   COUNCILOR ADLER: Okay. Fair  
24 enough.

25                   And the last thing around ADA

1 requirements, I'm sure you've -- you've got  
2 that covered, but in terms of I -- I'm very  
3 familiar with your restaurant, in terms of  
4 the sidewalk it's -- it's pretty tight. So  
5 in -- in terms of the doorways, and I'm sure  
6 you've got that covered --

7 MR. GONDEK: Yes.

8 COUNCILOR ADLER: -- but I'd  
9 like to at least become a little bit more  
10 familiar with that.

11 MR. BOWIN: What I did on the  
12 planned drawing is I included the clearances  
13 required from ADA anti-code showing the  
14 poleside clearance on the door to get back  
15 into the space as well as the access door.  
16 The dash circle is a five foot diameter  
17 circle which is the required turning radius,  
18 and then the seating, the floor top you'll  
19 see the clear required clearance for a  
20 wheelchair to access that table.

21 COUNCILOR ADLER: Great.  
22 Great. Thank you.

23 MR. BOWIN: Okay.

24 PRESIDENT SLIFKA: Thank you,  
25 Mr. Adler.

1 Any further questions?

2 Mr. Visconti.

3 COUNCILOR VISCONTI: Yes,  
4 through you, Mr. Mayor.

5 A couple questions. I don't  
6 have the paperwork in front of me. I left it  
7 at home. If you wanted more seating than the  
8 ten you're asking for, does the code allow  
9 for it?

10 MR. GONDEK: We don't ever  
11 anticipate asking for more seating because of  
12 space requirements.

13 MR. BOWIN: The code -- the  
14 additional 26 seats would be fully code  
15 compliant. I verified that we have the  
16 bathroom capacity for it, the egress  
17 capacity. It could be up to 50 and have the  
18 egress.

19 COUNCILOR VISCONTI: Well, no.  
20 The reason I'm asking is we had an ordinance,  
21 and I may have to ask the town attorney,  
22 change in the center where seats can go down  
23 a public right of way. I know this is not a  
24 public right of way, but I'm wondering what  
25 that means because this is a single property

1 owner under an SDD application, could they --  
2 I'm not opposed it. I like the idea, but I'm  
3 wondering could you go bigger, could you go  
4 more? Are you allowed to, have you thought  
5 of it?

6 MR. BOWIN: Well, we -- we  
7 can't go bigger with our agreement with the  
8 property owners.

9 COUNCILOR VISCONTI: Okay.  
10 It's the property owner.

11 MR. BOWIN: They -- they've  
12 allowed us to go over to the edge of the  
13 stone and which will create more, you know,  
14 of --

15 COUNCILOR VISCONTI: Right.

16 MR. BOWIN: -- a wonderful  
17 backdrop, the seating, and this is where  
18 they've allowed us to go to.

19 COUNCILOR VISCONTI: Okay.

20 MR. BOWIN: And we thought  
21 that was very reasonable and very generous as  
22 well.

23 COUNCILOR VISCONTI: Okay.  
24 And if there's another application for a  
25 different restaurant that's lease holders



1 and --

2 MR. BOWIN: That would be a  
3 different agreement, right.

4 COUNCILOR VISCONTI: Right.  
5 Okay. Thanks.

6 PRESIDENT SLIFKA: Anything  
7 further?

8 Mrs. Cantor.

9 COUNCILOR CANTOR: Hi. Just  
10 one quick question. Can you discuss some of  
11 the discussions you've had with Chalkboard  
12 when this -- the idea came up.

13 MR. GONDEK: Yes. I proposed  
14 the idea with them quite a while ago, and  
15 they told me that they were fine with it  
16 because I'm not encroaching on -- on their  
17 window space. There's only one requirement  
18 they ask is that once a year they have an  
19 outdoor event, it's on a Saturday I believe  
20 and they asked if they could use the entire  
21 front and they'll use front -- part of the  
22 front of my restaurant, too. So for that  
23 day, we'll dismantle the patio and let them  
24 use the entire front of the space, and that  
25 was the only requirement they -- they put on

1 this agreement.

2 COUNCILOR CANTOR: Thank you.

3 PRESIDENT SLIFKA: Mr. Ahern.

4 MR. AHERN: My wife's a  
5 teacher, and I should know this, but do -- do  
6 the hours overlap at all between the  
7 Chalkboard and Elements?

8 MR. GONDEK: Yes.

9 MR. AHERN: Your dinner hours?

10 MR. GONDEK: The dinner? Well  
11 they -- they close at five or six.

12 MR. AHERN: Okay.

13 MR. GONDEK: So the dinner  
14 hours don't ever overlap very much, and  
15 they're also closed on Friday, which is one  
16 of our busiest days.

17 MR. AHERN: Okay. Thank you.

18 Thank you.

19 PRESIDENT SLIFKA: Okay.

20 Anyone else?

21 (No response.)

22 PRESIDENT SLIFKA: Okay.

23 Thank you, gentleman.

24 MR. GONDEK: Okay. Thank you.

25 MR. BOWIN: Thank you.

1                   PRESIDENT SLIFKA: Mr. Alair,  
2 could I ask you to check the sign-up sheet  
3 for us?

4                   Thank you, sir. And our first  
5 speaker is Rick Liftig.

6                   MR. LIFTIG: Thank you, Rick  
7 Liftig, 10 Princeton Street, representing  
8 Elmwood Business Association.

9                   And I'm sure you all know that  
10 Elements has just been a wonderful addition  
11 to Elmwood. We heartily endorse this  
12 application, and we really appreciate what --  
13 what Elements has done for the area as being  
14 a draw and also highlighting Elmwood's free  
15 parking.

16                   (Laughter.)

17                   MR. LIFTIG: So I -- certainly  
18 this is -- this is a wonderful, wonderful  
19 addition to our town.

20                   But I would like to discuss  
21 just briefly a little bit of the process that  
22 I know the applicants have gone through.  
23 They've had to jump through quite a few hoops  
24 for an application that is not in the public  
25 right of way. It is essentially contained

1 within the shopping center, and to be honest  
2 I don't think it's been worth it. I think  
3 that the town planning and zoning and, I  
4 think, the Town Council has taken a lot of  
5 time for this, which is within your right and  
6 purview, but this is a simple addition of a  
7 few seats. I think this probably could have  
8 been handled a little bit better if our town  
9 planner had had the ability just to cast an  
10 administrative approval.

11 And I just want to just  
12 briefly mention that I understand also  
13 because this is part of a long-standing SDD.  
14 Certainly with the SDD these will always have  
15 to come up to public hearing, and I'm -- I'm  
16 urging the Council to perhaps look over the  
17 next few years at some of our SDD's and see  
18 if they are still necessary.

19 Arthur and Harold's SDD dates  
20 back to 1958? 1956, a time when Talcott  
21 School was present, and there was -- Elmwood  
22 was a very different place, and I really  
23 wonder if that SDD is still justified or  
24 needed. I know that over the past couple of  
25 years these two fellows have gone through

1 tremendous hoops to satisfy an SDD in what  
2 really could be zoned business commercial at  
3 this point. So just a couple of points I  
4 wanted to bring up. And again, I heartily  
5 endorse it. I think, though, that you did  
6 way much too due diligence for a few extra  
7 seats on a plaza, but I appreciate all your  
8 work.

9 Thank you.

10 PRESIDENT SLIFKA: Thank you,  
11 Dr. Liftig, and thank you for all your work.  
12 We'll certainly take your recommendations  
13 under advisement.

14 I think I saw Mr. Alair turn  
15 pale white announcing that.

16 That was -- that concluded the  
17 sign-sheet is there anybody who did not sign  
18 up who wish to speak?

19 (No response.)

20 PRESIDENT SLIFKA: Arthur and  
21 Harold that really left you, I think, as I  
22 survey the crowd.

23 Please come on up.

24 COUNCILOR VISCONTI: Come on  
25 up.

1 MR. EPSTEIN: Good evening  
2 ladies and gentleman. When Freddie came to  
3 me and talked about outside dining, I thought  
4 it would be a pretty good idea, but it turned  
5 out it's a great idea. And it's not in  
6 anyone's -- not in any harm's way. I'm out  
7 there all day long, and I very seldom see  
8 pedestrians on -- beyond Elements into The  
9 Chalkboard. Chalkboard has all the parking  
10 on the side and in front, and he could have  
11 60 people out there and it wouldn't interfere  
12 with her business. So I highly recommend  
13 that the Council approves this and we go  
14 forward. Let Freddie have his seating, and I  
15 don't think we're going to have any problems.  
16 We're not going to have any problems because  
17 public walking is out next to the street.  
18 This is on private property and within the  
19 plaza. So I hope you all vote in favor.

20 PRESIDENT SLIFKA: Arthur --

21 A VOICE: Arthur, give your  
22 name and address.

23 PRESIDENT SLIFKA: -- yes,  
24 before you sit down, we know you need no  
25 introduction but --

1 MR. EPSTEIN: Oh, my name is  
2 Arthur Epstein. I live at 106 Montclair  
3 Drive, West Hartford, Connecticut 06107. And  
4 this is my brother Harold, co-owner of  
5 Elmwood shopping center.

6 And on another note --

7 (Laughter.)

8 MR. EPSTEIN: I don't think we  
9 would have had Elements Bistro come here if  
10 we didn't spend probably a million and a half  
11 bucks to fix up the center. So we're very  
12 proud and pleased to have him as tenant. I  
13 thank you all very much, and have a good  
14 night.

15 PRESIDENT SLIFKA: Thank you  
16 Arthur, and Harold as well, and for your  
17 commitment to this property. It's -- we  
18 don't have much of this anymore.

19 MR. EPSTEIN: It's got two  
20 doors. One on the side and one in front, and  
21 they don't use the front door. They use the  
22 side door because it's easier to walk.

23 PRESIDENT SLIFKA: Got it.  
24 Thank you, Harold.

25 That concluded the -- the

1 public testimony. I believe Mr. Verrengia  
2 had a question for Mr. Gondek and Mr. Bowin,  
3 if you could just come up for a second.

4 COUNCILOR VERRENGIA: Well,  
5 Mr. Liftig mentioned jumping through hoops in  
6 the process. While you were talking about  
7 that I was actually thinking of the DOT and  
8 how tough they could be. And just a quick  
9 question, did this even -- did the DOT have  
10 to be involved in any of this at all for this  
11 change? I'm assuming not.

12 MR. GONDEK: I sure hope not,  
13 but I --

14 (Laughter.)

15 MR. BOWIN: No. We're not --  
16 we're not adding any parking spaces, so  
17 there's no change to the parking  
18 requirements.

19 COUNCILOR VERRENGIA: And --  
20 and I only ask that because I know what you  
21 guys had to go through in some of your  
22 changes so, I just, for the record, I wanted  
23 to --

24 MR. BOWIN: No. No. That's  
25 require ---



1 MR. EPSTEIN: On another  
2 note --

3 PRESIDENT SLIFKA: Arthur, we  
4 have --

5 MR. EPSTEIN: (Inaudible) talk  
6 about making -- one second, I'm all done --  
7 making Elmwood pedestrian friendly, and I  
8 think this will make it happen.

9 COUNCILOR VERRENGIA: And the  
10 other question I had, you're certainly not  
11 losing any parking spaces in front, right?

12 MR. BOWIN: No.

13 MR. GONDEK: No.

14 COUNCILOR VERRENGIA: So what  
15 type of barricade is -- is going -- will  
16 there be between the cars and the outside  
17 dining area?

18 MR. GONDEK: Well -- well,  
19 there are the wheel stops now, but we are set  
20 back from the front of the walkway.

21 COUNCILOR VERRENGIA: By -- by  
22 how much? I'm just trying to get a sense.

23 MR. BOWIN: It's five foot  
24 nine from the edge of the pavement is the  
25 asphalt to the concrete to our railing is

1 five foot nine and three quarters. At three  
2 locations where the columns are, it goes down  
3 to three foot clearance. There's an issue I  
4 addressed with the planning commission at  
5 length, and they were comfortable with that.

6 COUNCILOR VERRENGIA: Okay.

7 Thank you.

8 PRESIDENT SLIFKA: Any other  
9 questions for the applicants?

10 (No response.)

11 PRESIDENT SLIFKA: Okay. If  
12 there's nothing further -- Mr. O'Brien,  
13 nothing on your end?

14 MR. O'BRIEN: No, nothing  
15 further.

16 PRESIDENT SLIFKA: Okay.  
17 Well, then with that, we will close the  
18 public hearing. Thank you.

19 (Whereupon, the above  
20 proceedings were adjourned at 6:54 p.m.)

21

22

23

24

25

## 1 CERTIFICATE

2 I hereby certify that the foregoing 26  
3 pages are a complete and accurate  
4 transcription of a digital sound recording  
5 taken of the Public Hearing in Re:  
6 APPLICATION ON BEHALF OF ELM FOOD & BEVERAGE,  
7 LLC, DBA ELEMENTS BISTRO, FOR AN AMENDMENT TO  
8 SPECIAL DEVELOPMENT DISTRICT 3 AT 1128 NEW  
9 BRITAIN AVENUE TO ESTABLISH AN OUTDOOR DINING  
10 AREA IN FRONT OF AND ADJACENT TO ELEMENTS  
11 BISTRO, before the West Hartford Town  
12 Council, which was held at Town Hall, 50  
13 South Main Street, Room 314, West Hartford,  
14 Connecticut, on May 12, 2009.

15 I further certify that the digital sound  
16 recording was transcribed by the word  
17 processing department employees of United  
18 Reporters, Inc., under my direction.

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