

TOWN OF WEST HARTFORD, CONNECTICUT

TOWN COUNCIL PUBLIC HEARING

May 28, 2013, 6:18 p.m.

Legislative Chambers

Re: Application on Behalf of Bishop's Corne (E&A), LLC, and E&A Northeast Limited Partnership, the Owners of Property at 2523 Albany Avenue and 333 North Main Street, Respectively, to Amend Special Development District 127 to Create Short-term Parking Adjacent to Those Retailing Entities Whose Clientele are In and Out Quickly (Currently Maximum Beverage Coverage and Noodles & Company), 2 Charging Spaces, and Substitution of 3 Standard Spaces for 2 Handicap Spaces in the Row of Parking Adjacent to the East Side of the Upper Level of the Building At 2523 Albany Avenue; Locate Additional Outdoor Dining at Tenant Space 45, Currently Noodles & Company (35 Seats), and at Tenant Space 140, Currently Sakura Garden (44 Seats); and Add New Signs for the East and West Elevator Entrances at 333 North Main Street, New Secondary Entrance Sign for Tenant Space 45 (Currently Noodles & Company), and Modifications of the Directional Sign for Tenant Space 100 On the West Side of the Building At 2523 Albany Avenue.

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

Town Council Members Present

MAYOR SCOTT SLIFKA

DENISE B. HALL

STEVEN I. ADLER

SHARI CANTOR

LEON DAVIDOFF

HARRY J. CAPTAIN

CLAIRE KINDALL

Alternate:

JOHN TUCKER

RONALD VAN WINKLE

Town Manager

JOSEPH A. O'BRIEN,

Corporation Counsel

PATRICK ALAIR,

Deputy Corporation Counsel

ESSIE S. LABROT

Town Clerk/Council Clerk

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

2 For the Applicant:

3 ALTER & PEARSON, LLC

4 701 Hebron Avenue

5 Glastonbury, CT 06033

6 (860) 652-4020

7 BY: ROBIN PEARSON, ESQ.

8

9 KEITH HAGUE, Senior Project Manager

10 CHARLES COURSEY, Consultant

11 EDENS AND AVANT (E&A), LLC

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1                   PRESIDENT SLIFKA: We'll call  
2 the 6:15 public hearing to order.

3                   This is an Application on  
4 behalf of Bishop's Corner, E&A, LLC, and E&A  
5 Northeast Limited Partnership, the owners of  
6 property at 2523 Albany Avenue and 333 North  
7 Main Street, respectively, to amend Special  
8 Development District 127 to create short-term  
9 parking adjacent to those retailing entities  
10 whose clientele are in and out quickly,  
11 currently Maximum Beverage and Noodles &  
12 Company, two charging spaces, and  
13 substitution of three standard spaces for two  
14 handicap spaces in the row of parking  
15 adjacent to the east side of the upper level  
16 of the building at 2523 Albany Avenue; locate  
17 additional outdoor dining at Tenant Space 45,  
18 currently Noodles & Company, 35 Seats, and at  
19 Tenant Space 140, currently Sakura Garden, 44  
20 Seats; and add new signs for the east and  
21 west elevator entrances at 333 North Main  
22 Street, new secondary entrance sign for  
23 Tenant Space 45, currently Noodles & Company,  
24 and modifications of the directional sign for  
25 Tenant Space 100 on the west side of the

1 building at 2523 Albany Avenue.

2 Roll call please, Ms. Labrot?

3 MS. LABROT: Mr. Adler.

4 COUNCILOR ADLER: Here.

5 MS. LABROT: Mrs. Cantor.

6 COUNCILOR CANTOR: Here.

7 MS. LABROT: Mr. Captain.

8 COUNCILOR CAPTAIN: Here.

9 MS. LABROT: Mrs. Casperson is  
10 absent.

11 Mr. Davidoff.

12 COUNCILOR DAVIDOFF: Here.

13 MS. LABROT: Mr. Doar is  
14 absent, but we have Mr. Tucker sitting in for  
15 Mr. Doar.

16 MR. TUCKER: Here.

17 MS. LABROT: Mrs. Hall.

18 COUNCILOR HALL: Here.

19 MS. LABROT: Ms. Kindall.

20 COUNCILOR KINDALL: Here.

21 MS. LABROT: And Mr. Slifka.

22 PRESIDENT SLIFKA: Here.

23 Okay. I know we have an  
24 applicant.

25 MR. O'BRIEN: I think they're

1 out in the hall.

2 MR. ALAIR: I'll go get them.

3 PRESIDENT SLIFKA: They had  
4 quite a team assembled, but apparently they  
5 disappeared in the hall.

6 (Pause.)

7 PRESIDENT SLIFKA: Whenever  
8 you're ready.

9 (Off-the-record discussion.)

10 MS. PEARSON: Good evening,  
11 members of the Council. My name is Robin  
12 Pearson. I'm an attorney with the law firm  
13 of Alter & Pearson in Glastonbury,  
14 Connecticut. And I'm here on behalf of the  
15 applicants who are seeking an amendment to  
16 the existing Special Development District.  
17 It's Special Development District 127 for --  
18 at Bishop's Corner. It's known as the Shops  
19 at Bishop's Corner and incorporates two  
20 properties.

21 The application, as indicated  
22 in the notice that you had read to you, is  
23 fairly straightforward and really, in many  
24 ways, quite limited compared to other SDD  
25 applications you might have before you or

1 have had come before you in the past.

2 There is no additional square  
3 footage proposed, no new buildings proposed  
4 as a part of this, no major changes to  
5 parking areas or anything like that.

6 What is proposed is an  
7 amendment to what you have previously  
8 approved with regard to allowing two  
9 additional -- two additional outdoor dining  
10 areas on the site. You have previously  
11 approved one outdoor dining area within this  
12 shopping center, so the -- the addition of  
13 two more, in many ways, should be deemed  
14 compatible given the existence of outdoor  
15 dining already approved at the Shops at  
16 Bishop's Corner.

17 The two locations for which  
18 the outdoor dining is requested pertain to  
19 what we identify in all the SDD plans as  
20 Tenant Space Number 45. It will be occupied  
21 by Noodles Restaurant, which proposes to have  
22 outdoor dining next to its existing facility,  
23 and the second space is proposed for Tenant  
24 Space 140, which is currently occupied by  
25 Sakura Restaurant.

1 I think it's important, as you  
2 consider the application tonight, to remember  
3 that your jurisdiction involves the location  
4 for the allowed use. It does not get into  
5 the particulars of the outdoor dining design,  
6 operation, issues such as that which all come  
7 under the jurisdiction of the Town Plan and  
8 Zoning Commission with regard to a special  
9 use permit that has to be approved for these  
10 outdoor dining locations of a certain size,  
11 which would apply to both of these proposed  
12 locations.

13 PRESIDENT SLIFKA: Ms.  
14 Pearson, I need to interrupt. We only have  
15 eight members at the moment. We were  
16 expecting the ninth and -- which we have not  
17 heard. So I -- to do -- we have your consent  
18 to proceed, or would you like to postpone  
19 this?

20 MS. PEARSON: No. I'm looking  
21 to my client, and I'm getting a strong yes.  
22 Yes, we shall proceed. Thank you for --

23 PRESIDENT SLIFKA: Please  
24 continue.

25 MS. PEARSON: -- thank you for



1 bringing it to our attention.

2           So there are special use  
3 permit applications for outdoor dining that  
4 are related to this application that are  
5 pending. It's somewhat confusing, but I  
6 would like to remind you that the Council  
7 previously approved the outdoor dining  
8 location for what is now proposed as the Blue  
9 Plate Kitchen Restaurant, and that will go on  
10 the plaza area. You should recall that  
11 there's an existing location for outdoor  
12 dining there.

13           An application is pending  
14 before the Town Plan and Zoning Commission  
15 for an outdoor dining permit to be able to  
16 outfit out that area and to approve the  
17 operations affiliated with it. But in terms  
18 of the location, already approved.

19           You required a sound wall to  
20 be put up on the outlying -- the boundary of  
21 that outdoor dining space as a response to  
22 some concerns raised by neighbors. And that  
23 is incorporated into the approved SDD plan,  
24 and we have absolutely no intent on changing  
25 that in any way. That's part of our

1 application and part of your approval and  
2 remains so.

3                   Sakura, while we are proposing  
4 to have you approve the outdoor dining  
5 location there, is -- Sakura does not have an  
6 outdoor dining permit pending before the Town  
7 Plan and Zoning Commission. Nothing is  
8 intended at this point in time. Sometime in  
9 the future, either Sakura or another tenant  
10 may wish to proceed to the TP and Z should  
11 you approve the outdoor dining locale this  
12 evening for an outdoor dining permit.

13                   Noodles, however, is  
14 interested -- or our client is interested in  
15 having Noodles, the space next to Noodles, be  
16 authorized for outdoor dining. And the  
17 Noodles & Company Restaurant does have an  
18 outdoor dining application pending before the  
19 Town Plan and Zoning Commission.

20                   That application was heard at  
21 the last meeting of the Town Plan and Zoning  
22 Commission and was continued to June 3rd --  
23 it's next meeting -- because the outdoor  
24 dining permits cannot be approved unless you  
25 approve, for Noodles, anyway, the location.

1 So that's why that application is still open  
2 before the Town Plan and Zoning Commission.

3 If you were to deny the  
4 Noodles' application, the request for the  
5 outdoor dining next to Noodles, the  
6 application that's pending for an outdoor  
7 dining permit would become moot.

8 Blue Plate Kitchen, however,  
9 their application would continue because  
10 you've already approved the outdoor dining  
11 location for that.

12 The other components of the  
13 Special Development District Amendment  
14 concern directional signage. These are  
15 changes particularly to the -- to the rear of  
16 the shopping center and also with regard to  
17 the individual tenant spaces, but it's all in  
18 the context of the previously approved  
19 signage package that is applicable to this  
20 particular SDD, SDD Number 127.

21 The other changes requested  
22 involve permission to be able to have a  
23 certain number of 15-minute parking spaces in  
24 an already approved area and to do some minor  
25 reconfiguration of parking in the upper level

1 of the shopping center near the Maximum  
2 Beverage. And Mr. Hague will go through all  
3 the details of the program, which the bottom  
4 line is we get -- are able to create one more  
5 parking space for an area that is heavily  
6 visited, and any additional parking is a  
7 benefit.

8 So that is an overview of the  
9 components of the Special Development  
10 District Amendment before you. I will be  
11 submitting our sign affidavits. The signs  
12 have been appropriately posted for the  
13 required period of time.

14 And I would just like to  
15 know -- have you know who's here this  
16 evening. Keith Hague is Senior Project  
17 Engineer -- Senior Project Manager -- he's  
18 also an engineer -- with EDENS, and he will  
19 do the presentation of the specifics of the  
20 application proposal.

21 Also here is Chuck Coursey.  
22 He is a consultant for the applicant and will  
23 be talking about the outreach effort that  
24 EDENS has undertaken, and it's been  
25 comprehensive throughout the course of this

