

TOWN OF WEST HARTFORD, CONNECTICUT

DEC 05 2012

TOWN COUNCIL, PUBLIC HEARING

November 13, 2012, 8:29 p.m.

LEGISLATIVE CHAMBERS

Re: Application on Behalf of FIVE GUYS Operations, LLC, Lessee, and Bishops Corner Realty, LLC, Lessor and Owner, for an Amendment to Existing Special Development District 7 at 324-348 North Main Street and 2495 Albany Avenue for Renovation of Space Previously Occupied by Oreck and Partially by Bertucci's Restaurant to Establish a Five Guys Burgers and Fries Restaurant. Approval of this Application Will Allow Five Guys to Utilize the 1,655 Square Feet Currently Occupied by Oreck and 896 Square Feet Currently Occupied by Bertucci's Restaurant, to Reduce the Size of Bertucci's to Create a 2,551 Square Foot Five Guys Restaurant With Seasonal Outdoor Seating in Front of the Restaurant for up to Twelve Persons.



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

2 Town Council Members Present:

3 SHARI CANTOR, Vice President

4 HARRY J. CAPTAIN

5 LEON DAVIDOFF

6 DENISE B. HALL

7 STEVEN I. ADLER

8 CLARE KINDALL

9 JUDY L. CASPERSON

10

11 Alternate:

12 BRIAN COATES

13 BERNARD KAVALER

14

15 RONALD VAN WINKLE,

16 Town Manager

17

18 JOSEPH A. O'BRIEN,

19 Corporation Counsel

20

21 PATRICK ALAIR,

22 Deputy Corporation Counsel

23

24 ESSIE S. LABROT,

25 Town Clerk/Council Clerk

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1 A p p e a r a n c e s : (c o n t i n u e d)

2 For the Applicant:

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5 PO Box 1530

6 Glastonbury, Connecticut 06033

7 (860) 652-4020

8 By: ROBIN M. PEARSON, ESQ.

9

10

11 KEVIN SOLLI

12 Solli Engineering, LLC

13

14 ERIC STYER

15 Soos & Associates, Inc.

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1 VICE PRESIDENT CANTOR: We're
2 going to call the 7 p.m. public hearing to
3 order, an Application on behalf of FIVE GUYS
4 Operations, LLC, Lessee, and Bishops Corner
5 Realty, LLC, Lessor and Owner for an
6 Amendment to Existing Special Development
7 District 7 at 324-348 North Main Street and
8 2495 Albany Avenue for Renovation of Space
9 Previously Occupied by Oreck and Partially by
10 Bertucci's Restaurant to Establish a Five
11 Guys Burgers and Fries Restaurant.

12 Approval of this application
13 will allow Five Guys to utilize the 1,655
14 Square Feet Currently Occupied by Oreck, and
15 896 Square Feet Currently Occupied by
16 Bertucci's Restaurant to Reduce the Size of
17 Bertucci's to Create a 2,551 Square Foot Five
18 Guys Restaurant with Seasonal Outdoor Seating
19 in Front of the Restaurant for up to 12
20 Persons.

21 Roll call.

22 MS. LABROT: Mr. Adler.

23 COUNCILOR ADLER: Here.

24 MS. LABROT: Mrs. Cantor.

25 VICE PRESIDENT CANTOR: Here.

1 MS. LABROT: Mr. Captain.

2 COUNCILOR CAPTAIN: Here.

3 MS. LABROT: Ms. Casperson.

4 COUNCILOR CASPERSON: Here.

5 MS. LABROT: Mr. Davidoff.

6 COUNCILOR DAVIDOFF: Here.

7 MS. LABROT: Mr. Coates for

8 Mr. Doar.

9 MR. COATES: Here.

10 MS. LABROT: Ms. Hall.

11 COUNCILOR HALL: Here.

12 MS. LABROT: Mrs. Kindall.

13 COUNCILOR KINDALL: Here.

14 MS. LABROT: And Mr. Kavalier

15 for Mr. Slifka.

16 MR. KAVALER: Here.

17 VICE PRESIDENT CANTOR: Okay.

18 We like to start with a presentation from the
19 applicant?

20 MS. PEARSON: Good evening,
21 Madam Chairperson, all members of the Town
22 Council, my name is Robin Pearson, and I am
23 an attorney with the firm of Alter & Pearson
24 in Glastonbury, Connecticut, and I'm pleased
25 to be here this evening on behalf of the

1 Applicants.

2 The application before you
3 requests an amendment to Special Development
4 District Number 7. I know you are all
5 familiar with this particular special
6 development district, having recently
7 considered changes to that SDD to allow an
8 expansion of the Anytime Fitness facility in
9 the center.

10 As you'll recall, it is
11 compiled of several parcels, one which is
12 owned by KIC 342 North Main Street, LLC, and
13 South Whitney Realty, LLC. They are the
14 owners of 342-348 North Main which is that
15 parcel that is anchored by the large off --
16 mixed-office retail building with the Simon
17 Konover Company as the main resident tenant.
18 The other owner of property is Bishops
19 Cornier Realty, LLC. It owns 360 and 340
20 North Main, which is home to The Whole Foods
21 Supermarket at one end extending over to the
22 Walgreens retail facility at the other end.
23 And again, that is the stretch of buildings
24 that has the Anytime Fitness facility at the
25 lower level.

1 I am pleased to report that
2 all owners of property and buildings for this
3 special development district have consented
4 to this application. There was one item that
5 was open at the time of submission and that
6 was a final signoff from the Konover Group,
7 all the related entities, but that has been
8 provided to you. So the initial request for
9 a waiver is no longer relevant.

10 The application, as indicated
11 by your public notice, requests approval for
12 locating a Five Guys Burgers and Fries
13 restaurant into the space next to Walgreens
14 which is currently occupied by Oreck and
15 partially by Bertucci's Restaurant.

16 And for those of you who may
17 not be familiar with Five Guys Burgers and
18 Fries, I'd just like to tell you a little bit
19 about it. It's a national franchise. It was
20 initially established in Arlington, Virginia
21 in 1986. It has spread quickly in terms
22 of -- or based on primarily it's popularity.
23 It makes a very fine burger, my husband tells
24 me. The burgers are all made on the
25 premises. They're all made from fresh

1 materials. There are no freezers on the
2 premises, so nothing comes in frozen and is
3 served. People come in, place an order at
4 the main counter, wait for their -- their
5 items to come up and can eat inside the
6 restaurant. There are a number of tables and
7 places to sit inside, or if this Council does
8 approve the request, there will also be 12
9 seats at three tables outside of the
10 restaurant itself, and of course, people do
11 come in and take food out. There is no table
12 service. There is no alcohol service
13 whatsoever, and the no alcohol service is
14 apparently true for all of the franchise, not
15 just in West Hartford.

16 This one will be a
17 company-owned restaurant, unlike some others.
18 I believe the closest one to us is in
19 Farmington and may be a franchise-operated
20 restaurant. But this one will be owned by
21 Five Guys itself and operated accordingly.

22 The menu is a simple one,
23 basically burgers and fries and they do have
24 a veggie sandwich and they do have hot dogs
25 and a few other things. And one of their

1 trademarks is the fact that you can get --
2 eat unshelled peanuts while you wait there at
3 no cost to you. So the Applicants are
4 Bishops Corner Really, LLC, which is the
5 owner of the shopping center and also FIVE
6 GUYS Operations, LLC, which is the lessee
7 itself.

8 So the application that you
9 have before you tonight requires
10 consideration by you after a public hearing
11 because it is an amendment to a special
12 development district, but one that also
13 involves changes to the facade of the
14 building as well as a request to be able to
15 introduce another use into the center to the
16 extent that there will now be places for
17 outdoor seating in front of the restaurant.
18 Those are the two triggers that require this
19 to come to you for a full public hearing.

20 Otherwise, the use is allowed,
21 it's an allowed use within this special
22 development district, a restaurant use. The
23 parking does comply with the parking
24 requirements for the Town of West Hartford
25 and does comply with the parking allocation

1 already accorded for this special development
2 district.

3 I'm sure you may remember that
4 there is an approved deficit of 119 parking
5 spaces allowed for this center. The parking
6 that's proposed falls well, within that.
7 Indeed it -- and we'll get into this in a
8 little more detail, but it is, in fact, a
9 reduction in the number of parking spaces
10 required when you combine the Oreck use with
11 the tables that Bertucci's is giving up in
12 order to accommodate this particular
13 restaurant.

14 I've already submitted the
15 sign affidavits. The Clerk does have those.
16 I'll tell you that it was an interesting
17 effort to keep the signs up for this special
18 development district application. We had
19 only a hurricane and a nor'easter to contend
20 with, but they did get -- there were some
21 that fell and got damaged and disappeared.
22 They were replaced daily. So the requisite
23 -- in fact, I believe we had three signs up
24 all the time for this particular application.
25 So there's no question with regard to that.

1 I'd like to introduce for you
2 the members of our team, some of who will be
3 speaking tonight, som who will be here to
4 answer questions should you have any.

5 First is Terry Desjardins who
6 is here on behalf of the property manager and
7 can answer any questions should you have any
8 that might be directed towards the owner of
9 the center. Also with me is Eric Styer.

10 He's going to be joining in a minute as we go
11 through the details of the architectural
12 aspects of the application. Eric is an
13 architect with Soos & Associates, Inc., out
14 of Lincoln -- Lincolnshire, Illinois. They
15 are the corporate architects for Five Guys
16 and handle all of their design aspects
17 nationwide. So they're very knowledgeable on
18 many fronts, not just on the architectural
19 aspects of it.

20 Also here this evening is
21 Kevin Solli. He is a PE. He's a traffic
22 engineer also with Solli Engineering out of
23 Monroe, Connecticut. Some of you may
24 recognize him as having been the lead
25 engineer and traffic engineer for the

1 renovation that took place in the shopping
2 center -- actually ongoing now in the
3 shopping center across the street on North
4 Main Street, by then Edens & Avant, Now
5 Edens, to renovate all of that.

6 So we asked Kevin to become
7 involved after the town staff requested
8 additional information on traffic because he
9 is so knowledgeable about traffic flows
10 through that area, and I believe is the one
11 who has conducted the most recent traffic
12 counts on North Main and Albany Avenue. So
13 you will be hearing from Kevin.

14 So tonight we're just
15 quickly -- it's really a fairly
16 straightforward application. We're going to
17 quickly go through for you the proposed
18 building changes. We will have Kevin come up
19 and tell you a little bit about the traffic
20 analysis they undertook. I will mention a
21 little bit on our outreach efforts and then
22 just quickly go through the reviews that we
23 have received from town staff and varying
24 agencies and tell you how we have addressed
25 their comments.

1 We've already submitted with
2 our application proposed findings. We can go
3 through those if you wish, but I would prefer
4 to just say, refer to those findings as they
5 were submitted as part of the application
6 itself.

7 So I'd like Eric to come up
8 with me. Eric can answer any questions that
9 you might have as we're going through this,
10 but I'll just go through some of the
11 specifics. As the notice indicated, Oreck's
12 is giving up its space; it's 1,655 square
13 feet. And Bertucci's is giving up a portion
14 of its space. That is shown on the materials
15 that we previously provided you with a
16 reduced set of plans. The ones you should be
17 referring to are those that have the date of
18 October 29 as the last revision date on each
19 of the plans sets. They were received by the
20 Planning and Zoning Commission on
21 October 31st.

22 The amount of square footage
23 Bertucci's is giving up is 870 square feet.
24 Some of you read these things very closely;
25 may be scratching your head as to we