

MINUTES OF PUBLIC HEARING ON A PETITION FROM APPLICANTS HERBERT S. HOFFMAN, M.D., BETTY N. HOFFMAN, CHITRALEKA RAMANAN AND SUNDARAM VENKATA RAMANAN, M.D., REQUESTING ZONE CHANGE FOR PROPERTY LOCATED AT 1164-1166 NEW BRITAIN AVENUE FROM RM-3 MULTI FAMILY RESIDENCE TO RM/O, RESIDENTIAL MULTI FAMILY OFFICE DISTRICT FOR MEDICAL OFFICES ON THE FIRST FLOOR AND A SECOND FLOOR RESIDENTIAL APARTMENT

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Council Chambers

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Vice President Eagan called the hearing to order at 7:05 p.m.

Present were Councilors Robert Bouvier, Owen Eagan, Bernard Kavaler for Sandy Klebanoff, Charles R. Matties, Patrick McCabe, Madeline S. McKernan, Larry Price, Andy Schatz and Alfred Turco.

Vice President Eagan: Does the Town have a presentation?

Mr. Feldman: Mr. Eagan, yes.

Mr. Foster: Mr. Mayor, members of the Council, the Planning Commission report should be on the table in front of you. The Commission made three findings in a unanimous recommendation for approval of this zone change. One the RM-O zone is an appropriate zone for the subject property; two the Town Council should consider initiating an expanded zone change in this area to include the entire north block face of New Britain Avenue between Mayflower Street and Cortland Street. The properties in this area are mixed office and residential structures with special land use entitlements or variances for special exceptions and other zone changes and three, the West Hartford plan of development identifies properties in this area as potentially eligible for commercial conversion to an RM-O district.

I did a map, it is probably a little difficult for you to see but if you want to take a look. This is the block in yellow that the Commission identified in the recommendation running from Mayflower to Cortland. There is already an existing RO zone on the corner of Mayflower and New Britain Avenue. The remainder of the property is RM-3 through this whole area. The application before you is the cross hatched area, single property application. There is on that property and the adjacent property special exceptions for office uses already existing. The other uses, one family and there is office use which is by variance or long term use and a two family unit on the corner.

On the south side of New Britain Avenue you have a BC zone which is a simple business district in this area between Newington Road and Mayflower there is quite a bit of BC

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zoning on the south side of New Britain Avenue. We think of it as generally be in town center. Across the street where there is a restaurant it is zoned BS, shopping center business in a special development district in the remainder of the area. Any questions?

Vice President Eagan: Mr. Schatz.

Councilor Schatz: There are three properties that appear to be just west of the subject property within the same block. Are they in an RM-3?

Mr. Foster: Yes, they are.

Councilor Schatz: Is there any reason that if this were to change to RM-O an application by those properties for RM-O will be coming?

Mr. Foster: No, I think if the Council acts favorably on this zone change it would certainly raise a flag to those other property owners that you would be likely to entertain a change for their area particularly if they come into the regulation and make the findings that are mandatory in an RM-O zone. There is an area of conversion occurring. There is the existence of home occupation in the area. You are absolutely right I think with that question.

Councilor Schatz: If you are standing across the street from this property, the property is zoned BC.

Mr. Foster: Some. It kind of splits on...

Councilor Schatz: It stops at Somerset Street. Assuming that the three properties on the north side of New Britain Avenue were to now switch to RM-O, now you are looking at the area across the street which is zoned RM-3, and now they would be across from an RM-O, the same logic suggests that if you are across from a BC you should be RM-O.

Mr. Foster: That will undoubtedly happen as well.

Councilor Schatz: Is there a point at which to stop or are you suggesting that all along New Britain Avenue the whole area should be RM-O?

Mr. Foster: The Commission recommendation is very specific to Somerset. I don't think they really addressed the other side. It would be my general feeling that the south side does not meet the ordinance requirements for already existing conversion to home occupation, special exception and so on. There is a very clear ending to the zoning I think there at Somerset with the bank facility and transitional multiple family and even a recent reinvestment in that area in building a new four or five unit apartment

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complex at the corner. There is clearly a stop point there. This unit here immediately to the west of the applicant's property has home occupation special exception permit current. One of the others I believe is long term office activity.

Vice President Eagan: Are there further questions? Mr. Price.

Councilor Price: The other notion that strikes me and I think Andy's line of questions just kind of reinvigorated this idea in my mind was this whole notion of what New Britain Avenue in fact, regardless of how it is zoned, what it is in fact. When we went through the debate over the Westfarms application and as we heard some preliminary comments over Shaws and we have looked over the years at the various issues surrounding the southeast area, the whole notion of New Britain Avenue has really become the path to Westfarms. Like or not that is really the view there and I know some of the residents who were opposed to the Westfarms application were very happy when it was turned down because there was some seemingly recognition on the part of the Council that there was still a residential quality to that area. Certainly there is on those off streets but the entrance and exit onto that area is brutal. Given all that comment, there wasn't a question, there seems to me to be unquestionably a lot of pressure from a planning and zoning perspective to recognize what is in fact and what is in fact is who wants to live by choice in a single family house on New Britain Avenue. And isn't that in fact the pressure. The pressure is that these are ripe for offices and in this case have an honorable application and though there may be some logic upon the south side of the bank building a significant end to a zone change, it seems to me that the pressure is just going to continue all the way up and down. Although this is a stand alone application, we take it on its merits.

The reality is, I suppose, that over the next few years whoever is sitting on this Council is going to hear this kind of application as we are hearing now on Park Road and Trout Brook. It is the traffic pressure, the change in the atmosphere over a period of time, and recognition that there is retail office pressures coming in to that tug of war with the neighborhood. Although this is a stand alone application, I don't see how it is so easy to do it in that way. Think about that. Is that a natural occurrence that is going to happen if we vote it up?

Mr. Foster: That was a long question. Yes.

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Councilor Price: Andy's question had more focus but the point is we are just going.

Mr. Foster: I don't think there is any question of that, Mr. Price. The inquiries we are getting particularly on some of the arterial streets where you have one family and two family mixes, a lot of folks bought in at a time when property values were a lot higher. They are finding themselves in environments now and they are not looking to say for growing children and yet they are caught in a trap because they paid premium prices. That is one of the issues that Park Road and some other areas are having. I don't know that it is the case here.

This property probably more than some I have looked at seems to meet your criteria for RM-O conversion and you will recall you did, when we adopted this we adopted with a fairly open application process and came back and revisited it and tightened it down so that mandatory findings are almost a precommitment to office activity had to be in existence before you would begin to consider those favorably so this one is a little bit different than you might find other locations along New Britain Avenue, even on Park and some of the other residential streets in town but the broader aspect to your question, I think that this is going to be one of the action kinds of applications we will see in the next few years. Folks trying to convert property that may be tapping them out a little and trying to get a higher use so they can get out with their shirts, perhaps find a better family raising environment.

Vice President Eagan: Are there further questions? Mr. Schatz.

Councilor Schatz: Don, what is the current use on this property?

Mr. Foster: RM-3.

Councilor Schatz: And what is the current use?

Mr. Foster: It is a one family residence and also a home occupation office.

Councilor Schatz: What kind of occupation?

Mr. Foster: A doctor's office and there is a residential unit. There is a current valid home occupation special exception on the property.

Vice President Eagan: Any other questions? Does the applicant wish to address the Council. Please come forward and state your name for the record.

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Mr. Gentile: Good evening everyone. My name is Richard Gentile. I'm actually the attorney for the applicants, Dr. Herb Hoffman and Betty Hoffman, Dr. Chitraleka Ramanan and Dr. Sundaram Ramanan and Herb and Betty Hoffman are with me this evening as well if you have specific questions.

I will go a little bit out of order in my presentation only to try to pick up on some of the issues that were raised here tonight and we certainly are sensitive to the questions and concerns as to how does this all fit into the plan and where do we go from here. I think this block as a whole it is important to keep in mind that mixed office and residential use has been in each one of the five properties on this block for probably thirty or more years through either variance or through special exception. The house next door to it, 1162 was changed to an RO zone a few years ago but each property either by variance or by special exception has some sort of home office use on the bottom floor and a residence on the top. People on that block, first of all we have a letter that was sent to Mayor Klebanoff and I'm not certain if it has made its way or not to you folks and I apologize for not having sufficient copies of it, of Landy Gobes who owns one of the properties on the block as well has supported the change to an RM-0 zone.

The Hoffmans own another property on that block where Dr. Hoffman has his practice. Dr. Chitraleka Ramanan and Dr. Sundaram Ramanan own another property on that block and Dr. Chitraleka Ramanan has her practice there as well. So, these are people who have come before you having looked at the system and having been involved in it before. They are interested in this property. They have purchased the property. The property was used for probably well over thirty years by Dr. Gilligan for his practice on the bottom floor and his residence on the top floor.

I think that what needs to be kept in mind is the fact that this type of zone is an appropriate intermediate use at this point in time. If you look at the different zones that are there, as we said there are mixed uses to the west, central business zone to the south, residences to the north. The intention is not to change the complexion for what is left of the residential nature of these buildings. The intention is to try to take these buildings and more or less fit them up for the next ten to twenty years and the way to make these buildings economically viable and make sense I think for the town is to allow a doctor's office on the bottom and a residence on the top which is allowed in the RM-0 zone. That is why this zone was chosen.

Some informal discussions were held among property owners and I do not want to speak for all the property owners on

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the block but I think it is fair to say that they understand what we are looking for in this application and as I said there already is a letter that supports the application.

The intention is to try to rehab the bottom to make it a viable medical or professional office, to make the second floor apartment again an apartment that a family would want to rent, to do very minor changes to the exterior, only changes that would enhance the residential character of the property. Obviously to go through the special use permit and all the protections that are there for the town to make certain that that is exactly what we are doing. I guess I just would like to say we were appreciative of what the Town Planner said this evening, what the Town Plan and Zoning Commission said on May 1st, that this application makes sense and that in fact maybe looking at the plan of development it does make sense to look at this particular block with some unique properties that currently are being used as a mixed use by a whole hodge podge of rights. Maybe it makes sense to just in the future after you look at this application, start thinking about how that block fits together.

I don't know if the Hoffmans have anything to say. I'm happy to try to field questions and I'm sure they would be as well.

Vice President Eagan: Any questions? Thank you.

Mr. Gentile: I appreciate the time this evening. Thank you.

Vice President Eagan: Is there a sign up sheet Mr. McCabe? Is there anyone in the audience who would like to address the Council? Any further comment from Council? Hearing none, I am going to close the hearing.

The hearing adjourned at 7:25 p.m.

Norma W. Cronin