

**TOWN OF WEST HARTFORD**

**TOWN COUNCIL PUBLIC HEARING  
September 28, 2022, 7 p.m.,  
Legislative Chambers**

**Re: Application of Northbrook Place, LLC &  
Elite Apartments, LLC for Rezoning and  
Special Development District Designation for  
99 South Main Street.**

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

**Town Council Members Present:**

**MAYOR SHARI CANTOR**

**LEON DAVIDOFF**

**MARK ZYDANOWICZ**

**ALBERTO CORTES**

**ADRIENNE BILLINGS-SMITH**

**CAROL BLANKS**

**BEN WENOGRAD**

**LIAM SWEENEY**

**MARY FAY**

**RICK LEDWITH**

**Town Planner**

**ESSIE LABROT**

**Town Clerk**

**A p p e a r a n c e s: (cont'd)**

**For the Applicant:**

**ALTER & PEARSON, LLC**

**701 Hebron Avenue**

**Glastonbury, CT 06033**

**By: ROBIN PEARSON, ESQ.**

**RPearson@alterpearson.com**

**860.652.4020**

1                   **PRESIDENT CANTOR: All right.**  
2 **Calling the seven o'clock public hearing to**  
3 **order.**

4                   **This is the application of**  
5 **Northbrook Place, LLC, Elite Apartments, for**  
6 **rezoning and special development district**  
7 **designation for 99 South Main Street.**

8                   **Rollcall, Ms. Labrot?**

9                   **THE CLERK:**

10                  **Ms. Billings-Smith?**

11                  **COUNCILOR BILLINGS-SMITH:**

12                  **Present.**

13                  **THE CLERK: Ms. Blanks?**

14                  **COUNCILOR BLANKS: Present.**

15                  **THE CLERK: Ms. Cantor?**

16                  **PRESIDENT CANTOR: Here.**

17                  **THE CLERK: Mr. Cortes?**

18                  **COUNCILOR CORTES: Here.**

19                  **THE CLERK: Mr. Davidoff?**

20                  **COUNCILOR DAVIDOFF: Here.**

21                  **THE CLERK: Ms. Fay?**

22                  **COUNCILOR FAY: Present.**

23                  **THE CLERK: Mr. Sweeney?**

24                  **COUNCILOR SWEENEY: Here.**

25                  **THE CLERK: Mr. Wenograd?**

1 COUNCILOR WENOGRAAD:

2 Here.

3 THE CLERK: And

4 Mr. Zydanowicz?

5 COUNCILOR ZYDANOWICZ: Here.

6 THE CLERK: Thank you.

7 PRESIDENT CANTOR: Thank you,  
8 Ms. Labrot.

9 We will now go to the  
10 presentation from the Applicant.

11 MS. PEARSON: Good evening,  
12 Madam Mayor, members of the Town Council. My  
13 name is Robin Pearson. I'm an attorney with  
14 the law firm of Alter & Pearson in  
15 Glastonbury, Connecticut, and it's a pleasure  
16 to be here this evening on behalf of the  
17 Applicant, Northbrook place LLC.

18 Northbrook Place is the owner  
19 of the property for which this zone change  
20 and special development district is sought at  
21 99 South Main Street. I'm sure you've had a  
22 chance to drive by it and take notice of it  
23 this time because it's been there forever,  
24 and it's sort of something you don't easily  
25 picture in your mind. But it is a

1 three-story brick apartment building that  
2 obviously exists, and the purpose of this  
3 application is to be able to add additional  
4 parking to the rear of that existing  
5 apartment building.

6 I have previously provided for  
7 your record the signed affidavit, because  
8 this is a continued hearing. It was opened  
9 and then immediately continued. And we've  
10 also provided this evening a second affidavit  
11 which indicates the signs have remained up --  
12 not that it's a requirement, but just so you  
13 know there's been a long-standing amount of  
14 time by which those, the sign has been out  
15 there advertising this particular hearing.

16 With me this evening are the  
17 representatives of the owner, the members of  
18 the LLC, and that's Rick Chozick and Steve  
19 Pappas. They're not going to participate in  
20 the presentation, but they're certainly here  
21 to answer any questions that you have.

22 And also joining me -- and  
23 right behind me at the podium because he  
24 knows I'm not great with the clicker -- is  
25 Geoff Fitzgerald. He's a PE, an engineer,

1 and is the project engineer. And he's with  
2 Bohler Engineering and did all the plans, and  
3 has been coordinating with town staff on  
4 various small issues that deal with things  
5 like drainage.

6 I'd like to point out this is  
7 the cover sheet of the plan set that is  
8 before you for consideration.

9 And Geoff, we're able to zero  
10 in on the site map?

11 GEOFF FITZGERALD: Yeah, we  
12 have it here. We can't zoom on this setup  
13 here, but it's --

14 MS. PEARSON: Oh, so we can't  
15 get any tighter than that?

16 GEOFF FITZGERALD: No.

17 MS. PEARSON: Okay. You do  
18 have this reproduced in the 11-by-17 plan  
19 sheets that I believe that you have before  
20 you. But more than that, I can tell you what  
21 is up there -- if your eyes are as challenged  
22 as mine are.

23 We've taken an aerial map that  
24 shows the outline of the proposed SDD site at  
25 99 South Main Street. If you look closer?

1                   Okay. To the south of the  
2 property is an existing apartment complex and  
3 it is also -- it's been there for quite a  
4 while. To the north of the property,  
5 abutting the property and up to the point of  
6 Boulevard are two single-family homes that  
7 have been converted to office uses, and they  
8 have been there in that, with that use for  
9 many, many, many years.

10                   The Applicants purchased this  
11 property in 2021. The building itself had  
12 been built in 1968. It comprises 36 units,  
13 though it was actually constructed with 37  
14 units -- but permitting for that 37th unit  
15 has not been readily able to be found.

16                   Therefore, as soon as  
17 Northbrook Place, LLC, bought the property in  
18 1968 they immediately ceased to rent out this  
19 37th unit, which was on the basement level.  
20 It's where superintendents had previously  
21 resided.

22                   So only 36 units on this  
23 property are currently approved with COs.  
24 There are 36 parking spaces on the site --  
25 I'm sorry, 37 parking spaces now, which would

1 have served each of the 37 units back then.

2 Northbrook Place has been  
3 talking with the town administration about  
4 getting that basement unit re-permitted, and  
5 this application does seek to be able to do  
6 that. Which means you would be approving --  
7 if the application is favorably reviewed  
8 tonight, you would be approving a density of  
9 37 units on the property.

10 They still have steps that  
11 they would then have to go through with the  
12 town administration, and potentially at the  
13 state level with regard to various codes that  
14 they have to meet, such as fire codes and  
15 such -- but this would be the first step in  
16 that process.

17 When Northbrook Place acquired  
18 the property and initially met with the town  
19 staff, it was thought initially before a lot  
20 more work was done to delve into the  
21 background of this particular approval that  
22 it might be an easy process, that they could  
23 acquire additional land.

24 And they were in discussions  
25 with the neighbor -- and I'll get into that

1 in a little more detail -- and be able to add  
2 to the parking as just a site plan review,  
3 which is an administrative process in West  
4 Hartford. And that would be based on the  
5 fact that the underlying zone would be an  
6 RM-1, which it was initially thought that  
7 that was indeed the case for this property.  
8 But as sometimes happens, when you dig deeper  
9 you find that that is not the case.

10 And as you can see with this  
11 particular site plan on the cover sheet,  
12 there's a dotted line that goes through the  
13 property. It's only the southern portion of  
14 the property that is actually zoned RM-1. So  
15 this property, the apartment complex built in  
16 1968 has never conformed with the underlying  
17 zoning in its entirety.

18 And it also does not conform  
19 today with your parking requirements -- and  
20 I'm not sure if it did back then either, but  
21 that's sort of beside the point. We are  
22 where we are today and it's time to fix the  
23 situation, and that's part of the reason why  
24 we're here.

25 I think what I'd like to do is

1 go to the next slide.

2 So this is a close-up of the  
3 property that Northbrook Place now owns. It  
4 owns the piece that's outlined solidly in  
5 yellow, and that is the parcel that they  
6 acquired in 2021, and is the parcel that the  
7 complex was built on back in 1968.

8 The yellow hatched mark to the  
9 west, that area is a piece of property from  
10 the parcel on Boulevard that is -- was an  
11 extremely deep lot; only the top part of the  
12 part, the northern part on Boulevard having  
13 been developed and the rest of it was, you  
14 know, backyard that went very deep down to  
15 the south.

16 And Northbrook Place  
17 approached them to see if they would be  
18 interested in selling the back part to even  
19 out that lot in order to expand their  
20 parking, and the owners were receptive and  
21 that has actually happened.

22 That additional 7,988 square  
23 feet is -- what I believe it is -- 7,988  
24 square feet was purchased, and the lot line  
25 revision application was approved, contingent

1 upon this being able to go forward.

2 But it has been reviewed and  
3 it has been established that the remainder of  
4 the lot on Boulevard is conforming, and with  
5 the addition of this crosshatched piece to  
6 the initial piece acquired by Northbrook  
7 Place, it will make that site 99 South Main  
8 Street even more conforming.

9 And obviously, it allows for  
10 the opportunity to be able to do what  
11 Northbrook Place wants to do, which is to  
12 expand its parking. And why does it want to  
13 do that?

14 Well first of all, it wants to  
15 be more conforming and meet the zoning code  
16 which requires 1.5 spaces per unit. And also  
17 it is looking to ways to reinvest in its  
18 property and to make its units more desirable  
19 in the community. And as an older apartment  
20 complex one way they can become more viable  
21 and more desirable in terms of a rental  
22 destination is to have more parking.

23 It allows them in a way to  
24 compete with newer units which have a lot  
25 more other types of amenities that are

1 attractive to renters. This would make it  
2 more attractive to somebody who's looking for  
3 enough -- for more parking.

4 It's also a complex that's  
5 outside of the Center itself, though close  
6 by. It's perhaps more of a complex that is  
7 more dependent on a car than might be one of  
8 the units that are already built in the  
9 Center, or one that might be approved in the  
10 Center.

11 When they started looking at  
12 what would be required, they realized that  
13 because most of the property is now still in  
14 an R-6 zone, that they would need an  
15 underlying zone change to an RM-1 for the  
16 crosshatched piece and the portion of 99  
17 South Main that is not currently zoned RM-1.

18 However, they thought that  
19 just coming into you with a change of zone to  
20 change this parcel to an RM-1, the entire  
21 zone including the crosshatched piece, would  
22 not necessarily be well received by you.

23 It would allow them to proceed  
24 with a site plan application for parking, but  
25 it would also, they felt, behoove the

1 neighborhood to have this application for a  
2 change of the underlying zone further  
3 enhanced by the protective layer that's  
4 afforded with a special development district,  
5 and to have that overlain on the proposed  
6 development site.

7           It also, by going to an SDD,  
8 would allow the Applicant to be able to do  
9 things that they would not otherwise be able  
10 to do with a straight site plan application,  
11 such as put up an eight-foot high fence to  
12 buffer the parking area from the neighbors  
13 that directly abut it.

14           Your zoning code does not --  
15 the highest, I believe, is seven feet?

16           GEOFF FITZGERALD: Correct.

17           MS. PEARSON: So they would  
18 need either a variance or relief from the  
19 zoning code through a special development  
20 district to be able to do that.

21           But the most important thing  
22 to them was to provide a zoning mechanism  
23 that would make the neighbors as comfortable  
24 as possible with what they are proposing to  
25 do here, and they were not going to proceed

1 if they had opposition from the people that  
2 abutted the property in a way that would make  
3 it, you know, not something that would leave  
4 them as good neighbors.

5 So they early on started  
6 speaking with the neighborhood. I believe  
7 they went out in March and began contacting  
8 people. You have a comprehensive set of  
9 letters that were sent out, and maps, and an  
10 explanation that they had at that time. And  
11 then they have proceeded since then to  
12 continue to try and make contact with  
13 interested parties.

14 And I'll go through some of  
15 the supportive letters that we received from  
16 them. In fact, why don't I do that right  
17 now?

18 I'd like to read to you --  
19 what's our next? Is it the zoning map?

20 GEOFF FITZGERALD: It's the  
21 zoning map, and then it's got that --

22 MS. PEARSON: Okay. Go back,  
23 if you would to the yellow one?

24 So they have met with the  
25 owner of 105 South Main Street. Again,

1 that's the apartment complex to the south.  
2 And they have provided a document which  
3 indicates they have no opposition.

4 Obviously, 1697 is the  
5 property that sold them the piece to the  
6 rear, 1697 Boulevard, and they are supportive  
7 of the application. They also spent a fair  
8 amount of time meeting with the owners of  
9 1699 Boulevard -- and met with them several  
10 times, and they are supportive of the  
11 application once the Applicant was willing to  
12 make certain commitments with regard to  
13 protecting them from the parking lot.

14 And I would like to -- I  
15 believe it's already in the record, but I'm  
16 going to leave these with you anyway. These  
17 are three letters from the persons that are  
18 most directly impacted by this change, and  
19 the first one is from Andreas Kapetanopoulos  
20 at 148 Woodrow Street.

21 And the letter was dated  
22 August 17th and they have said, in addition  
23 to previous conversations Eric Chozick and  
24 Steven Pappas met with me on August 8th to  
25 walk the proposed parking lot area, and

1 specifically the location of the dumpster.

2 I understand that the dumpster  
3 will be within an enclosure screening the  
4 dumpster, and that there will be a new  
5 eight-foot tall cedar fence along the  
6 property line between our properties.

7 And I would just note that  
8 that fence will be designed to have the good  
9 side of the fence facing the neighbors, which  
10 was something that was requested with regard  
11 to the fence itself. And it's a cedar fence  
12 which was something they wanted, not a vinyl  
13 fence. So it will be quite attractive. And  
14 in the plans that you have, you do have  
15 details that show what that fence will look  
16 like.

17 It was discussed and agreed  
18 between myself and Eric and Steven as the  
19 owners of the Northbrook Place Apartments,  
20 that after the completion of installation of  
21 the parking lot, an eight-foot tall fence  
22 between our properties -- if I would like a  
23 row of arborvitae or similar shrub of similar  
24 height to the fencing planted on my side of  
25 the fence, they will do so upon my request.

1                   Additionally, all trees  
2                   bordering the property lines will most likely  
3                   need to be removed as any excavation would  
4                   damage the root systems. All tree stumps  
5                   will therefore be ground down to allow for  
6                   new plantings.

7                   Having met with the owners,  
8                   viewed the property and proposed plans, I  
9                   have no objection to the proposed parking  
10                  expansion.

11                  The other letter is from  
12                  Mr. Nguyen at 1699-1701 Boulevard. And it  
13                  says, to whom -- this is dated May 19th. To  
14                  whom it may concern, my home is located at  
15                  1699-1701 Boulevard, West Hartford. My  
16                  property will abut the expanded parking lot  
17                  at 9799 Main Street.

18                  Eric Chozick of Northbrook  
19                  Place, LLC, has provided me with the proposed  
20                  parking expansion plans as well as the style  
21                  and type of fence that will be used between  
22                  our new property line. I am in favor and  
23                  support of their application to extend the  
24                  zoning on their property to allow for the  
25                  expansion of the parking lot per their

1 proposal before the Town Council.

2 And the final one is on the  
3 north side. This is from Dr. Paul McKenna.  
4 It's McKenna Orthodontics and dated August  
5 17th. And it says, to whom it may concern, I  
6 own the adjacent property to 9799 South Main  
7 Street, sharing the boundary along the entire  
8 south side of my property with Northbrook  
9 Apartments.

10 Eric Chozick of Northbrook  
11 Place, LLC, has provided me the proposed  
12 parking expansion plans. I am in favor and  
13 support of their application to extend the  
14 zoning on their property to allow for the  
15 expansion of the parking lot per their  
16 proposal before the Town Council.

17 So I'm just going to ask that  
18 that be added to the record, if I may? I  
19 think you already have it, but I just want to  
20 make sure.

21 So going onto the zone change  
22 plan. This is important for you as you make  
23 a decision as to whether it's proper to  
24 change the underlying zoning. If you'll note  
25 the parcel outlined in red is the subject

1 site for the SDD. The purple portion of that  
2 is R6 zone, and that would be amended to  
3 RM-1. The brown portion or tan portion of  
4 that property is zoned RM-1 already, as is  
5 that whole line of properties going to the  
6 south -- yes, to the south on South Main  
7 Street.

8               So what we are proposing is an  
9 extension of that RM-1 line which is in  
10 conformance with the existing depth of the  
11 RM-1 zone on South Main Street. It's not  
12 going any deeper than the existing line of  
13 RM-1 zoning which abuts all those R -- the  
14 white is R-10 single-family. So it's no  
15 different from the current RM-1 line as you  
16 proceed north/south on South Main Street.

17               There's also, the zoning above  
18 that is a business zone. That's where the  
19 two office buildings are located, and there's  
20 an RP piece to the immediate north,  
21 residential parking to the immediate north of  
22 our site, all of which those three parcels  
23 are also encumbered by a special development  
24 district.

25               But this use is already

1 established. The use has operated as an RM-1  
2 use since 1968, even though it was never  
3 zoned for RM-1. This zoning map shows you  
4 that what we are proposing is consistent with  
5 the comprehensive plan, which is the scheme  
6 of zoning that already exists in the area.

7 And we've also shown you that  
8 those that immediately abut that piece of  
9 property where there's going to be a proposed  
10 extension of the parking lot are comfortable  
11 with it, to the best of our knowledge.

12 With that, I think what I'd  
13 like to do is go to the site plan -- and I'm  
14 going to pass that for now.

15 So we'll go to the site plan,  
16 and Geoff is just going to describe for you  
17 the changes that are proposed and some of the  
18 communications that were undertaken with town  
19 staff with regard to the changes that are  
20 proposed for the site. Geoff?

21 GEOFF FITZGERALD: Thank you,  
22 Robin.

23 Hi, I'm Geoff Fitzgerald,  
24 professional engineer and planner with  
25 Bohler. We're located at 65 LaSalle here in

1 West Hartford, Connecticut.

2 So you see in front of you the  
3 proposed site plan, and basically what we're  
4 doing is we're adding 22 parking spaces in  
5 this area in a kind of traditional parking  
6 configuration.

7 Because we're adding pavement  
8 to an area that's currently grass we have to  
9 accommodate the stormwater and detain it, and  
10 infiltrate some on site, which we're doing  
11 with a series of underground chambers in this  
12 area that connect to the existing drainage  
13 system that discharges out to South Main  
14 Street.

15 The trash enclosure is located  
16 here. We're actually improving the widths of  
17 the drive aisles to get to that trash  
18 enclosure, and in and out right now it's  
19 pretty tight in the current configuration.

20 We worked with engineering and  
21 planning who both kind of modulated to be  
22 able to provide improved parking space depths  
23 closer to the required depths there, and  
24 improved drive aisle widths where there's  
25 currently a pinchpoint at this point.

1                   The fence that we talked  
2 about, eight-foot high cedar fence will be  
3 around the perimeter of the parking area.  
4 And we've added, at the request of Planning,  
5 an additional tree back here. You see a  
6 couple of the required trees.

7                   We're adding a tree in the  
8 middle as well as a series of fountain  
9 grasses planted along the edge that can  
10 provide a bit more of an aesthetic to the  
11 parking lot, but still be able to be used as  
12 a snow shelf in the wintertime.

13                  So in all, I'm going to go  
14 through the relief that this plan requests as  
15 part of the SDD application. And the first  
16 one is -- I believe the Section 177-6E  
17 schedules requesting a minimum side yard of  
18 4.6 feet where RM-1 requires at least half of  
19 the building height, or 15 feet. So that's  
20 an existing nonconformity that's being  
21 maintained.

22                  Two, Section 177-10, open  
23 space; we're requesting to provide 2,129  
24 square feet of usable open space where 7,400  
25 square feet is required by ordinance.

1                   Item three, fence height;  
2 requesting an eight-foot high fence where I  
3 indicated, where seven feet is the maximum  
4 allowed outside in rear yards -- but that was  
5 requested by the neighbors.

6                   Item four, parking space  
7 dimensions; requesting that the minimum  
8 parking space dimension be 8 foot minimum  
9 width, and 16 foot in length as opposed to  
10 the 9 by 18.

11                   Section 177-32E, width of  
12 drive aisles; we're requesting a minimum  
13 width of the aisle to be 20 feet, where  
14 24 feet is required. That pinchpoint, the  
15 pinchpoint here at present is 13.8 feet. So  
16 by adjusting this north line we are making  
17 that now 20 feet, improving a very much  
18 nonconforming two-way drive aisle.

19                   And item six, Section 177-32,  
20 loading spaces; requesting no loading space  
21 which matches the existing condition. An  
22 existing nonconforming half loading area, 12  
23 by 22 is currently used, and that's indicated  
24 on the plan in this area. It's nonconforming  
25 because it does impact this drive aisle, but

1 that's the area where people currently load  
2 the building, and we're maintaining that.

3 And finally, Section 177-34,  
4 type C screening; we're requesting 3.6-foot  
5 minimum screening strip where 5-foot is the  
6 minimum required at a fence or wall. And  
7 that's in this area here where we are  
8 increasing that drive aisle width to make  
9 that a little safer, and more conforming to  
10 two-way traffic.

11 So that's really a summary of  
12 the SDD being proposed. Like I said, we're  
13 adding 22 spaces. So I would be happy to  
14 answer questions -- and that's the extent of  
15 the segment.

16 PRESIDENT CANTOR: Thank you,  
17 Mr. Fitzgerald.

18 Are you ready for questions --  
19 still doing the questions from the Council?

20 MS. PEARSON: Yeah. I think  
21 we're almost there. Why don't I just add  
22 quickly that this has been reviewed by the  
23 Design Review Advisory Committee favorably.  
24 You have a recommendation from them; also  
25 from the Town Plan and Zoning Commission with

1 regard primarily to the rezoning and its  
2 conformance with the plan of conservation and  
3 development and your zoning code. And staff  
4 reviews are finished.

5 To the extent we still need to  
6 do a little bit of additional drainage  
7 planning, that we've discussed with the  
8 planning staff and engineering staff, and  
9 that there are drain calculations and things  
10 like that that could be just incorporated  
11 into the final set of mylars if this  
12 application is approved.

13 So yes, with that -- and I've  
14 already given you all the reasons why in the  
15 application letter we think this makes a lot  
16 of sense in terms of zoning and compliance  
17 with your regulation.

18 And we've just had an  
19 opportunity to go to the plan, the scheme,  
20 the comprehensive plan of zoning for that  
21 locale, and I think that underscores more  
22 than anything else -- and I believe that was  
23 fairly important to the Town Plan and Zoning  
24 commission when it made its favorable  
25 recommendation to you. I think that

1 certainly is strong support for what we are  
2 proposing here.

3 So with that, we welcome any  
4 questions you might have.

5 PRESIDENT CANTOR: Thank you,  
6 Attorney Pearson.

7 I don't know if there's any  
8 public comment. Maybe we want to --

9 MS. PEARSON: There are people  
10 who would like to speak.

11 PRESIDENT CANTOR: Okay. I  
12 think we'll start with that, and then we'll  
13 go to questions from the Council.

14 And while we're waiting on  
15 that, Madam Clerk, did we have any written  
16 comments that came in?

17 THE CLERK: No, I did not  
18 receive any.

19 PRESIDENT CANTOR: Thank you.  
20 So we have two people signed  
21 up. First, we have Michelle Hall.

22 Just state your name and your  
23 address for the record.

24 Do you not want to speak?

25 MICHELLE HALL: No, I do. I'm

1 a little nervous because I didn't know all  
2 these people were going to be here.

3 PRESIDENT CANTOR: That's  
4 okay. We're very kind. Don't worry.  
5 Come on up.

6 MICHELLE HALL: Sure.

7 PRESIDENT CANTOR: And it's  
8 voice activated.

9 Just state your name and  
10 address for the record, and we usually give  
11 three minutes.

12 MICHELLE HALL: My name is  
13 Michelle Hall and I live at 170 Woodrow  
14 Street. So I just live a couple doors down  
15 on Woodrow.

16 So I guess, a couple of  
17 things -- and maybe it's a question, but I'm  
18 sure people here have heard we've had just a  
19 significant uptick of wildlife just in  
20 general, and this -- do you mind?

21 I don't have a pointer.

22 PRESIDENT CANTOR: Well, you  
23 actually have to be at the mic, but you  
24 can --

25 MICHELLE HALL: Oh, I have to?

1                   PRESIDENT CANTOR: Yeah.

2                   MICHELLE HALL: Sorry.

3                   The lot that's being taken  
4 over, that back half, if you haven't been  
5 there it's a really, really dense lot. So  
6 it's got lots of trees and, you know, and  
7 it's fantastic, but the problem is for those  
8 of us that live on Woodrow Street we are  
9 already overrun with rats, and with raccoons  
10 and possums.

11                  And one has to believe that a  
12 lot of those wildlife things probably live in  
13 this deeply wooded area. So I guess my  
14 question is, like you know, if we get rid of  
15 all that where does that displace the  
16 wildlife? What are we doing to manage what  
17 is already a preexisting problem for folks  
18 that live on Woodrow Street? So number one.

19                  And then just the second thing  
20 is that, you know, for all of the apartments  
21 that are on that street -- and I know we're  
22 talking about this one here, but the light  
23 pollution from the LEDs that are out there  
24 and for most of the buildings they have,  
25 like, multiple levels of LEDs.

1                   So there's the light right  
2 above the doors. There's, like, a  
3 mid-light -- and then there's, like, a big,  
4 really big light up top. And they're so  
5 bright.

6                   And so for those of us that  
7 have yards back there, not only is the light  
8 so bright that it shines into the front of  
9 our houses through the back, but it makes it  
10 really hard to enjoy our backyards. Just  
11 like on a summer night with the lights there  
12 you can't see people. It's just that bright.

13                  And so one can imagine that by  
14 extending the parking lot, surely you'll want  
15 to improve the lighting. And so just some  
16 consideration to what that does to the folks  
17 that live there, and then the wildlife.

18 Those are just my two concerns. That's it.

19                  Okay. I'm going to sit down.

20                  Thank you.

21                  PRESIDENT CANTOR: You did  
22 wonderfully. Thank you very much, Ms. Hall.  
23 I hope that wasn't too scary.

24                  Okay. And next we have Bryant  
25 Piccioli. Would you like to come up?

1                   BRYANT PICCIOLI:    Sure.    Good  
2 evening.   My name is Bryant Piccioli.   I'm  
3 the resident at 1681 Boulevard just to the  
4 north of the property here.   So less of --  
5 similar to Michelle; less of a question, but  
6 more of a request to the developers, a  
7 similar issue with the lighting.

8                   My son's bedroom has a  
9 spotlight shining right into his room.   We've  
10 gotten room darkening shades and it does not  
11 do anything to help.

12                  So if you were to look at the  
13 property on what would be the far right-hand  
14 side in this diagram, that light has a hood  
15 over the top of it so it shines the light  
16 down.   The other lights along the third row  
17 of that building do not, and they shine  
18 directly into our home and our neighbor's  
19 home.

20                  So that would be our primary  
21 request, is that we do something about the  
22 lighting there to focus it downward into the  
23 parking lot versus being beamed right into  
24 our rooms.

25                  The second item -- I know

1 there's not much you can do. There were  
2 already new arborvitae planted there, but the  
3 neighbor that we share to the north of your  
4 property and to the south of our property  
5 decided to cut down all the trees when he  
6 amended his own parking lot.

7               So now we have the third level  
8 of your building looking straight into my  
9 backyard. And I know you -- it doesn't seem  
10 like there's much of enough room to plant any  
11 other trees there, but if you do so find some  
12 excess funds that you can throw a tree in  
13 there, that would be wonderful.

14               So that's all. Thank you.

15               PRESIDENT CANTOR: Thank you,  
16 Mr. Piccioli.

17               Is there anybody else in the  
18 audience -- I don't think so -- that has not  
19 spoken?

20               (No response.)

21               PRESIDENT CANTOR: Okay. Then  
22 we will open it up to the Council -- I'm  
23 sorry. Mr. Wenograd?

24               COUNCILOR WENOGRAD: Did you  
25 want to have the developer, if they have any

1 responses now to those --

2 PRESIDENT CANTOR: Well, I was  
3 going to ask myself, so -- I mean, it's up to  
4 you. Yeah, that's fine.

5 Would you like to respond to  
6 them?

7 GEOFF FITZGERALD: Yes, I'd be  
8 happy to. We did prepare a light plan with  
9 new light fixtures in the parking area and on  
10 the building, and they're full cutoff  
11 fixtures, dark-sky compliant, LED modern  
12 fixtures.

13 One of the things I think the  
14 neighbors are experiencing is that a lot of  
15 the older apartment buildings on this stretch  
16 have older lights, and so that was part of  
17 the system. We can, you know, go through  
18 that. You know, we're very comfortable with  
19 what we've submitted; had zero spillage off,  
20 off the property and are all compliant.

21 And I think that's all.

22 PRESIDENT CANTOR: Well, the  
23 vegetation, I think was their --

24 MS. PEARSON: Before we leave  
25 that -- I'm never supposed to ask a question

1 I don't know the answer to, and I'm taking a  
2 risk here. So is there something on the  
3 building now that we're going to change?

4 Because Mr. Chozick just told  
5 me he would address whatever the issue was  
6 that you're experiencing.

7 GEOFF FITZGERALD: Yes, we  
8 were proposing --

9 MS. PEARSON: So you're taking  
10 those off and putting new ones on the  
11 building itself?

12 GEOFF FITZGERALD: Yeah, we  
13 can do it.

14 MS. PEARSON: Okay.

15 PRESIDENT CANTOR: Excellent.  
16 And vegetation was the other,  
17 and misplacement of maybe some --

18 MS. PEARSON: Yeah, I'll talk  
19 about that -- but let's talk about  
20 landscaping.

21 Mr. Piccioli is correct.  
22 There is very limited space there. If  
23 there's anything we can do we will, but we've  
24 been working very hard to add additional  
25 shade, shade trees of some height on this

1 property and I'm not quite sure what else can  
2 fit in there.

3 But I think that there will be  
4 a huge improvement in terms of getting those  
5 lights from staring you down, which they  
6 should not be.

7 In regards to control of  
8 animals, the good thing about this is you  
9 know the use is already there. So there are  
10 already 36 -- or previously 37 apartments  
11 there. So we're not increasing anything on  
12 the site that's going to attract more  
13 critters to the site. And we do have an  
14 enclosure now for the dumpster, and that's  
15 going to help whatever is happening back  
16 there now.

17 In terms of the review by the  
18 town staff, the Health District did request  
19 us to take a hard look at rodent control, and  
20 to make sure we are on top of that. And  
21 Mr. Chozick and Mr. Pappas submitted a  
22 response to the Health District saying as  
23 soon as they took over the property they  
24 started engaging there on a regular basis to  
25 make sure that there was treatment that was

1 going on, to make sure there were certainly  
2 no rodents with regard to the property.

3 Opossums? I don't know what  
4 one does about opossums -- but they're sort  
5 of there. May they migrate someplace else?  
6 I suppose that's possible. They're probably  
7 not going to enjoy living on the parking lot,  
8 but at the same time I always had one living  
9 under my porch in West Hartford. So you  
10 know, they're very adaptable.

11 But certainly in terms of  
12 rodent control, that will be handled, is  
13 being handled now and will be further handled  
14 with the expansion of the parking area.

15 PRESIDENT CANTOR: Thank you,  
16 Attorney Pearson. Thank you.

17 All right. Well, I'll start  
18 by opening up questions from the Council. So  
19 you may want to stay right there.

20 Mr. Sweeney, did you raise  
21 your hand?

22 COUNCILOR SWEENEY: I'm more  
23 of an image person. So I'm just looking at  
24 this Google Earth -- I think this is? And to  
25 address the gentleman's issue on Boulevard --

1 if this is appropriate Madam Mayor, but I  
2 just want to ask a question of, like, the  
3 situation in the back yard.

4 Do I have to ask him about it?

5 PRESIDENT CANTOR: Maybe  
6 through them, through the Applicant.

7 COUNCILOR SWEENEY: I guess  
8 through the Applicant, just addressing the  
9 gentleman at 1681 Boulevard.

10 Is there a fence that  
11 bifurcates his property from your spot?

12 GEOFF FITZGERALD: There is.

13 COUNCILOR SWEENEY: And the  
14 issue was that those trees are being  
15 eliminated, and something else is going to be  
16 debated on what to do there?

17 MS. PEARSON: Not for 1681.  
18 Right?

19 GEOFF FITZGERALD: We're not  
20 eliminating trees that impact his view. He  
21 was saying the owner of the lot north of -- I  
22 believe he was talking about this, this  
23 parcel cleared some trees.

24 And so there, there is room  
25 here. We can look to add trees. I don't

1 know if it's going to block the third floor  
2 apartment, the view over that, because again  
3 even an eight-foot high fence doesn't reach  
4 the second floor.

5 COUNCILOR SWEENEY: I was just  
6 trying to get -- it's hard to really  
7 understand where you're looking on this  
8 without looking at it and really kind of just  
9 like --

10 MS. PEARSON: Right. So that  
11 is an existing office building that is to the  
12 north of our property.

13 COUNCILOR SWEENEY: Yeah.  
14 Okay. Thank you, Madam Mayor.

15 PRESIDENT CANTOR: Thank you,  
16 Mr. Sweeney.

17 Mr. Davidoff?

18 COUNCILOR DAVIDOFF: Thank  
19 you, Madam Mayor.

20 DRAC had a recommendation that  
21 an additional street tree be planted just  
22 north of the entry drive?

23 MS. PEARSON: That has been  
24 included to the plan, added onto the plan.

25 GEOFF FITZGERALD: It's right

1 here.

2 COUNCILOR DAVIDOFF: Okay. In  
3 the original submissions with the narrative  
4 under compliance with the plan of  
5 conservation and development and SDD  
6 standards, there's an entire discussion about  
7 12 Grove Street.

8 MS. PEARSON: Oh -- well, that  
9 was revised. So you have in your file a  
10 revised 8/23/'22 --

11 COUNCILOR DAVIDOFF: Yeah,  
12 I've got it. So that came out -- that was,  
13 like, as an error.

14 MS. PEARSON: Yes, it was by  
15 Council error. Yes.

16 PRESIDENT CANTOR: I just  
17 will -- Mr. Davidoff finds the errors for  
18 sure. Any typos.

19 MS. PEARSON: He is very  
20 thorough.

21 COUNCILOR DAVIDOFF: There was  
22 mention of waivers that you were seeking this  
23 evening, but I don't see that anywhere in the  
24 narrative.

25 MS. PEARSON: It's on the site

1 plan.

2 COUNCILOR DAVIDOFF: Can you  
3 go through them all again?

4 MS. PEARSON: Yes.

5 You want to pull them up?

6 Okay. They're on the site  
7 plan. It's sheet -- let me get you the exact  
8 sheet.

9 GEOFF FITZGERALD: C-301.

10 MS. PEARSON: C-301?

11 GEOFF FITZGERALD: Yeah.

12 MS. PEARSON: Okay. It's  
13 underneath the zoning table. It's got a list  
14 of what's requested as being --

15 COUNCILOR DAVIDOFF: Can we  
16 just go through those real quick?

17 MS. PEARSON: Sure. Happy to  
18 do that. So they are minimum side yard of  
19 4 feet, 6 inches, where RM-1 requires at  
20 least half of the building height or 15 feet.  
21 Now that's frankly an existing situation, but  
22 it's still a change from what would be  
23 required by the zoning code.

24 Section 177-10, open space;  
25 request is to provide 2,129 square feet of

1 usable open space where 7,400 square feet is  
2 required, and that is because of the number  
3 of units -- but the number of units has  
4 always been existing.

5 And so indeed, we've picked up  
6 additional square footage for open space with  
7 the additional lot area that was added. So  
8 the open space requirement with this  
9 application is more conforming than the  
10 existing apartment complex at 99 South Main  
11 Street.

12 Fence height -- now we  
13 previously mentioned that the maximum you can  
14 have for a fence is seven feet on side and  
15 rear yards. And after speaking with the  
16 neighbors, the neighbors requested an  
17 eight-foot fence along the new parking area  
18 to be expanded.

19 Section 177-32E(8)A, Parking  
20 space dimensions; requesting minimum parking  
21 space dimension to match existing condition,  
22 which currently they're 8 feet minimum width  
23 and 16 feet length. In other words, the  
24 existing parking is nonconforming, and we're  
25 continuing the same standard through the rest

1 of the parking area -- because they know  
2 since 1968 it has functioned and it has  
3 worked, and that they would prefer to have  
4 more parking spaces than fewer parking spaces  
5 with the addition of this area in the back.

6 So it's a continuation of an  
7 existing nonconformity, if you will, through  
8 the SDD vehicle to be able to get relief from  
9 that standard.

10 Section 177-32E(8)C, width of  
11 aisle; we are requesting a minimum width of  
12 aisle to be 20 feet where 24 feet is  
13 required. The existing condition, the  
14 existing drive aisle is 13 feet, 8 inches.  
15 So we're improving an existing situation, but  
16 we're not meeting the full code requirement  
17 for aisle width.

18 And I'll also note that this  
19 is often something that you often find to be  
20 a comfortable waiver -- if we use that  
21 term -- in applications with private parking  
22 areas like this.

23 Section 177-32E(9), loading  
24 spaces; we are requesting that no loading  
25 space be added where one would otherwise be

1 required, and this will match the existing  
2 condition.

3 The existing condition has  
4 basically a nonconforming 12-by-22 loading  
5 area that is currently used for that purpose.  
6 It's not a defined loading space, but it's  
7 what has served this building for the same  
8 number of units that we are not increasing,  
9 except for that, getting that one additional  
10 unit certified since 1968.

11 So we're asking relief to be  
12 able to leave the current situation, which  
13 seems to have functioned just fine.

14 The last one is 177-34D(3),  
15 type C screening; we're requesting a  
16 three-foot six-inch minimum screening strip  
17 where a five-foot strip is the minimum  
18 required with a fence or wall. And that is  
19 to be able to accommodate the layout that  
20 we're showing here, which again DRAC  
21 reviewed, TP and Z reviewed.

22 COUNCILOR DAVIDOFF: Thank you  
23 for clarifying those and showing the  
24 differences between what currently exists and  
25 what's going to exist.

1 MS. PEARSON: Which creates a  
2 good case for why it's an appropriate thing  
3 to do.

4 COUNCILOR DAVIDOFF: Right.  
5 Now -- and the last thing I want to touch on,  
6 the lighting concern that was raised by the  
7 two residents. So has there been a  
8 resolution between the Applicant and the  
9 residents this evening? Did I miss that?

10 MS. PEARSON: As far as I'm  
11 concerned we've resolved it in two ways; one,  
12 we've made a commitment to them to make sure  
13 those lights are not shining out, anyway; but  
14 as Mr. Fitzgerald has gone through, the plans  
15 already require those to be changed and that  
16 everything is down lit dark-sky complaint.

17 And the plan that you have  
18 which shows this spillage offsite indicates  
19 there's zero spillage over the property  
20 lines. We will fix those. Those will not be  
21 an issue, and Mr. Chozick has confirmed that.

22 COUNCILOR DAVIDOFF: Thank  
23 you.

24 PRESIDENT CANTOR: Thank you,  
25 Mr. Davidoff.

1 Any other questions?

2 (No response.)

3 PRESIDENT CANTOR: So just  
4 back to the drainage that was incomplete, I  
5 would think when -- and I'm sure that this is  
6 part of the analysis, that the thick green  
7 area that is maybe home to wildlife -- that  
8 is there. It obviously absorbs a lot and  
9 when you put the asphalt there, it will cause  
10 much more runoff.

11 And you said underneath you're  
12 going to have an extensive drainage system.  
13 So those plans are not finalized?

14 GEOFF FITZGERALD: Yes, they  
15 were finalized in a model that shows the  
16 stormwater being captured, being detained in  
17 underground chambers that will infiltrate  
18 into the ground and mimicking what's  
19 happening now at present -- was proposed.

20 Engineering had a comment with  
21 regard to the outlet structure that requires  
22 us to rerun the model. We can do that. We  
23 just didn't have enough time to rerun the  
24 model and get it approved and reviewed, and  
25 have engineering have enough time to review

1 it. Greg and Julie had -- they thoroughly go  
2 through it.

3 So we said, yeah. We know  
4 what they are asking for. We have no problem  
5 achieving that, and we just requested that.  
6 It doesn't really impact the overall plan and  
7 we're happy to make the change that they  
8 requested to the outlet to their  
9 satisfaction.

10 PRESIDENT CANTOR: So we would  
11 just potentially approve with the condition  
12 that that is --

13 GEOFF FITZGERALD: Yes.

14 PRESIDENT CANTOR: All right.  
15 I just want to make sure that the drive  
16 aisle -- I know is a better situation, but  
17 there are more cars going in and out  
18 potentially of that drive aisle. And I just  
19 want to make sure that, was there any public  
20 safety review of that for the 20 feet?

21 Because actually in the  
22 documentation I saw 22 feet. So 20 feet was  
23 a little surprising to me.

24 GEOFF FITZGERALD: Yeah, most  
25 of the isles are 22 feet. The tightest point

1 is where I had pointed out before where it's  
2 currently 13.6 right at this -- at this  
3 pinchpoint it's super tight.

4 And so we've reworked the curb  
5 line here to make that 20 feet, but you know,  
6 the aisles back here are 22. And that  
7 does -- we did meet with staff, and that does  
8 handle that thing.

9 PRESIDENT CANTOR: Okay. And  
10 the only other -- I know that you had talked  
11 about trash containment is going to be an  
12 improvement over what is there now, that  
13 there is going to be more containment.

14 But because of the rodent  
15 issue that was mentioned, I just want to make  
16 sure that it's not just that there is a  
17 structure there, but that the actual trash is  
18 maintained in a way that is -- and that's  
19 obviously a Health Department requirement,  
20 but I know they were concerned about it and I  
21 just want to make sure that --

22 GEOFF FITZGERALD: Yeah.  
23 We're proposing a concrete slab with, again a  
24 full enclosure of it, and where  
25 presently it's just a dumpster in an asphalt

1 parking lot, you know, basically in a parking  
2 space.

3 So I think that's a  
4 significant improvement and, you know, much  
5 easier to clean and maintain.

6 PRESIDENT CANTOR: Okay. All  
7 right. Any further questions by the Council  
8 one last time?

9 (No response.)

10 PRESIDENT CANTOR: Okay. I  
11 just -- also Attorney Pearson did share, but  
12 a letter dated August 19, 2022, from Design  
13 Review Advisory Committee recommending  
14 approval; a letter dated September 16, 2022,  
15 from Town Planning and Zoning Commission  
16 recommending approval.

17 And with that we will close  
18 the public hearing and give ourselves -- does  
19 anybody need a break?

20 Yes. We'll take a five-minute  
21 break, and we'll be back here at 8:10 to  
22 start the Council meeting. Thank you.

23  
24 (End: 8:05 p.m.)  
25

**CERTIFICATE**

**I hereby certify that the foregoing 48 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the Public Hearing in RE: APPLICATION OF NORTHBROOK PLACE, LLC & ELITE APARTMENTS, LLC FOR REZONING AND SPECIAL DEVELOPMENT DISTRICT DESIGNATION FOR 99 SOUTH MAIN STREET, held before the West Hartford Town Council, at Town Hall, 50 South Main Street, Room 314, West Hartford, Connecticut, on September 28, 2022.**



**Robert G. Dixon, CVR-M 857**  
**My Commission Expires:**  
**6/30/2025**