

TOWN OF WEST HARTFORD

**TOWN COUNCIL PUBLIC HEARING
December 21, 2022, 6:25 p.m.,
Legislative Chambers**

**Re Ordinance Permitting Certain Indoor
Venues in the CBDH District to Stay Open
Until 1 a.m. and Operate Under a Cafe Liquor
Permit with an Age Restriction.**

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

Town Council Members Present:

MAYOR SHARI CANTOR

LEON DAVIDOFF

MARK ZYDANOWICZ

ALBERTO CORTES

DEB POLUN

CAROL BLANKS (via teleconference)

BEN WENOGRAD (via teleconference)

LIAM SWEENEY

MARY FAY (via teleconference)

RICK LEDWITH

Town Planner

ESSIE LABROT

Town Clerk

Corporation Counsel

DALLAS DODGE

1 **PRESIDENT CANTOR: Okay. We**
2 **are ready.**

3 **Thank you so much for coming**
4 **to the December 21st public hearing. The**
5 **meeting is called to order.**

6 **We'll start with the rollcall,**
7 **Ms. Labrot?**

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

9 **COUNCILOR BLANKS (by phone):**
10 **Yes, present.**

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

12 **PRESIDENT CANTOR: Here.**

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

14 **COUNCILOR CORTES: Here.**

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

16 **COUNCILOR DAVIDOFF: Here.**

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

18 **COUNCILOR FAY (by phone):**
19 **Here.**

20 **THE CLERK: Ms. Polun?**

21 **COUNCILOR POLUN: Here.**

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

23 **COUNCILOR SWEENEY: Here.**

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

25 **COUNCILOR WENOGRAD (by phone):**

1 Here.

2 THE CLERK: And
3 Mr. Zydanowicz?

4 COUNCILOR ZYDANOWICZ: Here.

5 THE CLERK: Thank you.

6 PRESIDENT CANTOR: Thank you
7 very much. We will begin with a presentation
8 from our own Town Manager.

9 MR. LEDWITH: Good evening,
10 Mayor -- Madam Mayor and Town Councilors, for
11 the record, Rick Ledwith, Town Manager.
12 Tonight I'll be presenting an overview of an
13 ordinance that seeks to amend certain
14 restrictions, all of which are related to the
15 operation of indoor recreation or amusement
16 facility uses.

17 I think the Council will agree
18 that this ordinance is really a continuation
19 of the proactive efforts of the Town Council
20 going back as far as 2016.

21 Back in 2016 the Town Council
22 directed staff to conduct an initiative to
23 modernize certain sections of the zoning
24 ordinances to permit a rapidly growing
25 segment of the retail market, experiential

1 recreation and restaurants.

2 In general terms, this type of
3 use combines an experiential use such as
4 arcade games, bowling, billiards, et cetera,
5 with the sale of food and/or alcoholic
6 beverages, similar to the Dave and Buster's
7 store concept. And today this is known by a
8 variety of terms such as experiential retail,
9 eatertainment or dinnertainment.

10 To that end, the Town Council
11 adopted changes to the zoning, zoning
12 ordinances in 2017 that created a new class
13 of zoning use, indoor recreation or amusement
14 facility excluding nightclubs which is
15 defined as a space in a suitable and
16 permanent building kept, used, maintained,
17 advertised and held out to and known by the
18 public as primarily a place to pursue leisure
19 activities or games of skill or scoring,
20 including but not limited to pinball, video
21 games, pool or billiards, bowling,
22 rollerskating, miniature golf, go-karting,
23 racing, rollerskating, trampoline or bounce
24 parks, puzzle or adventure rooms, water parks
25 or karaoke, but excluding the use of a disc

1 jockey.

2 If alcoholic drink is served
3 in any indoor recreation or amusement
4 facility, the facility must be at least 5,000
5 square feet in area, and hot food shall also
6 be offered for service. The service of
7 alcoholic drink and hot food shall be adjunct
8 to the primary function of recreation or
9 amusement.

10 The service of alcoholic drink
11 shall operate under the applicable liquor
12 permit, with the exception of cafe permits,
13 which shall not be permitted as provided in
14 Connecticut General Statute Title 30, as
15 amended in Chapter 45 of the Code of the Town
16 of West Hartford; and comply with the liquor
17 control commission regulations appertaining
18 thereto.

19 Indoor recreation or amusement
20 facilities shall be open during regularly
21 posted hours which are clearly marked and
22 shall have no age restrictions.

23 Earlier this fall the new
24 owners of Blue Back Square, Charter Realty
25 Development, Blue Back Capital Partners, LLC,

1 submitted an ordinance to amend certain
2 restrictions pertaining to indoor
3 recreational and amusement facilities.

4 You may remember that after
5 consultation with the Council and Charter
6 Realty we agreed that the original ordinance
7 should be withdrawn. Subsequently, the
8 Council invited Charter Realty to attend the
9 Community Planning and Economic Development
10 Committee meeting back in October to better
11 to explain their vision for Blue Back Square
12 and how certain changes to the zoning
13 ordinances could support that vision.

14 You will notice the changes in
15 the ordinance calls for what would allow
16 indoor recreation or amusement facilities at
17 15,000 square feet or larger in the CBDH
18 district, which is primarily the Blue Back
19 Square district, to remain open to 1 a.m. on
20 Friday and Saturday, and to operate under a
21 cafe permit with an ability to impose a
22 minimum age of entry.

23 CPED then directed staff to
24 prepare a modified version of that ordinance
25 to address some of the expressed concerns,

1 but still allow for flexibility in attracting
2 new uses and businesses coming into the
3 community. The result of that effort is the
4 ordinance before you this evening.

5 The ordinance has three
6 separate amendments, proposed changes to
7 Section 177-2, the definition of indoor
8 recreation or amusement facilities to allow
9 for a cafe permit and for the use to impose
10 an age restriction. However, as written this
11 would be limited to only the CBDH district
12 and then further limited facilities of at
13 lease 15,000 square feet in size and that
14 have an entertainment license.

15 And you can see that towards
16 the bottom, under number one at the bottom
17 there.

18 Proposed changes to Section
19 177-37.1-C, to permit the hours of operation
20 for this use to be extended from midnight to
21 1 a.m.

22 The following classes and
23 categories of uses listed in 177-6B shall not
24 be permitted to be open to the public between
25 the hours of 1 a.m. and 5 a.m., indoor

1 recreation or amusement facilities, excluding
2 nightclubs, dance halls or dance clubs.

3 Proposed changes to Section
4 177-36F, to authorize the issuance of a cafe
5 permit for indoor recreation or amusement
6 facilities provided they are 15,000 square
7 feet or larger and located in the CBDH zoning
8 district.

9 The sale of alcoholic liquor
10 is permitted under a hotel permit, a hotel
11 permit for beer. And then we've added a cafe
12 permit for indoor recreation or amusement
13 facilities 15,000 square feet or larger in
14 the CBDH district.

15 And if you go down to the
16 bottom there, number two, you can see that
17 we've added under Connecticut General
18 Statutes 30-22, we have amended it to add, or
19 in any location in an indoor recreation or
20 amusement facility 15,000 square feet or
21 larger, again in the CBDH district where food
22 and/or beverages are served.

23 So the Council may ask, what
24 controls are in place to ensure that this
25 ordinance supports the use that we envision?

1 And our staff feels that the proposed
2 amendments including the size, size-based
3 limitations and restriction in terms of
4 eligibility only to the CBDH district coupled
5 with the existing requirements for any indoor
6 recreation or amusement use to seek approval
7 under Section 177-42A from the Town Plan and
8 Zoning Commission for a special use permit.

9 So it's important to note that
10 this process includes a public hearing based
11 on a specific location and business with
12 notification to abutters, and approval or
13 denial criteria based on specific findings to
14 both the specific use and the user, and to
15 the specific location of the proposed use.

16 In doing so the TPZ is
17 authorized to attach specific conditions to
18 any approval including limitations of hours
19 or other operational restrictions in order to
20 make the following affirmative finding; the
21 location and size of the use, the nature and
22 intensity of the operations connected with
23 it, the size of the lot in relation to it,
24 and the location of the lot with respect to
25 streets giving access to it are such that it

1 will be in harmony with the appropriate and
2 orderly development of the district in which
3 it is located.

4 Additionally, the special use
5 permit process requires that an approved use
6 appear back before the TPZ for a further
7 public hearing and review period not less the
8 two years after the original issuance of the
9 permit.

10 PRESIDENT CANTOR: Is there
11 supposed to be another slide?

12 Because I think that one is
13 from the old -- I don't know.

14 MR. LEDWITH: Yeah, it's not
15 actually added to the bottom of that slide.

16 PRESIDENT CANTOR: Sorry.
17 Sorry about that.

18 MR. LEDWITH: Yeah, no
19 problem.

20 Additionally, as I was saying
21 the special use permit process requires that
22 an approved use appear back before the TPZ
23 for a further public hearing and review
24 period not less than two years after the
25 original issuance of the permit.

1 The purpose of this look-back
2 hearing, as you know, is to report upon
3 compliance with the conditions placed by TPZ
4 and determine if further conditions should be
5 imposed to address any operational or related
6 technical concerns. That being said, TPZ is
7 not authorized to revoke a permit under this
8 process.

9 With the built-in restrictions
10 in the existing special use permit process,
11 staff believes that the ordinance as
12 presented is consistent with the plan of
13 conservation and development's goal to
14 promote growth and retention of the new
15 business opportunities, to strengthen the
16 community's tax base in an innovative manner,
17 while preserving and protecting the
18 residential character of surrounding
19 neighborhoods, and directly utilizing the
20 POCD strategy to revise zoning regulations
21 through targeted modifications providing
22 innovative approaches to restrictions in
23 order to support the current and future needs
24 of the business community.

25 And lastly for the public

1 record, you can see that on December 5th of
2 2022 the TPZ unanimously found the proposed
3 ordinance to be consistent with the plan of
4 conservation and development, and voted
5 unanimously to recommend approval of the
6 zoning ordinance to the Town Council this
7 evening.

8 And that concludes our brief
9 presentation on tonight's ordinance, and I'm
10 happy to it turn back over to the Council for
11 any questions and/or comments.

12 PRESIDENT CANTOR: Thank you,
13 Mr. Ledwith.

14 Any questions or comments for
15 the Town Manager? Anybody on the line who
16 has a question or comment?

17 COUNCILOR FAY (by phone):
18 Yeah.

19 PRESIDENT CANTOR: Go ahead,
20 Ms. Fay.

21 COUNCILOR FAY (by phone):
22 Mayor Cantor -- I'm also
23 coming down with something at the same time.

24 I think this is a good idea.
25 First of all, we all know that

1 brick-and-mortar retailing has changed
2 dramatically, and we've got some big-box
3 spaces. And you know, we can be a leader
4 here.

5 Some of these facilities that
6 Mr. Ledwith just described are really leaders
7 in other communities. So whether it's a Dave
8 and Buster's or, you know, a bowling alley
9 with exquisite food and cocktails -- or pick
10 one entertainment, and we're already an
11 entertainment mecca.

12 So I support this. I think
13 this is a great idea for new businesses and
14 entrepreneurs and, you know, we can make use
15 of space that we already have available. So
16 thank you for the presentation, and I totally
17 support this.

18 PRESIDENT CANTOR: Thank you,
19 Ms. Fay.

20 Any questions for the Town
21 Manager? I'm just opening it up again.

22
23 (No response.)

24
25 PRESIDENT CANTOR: Okay. I

1 want to read into the record, as
2 Mr. Ledwith shared, the letter from TPZ dated
3 December 9, 2022, recommending approval.

4 We will look for a sign-up
5 sheet to see if there are any public
6 comments?

7 Thank you. So first we have
8 Karen Johnson. And state your name and
9 address for the record. And if you don't
10 live in West Hartford or have a business in
11 West Hartford, we can --

12 KAREN JOHNSON: Good evening
13 my name is Karen Johnson. I'm here tonight
14 on behalf Black Back Square Capital Partners,
15 and Charter Realty development is the
16 managing partner for Black Back Square. We
17 are responsible for managing, leasing and
18 redevelopment activities.

19 First, I'd just like to thank
20 the members of the Council, and in particular
21 Mayor Cantor and the staff, because what we
22 have asked for we think is a reasonable
23 request and a further continuation, as
24 Mr. Ledwith noted, of the efforts started in
25 2016. I noted in my letter I thought it was

1 from 2017.

2 Obviously, with delays
3 associated with COVID we haven't been able to
4 bring indoor recreation to Blue Back Square
5 yet, but based on all of our conversations
6 with potential tenants we did need a little
7 bit more flexibility.

8 So I appreciate the fact that
9 the town staff and Council has I think taken
10 the time to continue this very important
11 partnership with Black Back Square which
12 started many, many years ago as a
13 public/private initiative, and this is the
14 result of it.

15 What we're looking at over the
16 next few years -- and we did. We made a
17 presentation to CPED and the Councilors. And
18 I submitted a letter for the record -- which
19 I'm not going to read verbatim, but it's
20 essentially a summary of that presentation.
21 And it talks about our strategy and how we
22 would like to move forward at Blue Back, and
23 bringing an indoor recreation option is a
24 very important part of that strategic vision
25 that we have.

1 And effectively, what we're
2 looking at is activation of the four corners
3 around the square. And this further, I
4 think, complements the types of activities
5 that we've initiated since taking ownership a
6 little over a year and a half ago in terms of
7 activation, engaging with the community, et
8 cetera.

9 We do acknowledge of course
10 that Blue Back is home to many residents,
11 46 -- 48, I always get this wrong --
12 residents of the Lofts, as well as another
13 60-something residents of the condominiums,
14 Heritage Condominiums.

15 There was some concern
16 expressed by members of the Heritage. We had
17 an opportunity to meet and discuss that early
18 last week, and I think they understand our
19 vision and I hope that they are here tonight
20 to speak in favor of it.

21 One of the concerns that they
22 did raise, and I have discussed this with
23 Mr. Ledwith, is the no limitation on that
24 extra hour of operation in terms of day of
25 the week.

1 And I think our first
2 initiative at drafting this ordinance did
3 have a limitation on days of the week. If
4 that's something that the Council feels is
5 appropriate, we know after our conversations
6 with members of the Heritage that that would
7 be something that they would be very
8 supportive of and, in fact, would be
9 supportive of this, of this proposal if there
10 was a limitation on that.

11 So I just wanted to add that
12 in. I know there's other members of the
13 Heritage certainly that may want to speak.
14 Again, I'm here if there are any questions
15 about what we're proposing.

16 I don't want to take up a lot
17 of your time with this holiday week. We're
18 all eager to get home and get on with our
19 lives. So again, appreciate you taking the
20 time for us, moving this forward, and we look
21 forward to our continued partnership.

22 Thank you.

23 PRESIDENT CANTOR: Thank you
24 Ms. Johnson.

25 Next signed up I have Arthur

1 Spivak.

2 ARTHUR SPIVAK: Arthur Spivak,
3 85 Memorial Road, West Hartford.

4 I really want to thank the
5 town government for doing items like this. I
6 think it's great that you're watching the
7 neighborhood and you have a concern as to
8 what happens. I just want to say thank you.

9 PRESIDENT CANTOR: Thank you,
10 Mr. Spivak. Next, I have Ed Basanese.

11 EDWARD BASANESE: Hi. I my
12 name is Ed Basanese and I live at 85 Memorial
13 Road, Apartment 312, in the Heritage. And
14 we've been residents of the Heritage since it
15 opened in 2008 and I'm currently the
16 president of the Heritage Association board
17 of Directors. So I also appreciate very much
18 this forum and this opportunity to express
19 concerns.

20 We just heard about this
21 change a few days ago, and we didn't know any
22 of the details. So we panicked and we
23 imagined the worst -- we could just picture
24 whatever. It was pretty scary for us because
25 all of the sudden we didn't know what was

1 happening.

2 So fortunately, Karen and the
3 Charter team reached out to us after we
4 contacted our friend Leon, and they explained
5 the situation to us, and so now we understand
6 the issues. And I would say again, kind of,
7 going on with what Karen says, we do have a
8 concern about the Friday and Saturday being
9 the only days to be open until 1 p.m. If
10 Sunday through Thursday could be held to
11 midnight that would be very appreciated by
12 us.

13 We really have two big issues
14 that are concerns to residents. The first is
15 noise, and we're extremely thankful and
16 supportive of the Town and the Council for
17 the quiet time ordinance that you have set up
18 and enforced. And that has made living in
19 Center of West Hartford very nice because of
20 the quiet time rules that you have. So we
21 really appreciate that.

22 Our other concern is
23 late-night boisterous crowds. And again,
24 fearing the worst we could picture crowds of
25 people out smoking and talking, and

1 everything at 1, 1:30 every morning -- and
2 that until we knew the details we freaked
3 out.

4 So with those issues now being
5 addressed I think I would say that I would
6 support this amendment with the proviso that
7 it extends only on Friday and Saturday, if
8 that is possible to do.

9 And I would like to thank our
10 friend Leon and the Council, and the Planning
11 Commission for your understanding and support
12 both on the issue and in keeping us informed
13 for any other changes that may be coming to
14 our neighborhood.

15 We love living in West
16 Hartford and the Blue Back Area. Thank you.

17 PRESIDENT CANTOR: Thank you
18 Basanese.

19 And then I have Bill truckle.

20 EDWARD BASANESE: Bill had to
21 leave. I presented his views.

22 PRESIDENT CANTOR: Thank you.
23 I appreciate that. Is there anybody that
24 would like to share and speak publicly?
25

1 (No response.)

2
3 PRESIDENT CANTOR: Okay. With
4 that we can -- is there anybody from the
5 Council that would like to ask any follow-up
6 questions?

7 Mr. Davidoff?

8 COUNCILOR DAVIDOFF: Thank
9 you, Madam Mayor. So I just wanted to get
10 some clarification, Mr. Ledwith. So are we
11 able to somehow amend this ordinance to meet
12 the needs of the Heritage residents so that
13 the entertainment would only be allowed
14 Friday and Saturday evenings to 1 p.m., and
15 Sunday through Thursdays to midnight?

16 MR. LEDWITH: Yes. I'll
17 confirm that with Corporation Counsel Dodge
18 before your vote.

19 COUNCILOR DAVIDOFF: Thank
20 you, Mr. Ledwith.

21 MR. LEDWITH: You're welcome.

22 PRESIDENT CANTOR: Okay.
23 Any other questions?

24
25 (No response.)

1 PRESIDENT CANTOR: All right.
2 I was glad that --

3 COUNCILOR BLANKS (by phone):
4 I'm sorry. Madam Mayor?

5 PRESIDENT CANTOR: Yes,
6 Ms. Blanks.

7 COUNCILOR BLANKS (by phone):
8 I'm sorry, Madam Mayor.

9 PRESIDENT CANTOR: Go ahead.

10 COUNCILOR BLANKS (by phone): I
11 just have a quick question, a point of
12 clarification for Mr. Town Manager. With the
13 hours that are going to 1 a.m. -- I know this
14 is probably simple, but what time would the
15 establishment begin to close down?

16 PRESIDENT CANTOR: Thank you,
17 Ms. Blanks.

18 MR. LEDWITH: So they would be
19 required to close, through you, Madam Mayor,
20 to Councilor Blanks, they would be required
21 to close by 1 p.m. So I don't know --

22 COUNCILOR POLUN: A.m.

23 MR. LEDWITH: 1 a.m. Sorry.
24 So I don't know whether, you
25 know, there's any -- we would have to talk

1 to -- right now there's no particular vendor
2 that would be utilizing this particular
3 ordinance at this time, but certainly we
4 would work with them.

5 They would be required to
6 close by 1 a.m. I'm not sure if that means
7 flipping the lights on and off at 12:45, or
8 we'd have to, you know, we'd work through
9 Charter Realty and with a particular vendor
10 to ensure that the operation was in fact
11 closed by 1 a.m.

12 PRESIDENT CANTOR: Anything
13 further, Ms. Blanks?

14 COUNCILOR BLANKS (by phone):
15 Thank you.

16 PRESIDENT CANTOR: Thank you.
17 Okay. Ms. Polun?

18 COUNCILOR POLUN: Thank you.
19 Through you, Madam Mayor.

20 Mr. Ledwith, I have a question
21 around the minimum age of entry section.
22 Would this section provide flexibility so
23 that whatever the -- what do you call it?
24 Eatertainment? Diner-tainment?
25 Dinnertainment?

1 MR. LEDWITH: Eatertainment
2 and dinnertainment.

3 COUNCILOR POLUN: Sure, that.
4 They could choose to impose a
5 minimum age of entry at certain times of day,
6 but not the entire time? Is there
7 flexibly allowed the way this is written?

8 MR. LEDWITH: So certainly
9 there would be, yeah. So this, this would
10 allow a particular applicant to request a
11 special use permit to utilize this particular
12 ordinance, and they could require an age
13 requirement where it could be a minimum age
14 of 21 to enter the establishment. Or it
15 could be, you know, between the hours of noon
16 and eight it's all ages.

17 So it will depend on the
18 particular use of the space, and we would
19 learn that through the special use permit
20 application process.

21 COUNCILOR POLUN: Thank you.

22 MR. LEDWITH: You're welcome.

23 PRESIDENT CANTOR: Thank you,
24 Ms. Polun. Anything else?
25

1 (No response.)

2
3 PRESIDENT CANTOR: I do have
4 one. So a use comes for an application for a
5 special use permit, and then that business
6 changes. They would need -- a new business
7 would have to go through the exact same
8 process again?

9 MR. LEDWITH: Correct, yeah.
10 They would also be required to apply for an
11 entertainment licenses as well. So in
12 addition to the special use permit.

13 PRESIDENT CANTOR: Do you want
14 to explain the entertainment license?

15 MR. LEDWITH: So that, I'd
16 need Corporation Counsel Dodge's assistance
17 with that. So it's done through the police
18 chief and the police department, you know,
19 certainly, you know, we don't envision an
20 issue -- oh, here he is.

21 I just referred to the
22 entertainment license. I don't want to have
23 to put you on the spot -- but.

24 MR. DODGE: Is that a
25 question?

1 **PRESIDENT CANTOR:** We were
2 referring to an entertainment license. If
3 somebody is listening I wanted to just
4 quickly --

5 **MR. LEDWITH:** So through this
6 ordinance change an applicant would be
7 required to submit a special use permit
8 request through the TPZ in addition to
9 applying for entertainment license which is
10 issued through the police chief.

11 **MR. DODGE:** That's correct,
12 Madam Mayor. And I believe that the reason
13 for including that requirement was to give
14 the Town an additional enforcement mechanism
15 in the event that we had problems with
16 somebody utilizing this ordinance.

17 And so under the entertainment
18 ordinance there are a number of enforcement
19 steps that the police department can take up
20 to and including revocation of the
21 entertainment license.

22 And so if that license was
23 revoked, then an applicant would not be able
24 to continue conducting business in
25 conformance with this ordinance.

1 **PRESIDENT CANTOR: Thank you.**
2 **All right. Okay. One more**
3 **round of, any questions?**
4

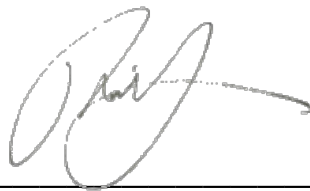
5 **(No response.)**
6

7 **PRESIDENT CANTOR: Okay.**
8 **Seeing none, we are adjourning the public**
9 **hearing.**
10

11 **(Whereupon, the above**
12 **proceedings were concluded at 6:50 p.m.)**
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CERTIFICATE

I hereby certify that the foregoing 28 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the Public Hearing In Re: ORDINANCE PERMITTING CERTAIN INDOOR VENUES IN THE CBDH DISTRICT TO STAY OPEN UNTIL 1 A.M., AND OPERATE UNDER A CAFE LIQUOR PERMIT WITH AN AGE RESTRICTION, held before the West Hartford Town Council, at Town Hall, 50 South Main Street, Room 314, West Hartford, Connecticut, on December 21, 2022.



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