

TOWN OF WEST HARTFORD

TOWN COUNCIL PUBLIC HEARING

APRIL 11, 2023, 6:55 p.m.

LEGISLATIVE CHAMBERS

Re: Ordinance concerning outdoor dining

DEBRA A. CHASSE, CSR #00055

APPEARANCES:

Town Council Members Present:

SHARI CANTOR, MAYOR

LIAM SWEENEY, DEPUTY MAYOR

CAROL BLANKS

ALBERTO CORTES

DEBRA POLUN

BEN WENOGRAD

MARK ZYDANOWICZ

TIFFANY MCGINNIS

ALSO PRESENT:

RICK LEDWITH, TOWN MANAGER

LEON DAVIDOFF, TOWN CLERK/COUNCIL CLERK

DALLAS DODGE, CORPORATION COUNSEL.

1 MAYOR CANTOR: I will call the 6:55
2 public hearing to order. This is an ordinance
3 concerning outdoor dining. Role call, Mr. Davidoff?

4 MR. DAVIDOFF: Thank you, Madam
5 Mayor. Counselor Blanks?

6 MS. BLANKS: Present.

7 MR. DAVIDOFF: Mayor Cantor?

8 MAYOR CANTOR: Here.

9 MR. DAVIDOFF: Councilor Cortes?

10 MR. CORTES: Here.

11 MR. DAVIDOFF: Councilor Fay?

12 MS. FAY: Here.

13 MR. DAVIDOFF: Councilor McGinnis?

14 MS. MCGINNIS: Here.

15 MR. DAVIDOFF: Councilor Polun?

16 MS. POLUN: Here.

17 MR. DAVIDOFF: Deputy Mayor Sweeney?

18 MR. SWEENEY: Here.

19 MR. DAVIDOFF: Councilor Wenograd?

20 MR. WENOGRAD: Here.

21 MR. DAVIDOFF: And Councilor
22 Zydanowicz is not here.

23 MAYOR CANTOR: Thank you, Mr.
24 Davidoff. Mr. Ledwith.

25 MR. LEDWITH: Thank you, Madam

1 Mayor. Again, for the record, I'm Rick Ledwith, town
2 manager. I'll be presenting an amendment to the town's
3 outdoor dining ordinance.

4 This proposed amendment was
5 discussed during the February Community Planning and
6 Economic Development Committee meeting and the council
7 knows we've had an outdoor dining ordinance for the
8 past 20 years, and our council at that time deserves
9 credit for this ordinance, because we would argue that
10 the outdoor dining experience is one of the reasons why
11 our town center, Blue Back Square, as well as other
12 parts of town, have become a reasonable destination for
13 residents, and visitors alike, to enjoy our restaurants
14 and shopping.

15 Prior to the pandemic, our outdoor
16 dining ordinance was tied directly to areas outside of
17 the restaurant on the sidewalks. Restaurants would
18 apply for a special use permit and would be subject to
19 a public hearing with our town's Planning and Zoning
20 Commission. During the pandemic, the governor loosened
21 the local rules through an executive order which
22 presented us with an opportunity to expand our dining
23 into the streets, which we have taken advantage of for
24 the past couple of ears.

25 Those rules were further extended

1 last spring under Public Act 22-1, which takes effect
2 May 1, 2023, and requires municipalities to allow
3 outdoor dining as a right and to permit outdoor dining
4 to public streets and sidewalks and any lots associated
5 with the restaurant.

6 Following the adoption of this
7 ordinance, we will move to a site plan approval
8 process, which would move us from the public hearing
9 process to an administrative approval process through
10 the planning division.

11 We had amended three sections of our
12 town code to accommodate the amended ordinance. We
13 have section 177.37.3, which is the outdoor dining
14 ordinance itself, into three subheadings within Section
15 1; space definition, operation, and maintenance.

16 We have modified the language to
17 include off street parking and public right of way in
18 Section 1. Under space definitions, we have included
19 more right of way language to be consistent with our
20 intent.

21 Under operations we have added town
22 planner, or designee, as well as West Hartford,
23 Bloomfield health district where appropriate, and I've
24 also added the prohibition of live amplified music so
25 all diners can enjoy their experience. We also added

1 all sound must comply with applicable sections of
2 Chapter 123 of the town code, which addresses noise
3 standards.

4 Under maintenance we have added the
5 requirement that a maintenance plan must be submitted
6 to the town planner ensuring that the outdoor space
7 remain clean and clear of litter, food scraps, used
8 dishes, utensils, etc.

9 There's also language allowing
10 advertisements on umbrellas limited to one size and
11 limited to the size of 18 inches in length and 12
12 inches in height, along with a duration permitted from
13 April 1st to November 15th with the flexibility that
14 the town manager, after consultation with the director
15 of public works and the director of community
16 development, can modify or suspend such dates to the
17 extent required by public interest.

18 We also made slight modifications to
19 Section 177-6b to add seasonal outdoor dining to the
20 schedule of permitted accessory uses, and then again on
21 Section 155-26b, which is our permit required for
22 street obstructions, outdoor dining areas to include
23 language allowing the director of the department of
24 public work to develop design guidelines for dining
25 areas in the public right of way.

1 We would also add language allowing
2 the town council to establish a fee schedule for
3 outdoor dining, which we are not recommending at this
4 time.

5 That concludes the ordinance
6 changes. As the council knows, the ordinance was
7 referred to the Town Planning & Zoning Commission and
8 was adopted by a vote of 4 to 1. TPZ did oppose the
9 advertisement language within the ordinance allowing
10 advertising on umbrellas and also asked us to provide
11 more flexibility on the duration on a case-by-case
12 basis. We do feel the current language, as proposed in
13 the ordinance, has flexibility built it but, from our
14 perspective, moving all of the outdoor furniture at the
15 end of the fall, beginning of the winter will prevent
16 restaurants from storing their furniture outdoors all
17 winter, accumulating snow and debris, taking away from
18 the overall character of the center, for example, on
19 LaSalle and Farmington and, of course, in other
20 sections of town.

21 That concludes the summary of the
22 ordinance changes, Madam Mayor. I'll turn it back to
23 you for questions from the council.

24 MAYOR CANTOR: Thank you, Mr.
25 Ledwith. This is something our restaurants have been

1 very interested in making sure that we had. As you
2 heard, this is effective April 1, so we're already past
3 the date of potential implementation of this expanded
4 outdoor dining ordinance, and they are anxious,
5 especially with weather like this, what we're seeing,
6 to make sure that they are enjoying whatever nice
7 weather nature brings us for this year. So any -- Mr.
8 Dodge? No? Is there anybody here that would like to
9 speak on this public hearing? And, Mr. Clerk, have we
10 received any written comments?

11 MR. DAVIDOFF: Madam Mayor, no
12 written comments have been received.

13 MAYOR CANTOR: Okay. All right.
14 I'll open it to town council if there's any comments or
15 questions. Again, as Mr. Ledwith shared, we did
16 discuss this in committee, and we have been actually
17 working on this for a year, on and off, so it's
18 something that we know well, and so I don't want you to
19 think that people haven't looked at it and researched
20 it.

21 All right. With that, I will read
22 letter dated April 6, 2023, Town Planning & Zoning
23 recommending approval, letter dated March 17, 2023,
24 finding no apparent conflicts or additional policies or
25 concerns of neighboring towns.

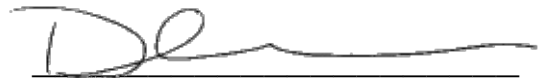
1 I'll open it up again. Any
2 questions, comments? All right. With that, this
3 public hearing is adjourned and the next public hearing
4 will start at 7:15, which is 12 minutes away.

5 (Whereupon, the hearing was
6 adjourned at 7:03 p.m.)
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C E R T I F I C A T E

I, DEBRA A. CHASSE, Court Reporter and Notary Public within and for the State of Connecticut, duly commissioned and qualified, do hereby certify that the foregoing 9 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the Public Hearing held before the West Hartford Town Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 23rd day of April, 2023.



Debra A. Chasse, CSR
Notary Public
State of Connecticut

My Commission Expires:
June 30, 2026
CSR No. 00055