

July 6, 2016
#13



DEPARTMENT OF COMMUNITY SERVICES
PLANNING DIVISION
TOWN OF WEST HARTFORD
50 SOUTH MAIN STREET
WEST HARTFORD, CT 06107-2431
TEL: (860) 561-7555 FAX: (860) 561-7504
www.westhartford.org

PERMIT APPLICATION FOR: (check one of the following)

Lot Split Special Use Permit Site Plan
 Lot Line Revisions Subdivision Building Line

File # 1254-RZ-16 Application Fee \$350 Surcharge Fee \$60 Date Received 5.20.16

Street Address 75 Isham Road

Lot or Parcel # 2901-1-75-0001 Acreage/Lot Area 2.32 Zone SDD # 113

Applicant's Interest in Property: Lessee

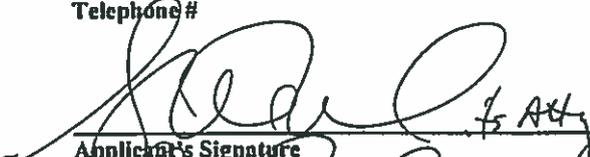
Brief Description of Proposed Activity: Amendment to SUP # 1254 to increase seats from 12 to 22 per revised Plan.

The undersigned warrants the truth of all statements contained herein and in all supporting documents to the best of his/her knowledge and belief. Furthermore, the applicant agrees that submission of this document constitutes permission and consent to Commission and Staff inspections of the site. Note: Notice is hereby given the Connecticut Department of Public Health must be notified by applicants for any project located within a public water supply aquifer protection area or watershed area. (CTDPH website at <http://www.dph.state.ct.us>)

SOF-IX Blueback Square Holdings, LP
Record Owner's Name
591 W. Putnam Avenue
Street
Greenwich CT 06830
City State Zip

West Hartford WOB, LLC
Applicant's Name
505 South Flagler Drive
Street
West Palm Beach FL 33401
City State Zip

Telephone # _____
Contact Person:
Gregory W. Piecuch, Esq.
Name
65 Memorial Road, Suite 300
Street
West Hartford CT 06107
City State Zip
860-561-7070
Telephone #

Telephone # _____

Applicant's Signature

Signature of Owner/Authorized Agent
gpiecuch@kmelaw.com
E-Mail

1: \\WTPZ\Templates\FormalApplications_Aug2011





KROLL MCNAMARA EVANS & DELEHANTY LLP
ATTORNEYS AT LAW

Gregory W. Picuch, Esq.
gpicuch@kmlaw.com

June 2, 2016

VIA ELECTRONIC MAIL
Todd.Dumais@WestHartfordCT.gov

Todd Dumais, Town Planner
Town of West Hartford
Town Hall
50 South Main Street
West Hartford, Connecticut, 06107

Re: 75 Isham Road (World of Beer)

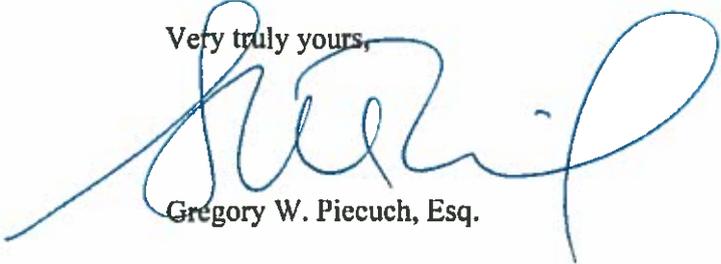
Dear Mr. Dumais:

This office is land use counsel to West Hartford WOB, LLC ("World of Beer"). As you know, World of Beer has submitted two applications to the Town Plan & Zoning Commission concerning SUP #1254.

The purpose of the first (Application SUP #1254-R1-16) is a review of compliance with the conditions of approval for the existing 12-seat outdoor dining area. It was received in May 2 and is set for a public hearing on June 6. The second (Application SUP #1254-R2-16) seeks to amend the SUP to increase the outdoor dining seating capacity from twelve (12) seats to twenty-two (22) seats. However, the two applications were not filed together. As such, the second will not be received by the commission until June 6, with an anticipated public hearing on July 6.

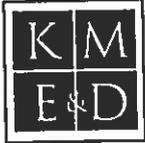
Given the overlap of the subject matter of the two applications, we believe it will be easier for the Commission, the applicant, staff, and any interested parties to hold a single hearing on both applications. Thus, the purpose of this letter is to request that the public hearing on Application SUP #1254-R1-16 be continued to the July 6, 2016. We thank the commission in advance for its consideration.

Very truly yours,


Gregory W. Picuch, Esq.

GWP/mks

Cc: West Hartford WOB, LLC



KROLL MCNAMARA EVANS & DELEHANTY LLP
ATTORNEYS AT LAW

May 20, 2016

Town Plan & Zoning Commission
Town of West Hartford
50 South Main Street
West Hartford, Connecticut, 06107

**Re: Application of West Hartford WOB, LLC, for an Amendment to a
Special Use Permit for Outdoor Dining at
Premises located at 73 Isham Road (Blue Back Square Space B-30)
AMENDMENT TO PERMIT ISSUED JUNE 4, 2014 (SUP #1254)**

Dear Honorable Members of the Town Plan & Zoning Commission:

This office serves as land use counsel to West Hartford WOB, LLC (“WOB” or the “Applicant”), as the lessee of certain commercial property commonly known as 73 Isham Road, also known as Blue Back Square Space B-30 (the “Premises”). At its meeting of June 2, 2014, the Commission issued a Special Use Permit (#1254) to WOB to allow for accessory outdoor dining at the Premises pursuant to § 177-37.2 of the West Hartford Code of Ordinances (the “Code”). A copy of the Approval Letter is attached hereto as Exhibit A. A copy of the Special Use Permit as recorded in the West Hartford Land Records is attached hereto as Exhibit B. Applicant now seeks an amendment to that Special Use Permit as described herein.

Summary of the Proposed Amendment

On May 2, 2016, the Commission received a “callback” application (#1254-R1-16) in accordance with § 177-48A(8) of the Code. The purpose of this application is to request an amendment to SUP #1254 to increase the number of seats permitted within the outdoor dining area from 12 to 22, to be located at six tables rather than three. A revised Plan is attached hereto as Exhibit D. This amendment does not propose to change the dimensions of the outdoor dining enclosure. Furthermore, the Applicant’s architect has provided updated occupant load and plumbing fixture calculations, which are attached hereto as Exhibit C. In his opinion, the existing the existing facilities are adequate to handle the additional 10 seats that would be added if this application is granted. Further, this application does not propose changes to the following operational statement, except to expressly reference the noise ordinance in Part B.5 below.

Analysis of Code § 177-37.2 Requirements

A. Space Definition/Location

1. A powder coated aluminum railing 42” high with an open railing separates the outdoor dining area from the public way. This design maintains the open appearance of the dining area. Each railing post is securely anchored into the sidewalk pavers with a flat, “flush-as-possible” mounting system which also allows for removal and storage during the off-season.

Special Use Permit Application (Amendment to SUP #1254)
West Harford WOB, LLC
Premises at 73 Isham Road
May 20, 2016

2. The Applicant would like to maintain overhead protection for its patrons in the outdoor dining area. A retractable cantilevered awning structure has been installed which extends four feet (4'-0") from the façade in order to shelter the outdoor dining area. The plans show this awning placed fourteen feet (14'-0") above the ground.
3. No fire hydrants or hose couplings are obstructed by the outdoor dining plan, nor are any underground utility cabinets or vaults be impacted.
4. The outdoor dining area has been designed to meet the state liquor control standards. Applicant intends to continue to serve alcoholic beverages in this area, and the design has been submitted to the requisite state liquor control authorities. No alcoholic beverages will be served in the proposed outdoor dining area unless all needed permits are maintained from the State.
5. The proposed outdoor dining area is adjacent to and will be maintained flush with the existing public walkway. Minimum walkway clearance will be four feet, six inches (4'-6").

B. Operations

1. Handicap-accessible dining is provided, compliant with State of Connecticut code, in the proposed outdoor dining area. Diners may enter through the main entrance and request an outdoor patio table from a member of the WOB staff. Patrons are then escorted through one of the two adjacent openings into the outdoor dining area; *i.e.*, the traditional hinged door or the open overhead door. In addition, there will also be a swinging gate that serves as a patio exit that may provide access for patrons with disabilities, if needed, for ease of entry. The outdoor tables will be 34" high in order to accommodate a wheelchair as per the most recent ADA standards.
2. The kitchen facility has been designed to serve the entire restaurant, including the outdoor dining area. The kitchen area will be entirely enclosed, and the doors between the kitchen area and the dining areas will be self-closing. Staff will bring refuse and all other ancillary items directly into the kitchen; there will be no waste receptacles outside.
3. Applicant's plans were submitted to the West Hartford-Bloomfield Health District for review and comment prior to the 2014 public hearing. The plans have been designed such that:
 - a. the kitchen facilities are adequate to service the entire restaurant, including the outdoor dining area; and moreover, that there will be no outdoor cooking;
 - b. outdoor storage areas will not be needed for plates, utensils, supplies, etc.; and
 - c. refuse and all other ancillary items will be taken directly into the kitchen thus negating the need for outdoor refuse receptacles.

Special Use Permit Application (Amendment to SUP #1254)
West Harford WOB, LLC
Premises at 73 Isham Road
May 20, 2016

4. Applicant proposes to retain the propane heating units for the outdoor dining area, and hereby requests permission from the Commission for the continued use of the same. A manufacturer's specification sheet for the heaters was filed in 2014. The location of the heaters as shown on the Outdoor Dining Plan is twelve feet (12'-0") above the ground.
5. Applicant does not propose an outdoor public address/speaker system. Applicant is aware that there is a noise ordinance set forth Chapter 123 of the Code, and will operate the restaurant accordingly.
6. The plans call for patrons to be seated at six tables in the outdoor dining area. There is no service bar in the outdoor dining area. Any service of alcoholic beverages will be adjunct to the service of food. Patrons will be regularly monitored, both inside the restaurant as well as at the outdoor tables. Any guest disturbing persons beyond the premises through loud, boisterous or disruptive behavior will, at a minimum, be asked to cease such behavior. If necessary, the guest will be asked to leave the restaurant.
7. The outdoor dining area will not be used between 12:00 a.m. and 7:00 a.m.
8. Animals shall not be permitted within outdoor dining areas, except for service animals.
9. This area may be lighted by warm white round LED rope lighting or Xenon globe string lighting as well as wall sconces, all as indicated on the Outdoor Dining Plan. Lighting levels will be designed for adequate illumination of the outdoor dining area and will be non-intrusive. There will be no flashing or blinking lights.

C. Maintenance

1. The outdoor dining area shall be kept clear of litter, food scraps and soiled dishes and utensils at all times. The sidewalk surface area in and around the outdoor dining area shall be swept as necessary (daily) and cleaned to remove greases, oils and stains (monthly). Spilled materials will be cleaned promptly.
2. No trash receptacles will be kept in patio area. Refuse and all other ancillary items will be taken directly into the kitchen and emptied when full in the regular course.
3. The proposal does not call for any umbrellas.
4. Tables and chairs are of commercial grade and will be sufficiently weighted to avoid displacement by wind.
5. The entirety of the proposed outdoor dining enclosure, including tables, chairs, and fencing, shall be removed and stored indoors or off-premises during the months when the outdoor dining is not in use. All that will remain in the winter months is the retractable awning.

Special Use Permit Application (Amendment to SUP #1254)
West Hartford WOB, LLC
Premises at 73 Isham Road
May 20, 2016

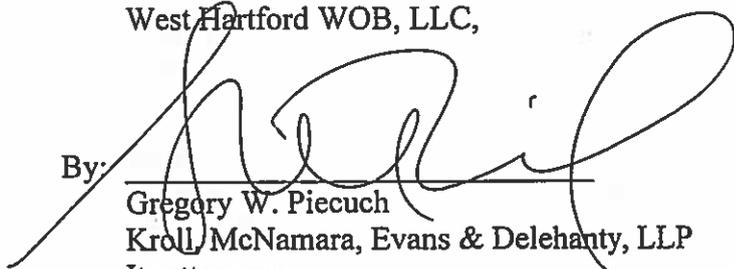
Conclusion

Based upon the foregoing, WOB respectfully requests that the Commission approve this application to amend the Special Use Permit (SUP #1254). We are fully prepared to respond to staff comments and to address the Commission's questions at the public hearing.

Very truly yours,

West Hartford WOB, LLC,

By:



Gregory W. Picuch
Kroll, McNamara, Evans & Delehanty, LLP
Its attorneys

Exhibits:

- A – Approval Letter dated June 4, 2014
- B – Special Use Permit as recorded in Book 4861 at Page 80 of the WHLR
- C – Calculations prepared by Claren Architecture + Design, Inc.
- D – Outdoor Dining Plan (Sheet A-010) dated May 18, 2016

**TOWN PLAN AND ZONING
COMMISSION**

CERTIFIED MAIL

June 4, 2014

Gregory W. Piecuch, Esq.
Kroll McNamara Evans & Delehanty, LLP
65 Memorial Road, Suite 300
West Hartford, CT 06107

SUBJECT: 75 Isham Road - World of Beer (WOB) LLC - SUP #1254

Dear Attorney Piecuch:

At its regular meeting of Monday, June 2, 2014, the West Hartford Town Plan and Zoning Commission gave consideration to the following item:

75 Isham Road - Application (SUP #1254) of West Hartford World of Beer (WOB) LLC (Glen Straub, Contact) seeking a Special Use Permit to authorize a thirteen (13) seat outdoor dining area. The outdoor dining area will include a permanent retractable canopy, an umbrella, 42" high railing enclosure and propane heating units. No speakers are proposed. (Submitted for TPZ receipt on May 5, 2014. Required public hearing scheduled for June 2, 2014.)

After a review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the TPZ acted by **majority vote (4-1)** (Motion/Seder; Second/Daniels)(Gillette seated for Prestage) to **APPROVE** the subject application. During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 177-42A (5a) of and 177.37.2 of the West Hartford Code of Ordinances.
2. Plans on file shall guide the appearance and operation of the outdoor dining area.
3. The applicant shall comply with the revised operational statement. This operational statement shall be stripped onto the final plan.
4. Plans will reflect the reduction of outdoor dining seats from thirteen (13) to the approved twelve (12).
5. This letter of approval shall be stripped onto the final plan.



TOWN OF WEST HARTFORD

TOWN OF WEST HARTFORD
50 SOUTH MAIN STREET
WEST HARTFORD, CONNECTICUT 06107-2485
(860) 561-7555 FAX: (860) 561-7400
www.westhartford.org

An Equal Opportunity/Affirmative Action Employer

Gregory W. Picuch, Esq.
June 4, 2014
Page 2

You should now contact the Planning Staff to discuss the submission requirements for your plans. A fifty-eight (\$58) filing fee is required to file a notice of approval on the West Hartford Land Records.

Planning staff will be happy to assist you in completing these requirements. The TPZ approval is not final until the legal requirements for filing are completed. The effective date of approval is June 20, 2014.

If you have questions, please feel free to call the Planning Staff at 860.561.7555.

Very truly yours,



Kevin Ahern
Chairman TPZ/IWWA

Cc: Ron Van Winkle, Town Manager
Mark McGovern, Director of Community Services
Joseph O'Brien, Corporation Counsel
Todd Dumais, Town Planner
Essie Labrot, Town Clerk
Duane Martin, Town Engineer
Tim Mikloiche, Supervisor of Inspections
Subject TPZ File

TOWN PLAN AND ZONING
COMMISSION

Doc ID: 005564740001 Type: LAN
BK 4861 PG 80

Filing Information Required by P.A. 75-317

TOWN OF WEST HARTFORD

SPECIAL USE PERMIT: # 1254

NAME OF RECORD OWNER: SOF-IX Blueback Square Holdings

STREET ADDRESS OF PROPERTY: 75 Isham Road .

DEED REFERENCE - VOLUME: PAGE: ZONE: BG/SDD

ORDINANCE: 177 SECTION: 42A (5a & 5b)

DATE APPROVED: June 2, 2014 EFFECTIVE DATE: June 20, 2014

LEGAL NOTICE OF ACTION PUBLISHED: June 5, 2014

DESCRIPTION OF ACTION:

75 Isham Road - Application (SUP #1254) of West Hartford World of Beer (WOB) LLC (Glen Straub, Contact) seeking a Special Use Permit to authorize a twelve (12) seat outdoor dining area. The outdoor dining area will include a permanent retractable canopy, an umbrella, 42" high railing enclosure and propane heating units. No speakers are proposed. (Submitted for TPZ receipt on May 5, 2014. Required public hearing scheduled for June 2, 2014. Special permit granted with conditions on June 2, 2014.)

CONDITIONS:

1. The proposal meets the finding requirements of Section 177-42A (5a) of and 177.37.2 of the West Hartford Code of Ordinances.
2. Plans on file shall guide the appearance and operation of the outdoor dining area.
3. The applicant shall comply with the revised operational statement. This operational statement shall be stripped onto the final plan.
4. Plans will reflect the reduction of outdoor dining seats from thirteen (13) to the approved twelve (12).
5. This letter of approval shall be stripped onto the final plan.

DESCRIPTION OF PROPERTY: (May be Attached) See Deed Reference

TOWN PLAN AND ZONING COMMISSION


Todd Dumais, Secretary

6/23/14
Date

Received for Record at West Hartford, CT
On 07/09/2014 At 1:32:54 pm





TOWN OF WEST HARTFORD

TOWN OF WEST HARTFORD
50 SOUTH MAIN STREET
WEST HARTFORD, CONNECTICUT 06107-2485
(860) 561-7555 FAX: (860) 561-7400
www.westhartford.org

An Equal Opportunity/Affirmative Action Employer

OCCUPANT LOAD CALCULATIONS

STAGES & PLATFORMS - 15 NET (CSBC, TABLE 1004.1.1)
 (PERFORMANCE STAGE) = 103 S.F./15 = 7 OCCUPANTS

 KITCHENS/ COMMERCIAL - 200 GROSS (CSBC, TABLE 1004.1.1)
 (KITCHEN, BACK BAR, NON-PUBLIC AREAS) = 859 S.F. / 200 = 5 OCCUPANTS

 STORAGE STOCK, SHIPPING AREAS - 300 GROSS (CSBC, TABLE 1004.1.1)
 (WALK-IN COOLER, CLOSETS) = 475 S.F./ 300 = 2 OCCUPANTS

 BUSINESS AREAS - 100 GROSS (CSBC, TABLE 1004.1.1)
 (OFFICE) = 53 S.F./ 100 = 1 OCCUPANTS

 TOTAL OCCUPANT LOAD = 191 OCCUPANTS

GROUP A-2 - ASSEMBLY (RESTAURANT)

 ASSEMBLY, UNCONCENTRATED TABLES AND CHAIRS - 15 NET (CSBC, TABLE 1004.1.1)
 (UNFIXED SEATING AREAS) = 893 S.F./15 = 60 OCCUPANTS

 ASSEMBLY, CONCENTRATED CHAIRS ONLY - 7 NET (CSBC, TABLE 1004.1.1)
 (MAIN BAR FIXED BAR RAILS) = 359 S.F./7 = 52 OCCUPANTS

 ASSEMBLY CONCENTRATED CHAIRS ONLY - 7 NET (CSBC, TABLE 1004.1.1)
 (PATIO SEATING) = 226 S.F./7 = 32 OCCUPANTS

 ASSEMBLY, BENCH TYPE SEATING - 1/24" (CSBC SECTION 1004.7)
 (LOUNGE BOOTHS) = 62-10" L.F./24" = 32 OCCUPANTS

PLUMBING FIXTURE CALCULATIONS

PER 2003 INTERNATIONAL PLUMBING CODE - TABLE 403.1

	WATER CLOSETS		LAVATORIES		SERVICE SINK	
	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED
MEN = 96	2	3	1	2	1	1
WOMEN = 96	2	3	1	2	1	1

emailed to G. Piecuch
on 6.6.16

Brittany Bermingham

From: Bob Proctor
Sent: Monday, June 06, 2016 11:44 AM
To: Catherine Dorau
Cc: Brittany Bermingham; Todd Dumais; Nicole Gibeau; Steve Huleatt; Aimee Eberly
Subject: 75 Isham Rd. ,WOB (World of Beer), SUP#1254-R2-16

Cathy,

The proposed Amendment "callback" Application (#1254-R1-16) to SUP#1254 asking to increase seats for Outdoor Dining from 12 to 22 seats has been reviewed and found to be acceptable as presented in the Outdoor Dining Plan dated 5-18-16, sheet # A-010 (Claren Architecture + Design, Inc.).

It is our understanding that this Application is a request to SUP#1254 to increase the number of seats permitted within the outdoor dining area from 12 to 22 and be located at six tables rather than three.

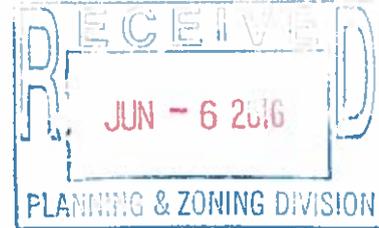
Bob Proctor, RS
West Hartford Bloomfield Health District

E J Basanese

85 Memorial Road #312 • West Hartford, CT 06107

June 3, 2016

Town of West Hartford
Town Planning and Zoning Commission
50 South Main Street
West Hartford, CT 06107



Attn: Todd Dumais, Town Planner

RE: SUP# 1254 R1-16 – 75 Isham Road (World of Beer) moved to July 6, 2016

Dear Todd,

Thank you for the notification from your office that the above June 6 hearing is moved to July 6, 2016. We understand that meeting will also review another matter related to World of Beer.

We request the Commission consider the following:

- 1) Regarding additional tables in the WOB outdoor seating area, that WOB arrange such extra tables so their overhead garage doors can be closed at 10:00pm, whenever there are amplified music or amplified voice performances inside.
- 2) That this permit, and any future permits which the Town may issue to establishments with overhead doors in our Blue Back square neighborhood, will include written provisions to close their overhead doors at 10:00pm whenever there are amplified music or amplified voice performances, to comply with *Town code sections 123-6 and 123-13* regarding noise.

Thank you for your consideration.

Sincerely,


Ed Basanese


Kathy Basanese

ebasanese@yahoo.com

Tel: (860) 904 9645 Mobile: (408) 504 2301