

# CITY OF TORRINGTON



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To: Planning & Zoning Commission  
From: Jeremy Leifert, AICP, City Planner *JL*  
Date: April 17, 2024 (Rev 1)  
Subject: Flutuaim Rizvani and HPVM Motel LLC - resubdivision of 391 Winsted Road, Assessor's Map 236 Block 001 Lot 025 into two parcels

Flutuaim Rizvani, on behalf of HPVM Motel LLC has filed an application for a 2-lot re-subdivision of property located at 391 Winsted Road. The property currently contains both the current motel known as the America's Best Value Inn and a separate building containing a restaurant known as The Millhouse. This proposal would split the current 3.44 acre property into two parcels; one containing the hotel at 2.7 acres (117,483 sf) and another with the restaurant at 0.74 acres (32,406 sf). The plans submitted are titled, "Proposed Re-Subdivision, Boundary Survey, Prepared for HPVM Hotel, LLC 367 & 391-395 Winsted Rd, Torrington, Connecticut" by Paul J. Stowell Land Surveying, Milford, CT. Dated January 25, 2024. 1 Sheet.

## **In reviewing the subdivision application and plans I have the following comments:**

1. As noted on the zoning table on the submitted plans, the resulting proposed lots meet the minimum lot size requirement of 10,000 square feet and 80 feet of lot width in the Local Business zone. The resulting building locations on the newly surveyed parcels meet setback requirements for the new lot lines.
2. There are 5 parking spaces on the north side of the existing building at 367 Winsted Road that would not have access under the proposed map without crossing through the neighboring property. An access easement should be provided for a route to these parking spaces at 367 Winsted Road as a condition of approval.
3. I recommend that the commission require that pins be set at the new property corners as a condition of approval or a bond submitted for the cost of setting pins until such time that the pins are set.
4. I recommend that the commission grant a waiver of full Sediment and Erosion Control (S&E) Plans and Site Development Plans that are required in Section 4.2 of the subdivision regulations as the property is already developed with no proposed work to occur on the properties

## **Other Staff Comments:**

**Economic Development Director:** This application was not referred to the Economic Development Office for comment

**Assistant Planner:** Nate Nardi-Cyrus, Assistant City Planner, in an email to the City Planner dated March 8, 2024, offered the following comments:

*I have reviewed the information submitted for the 395 Winsted Road Resubdivision. I offer the following comments:*

Enforcement History

- 7/20/2022 - Notice of Violation (NoV) sent for Installation of signage without sign permits, including a new freestanding sign and decorative horse cart in the DOT ROW. Signage and display is prohibited in the DOT ROW.
- 8/24/2022 - 2<sup>nd</sup> NoV sent after continued non-compliance. After Mr. Rizvani responded to this notice, he was Instructed to request a site plan modification for placement on property prior to pulling sign permits.
- 12/13/2022 – Cease and Desist Order issued after continued non-compliance – Mr. Rizvani indicated he was looking to resubdivide the property, which would allow him the freestanding sign on the new parcel by sign permit. Enforcement was delayed until the new lot was created.
- 11/28/23 – called Mr. Rizvani’s attorney to warn if sign was not removed, zoning citations would be issued at \$150/day. Mr. Rizvani immediately removed the sign but left the posts and cart in ROW. Both items must be removed and sign permit applications approved before enforcement file can be closed.

Wetlands – There are no regulated wetlands or watercourses on or in the vicinity of the subject property that would require wetlands review for this proposal. Therefore, no wetlands permits are required prior to this application. This constitutes a favorable wetlands report for this application.

Landscaping – No additional landscaping is required for this application.

Lighting – Lighting on the north side of the restaurant (facing the hotel) has been made non-compliant with section 5.17 of City zoning regulations by the resubdivision. Lighting on this side of the building shall be fully-shielded with full-cutoffs, resulting in no light trespass over the property line. Lights on the other sides of the building as also non-compliant with section 5.17 of the zoning code.

Signage – Cart and signposts in the ROW are violations of the zoning code. The existing wall sign and relocated freestanding sign, to be installed in an approved location, require a valid sign permit.

Conservation – This application was not referred to the Conservation Commission for review.

**Fire:** No comments were received from the Fire Marshal’s office for this application

**Engineering:** Paul Kunzins, City Engineer, in an email to the City Planner dated February 27, 2024, offered the following comments on this application:

1. See attached marked up plan

2. *How will the 5 spaces (highlighted in red) on the north side of building #367 be accessed ? the easement (yellow) doesn't extent to this area.*
3. *Approval will be conditional on review and approval of easement documents.*
4. *The asphalt drive connects with #311 Winsted Road – are there easements in place for traffic from #331 to travel or pass through the proposed property of #367 and visa versa.*

**CT DOT:** Rob Fernandez, Transportation District Services Agent II with CT DOT, in an email to the City Planner dated February 26, 2024, offered the following comments:

*It does not appear there is any proposed work within the right-of-way or a change of use, therefore I do not have any comments at this point. Should work extend into the right-of-way or effect any drainage easements, regardless of impact or scope, an encroachment permit will be required. To obtain an encroachment permit, a review and approval from this office is needed. Applicant must submit a site plan with a clearly defined right-of-way line, all easements, lane widths, curb cut dimensions, utilities, and drainage along with all proposed work within the right-of-way. Additionally, proof of City approval will be required prior to issuance of an encroachment permit.*

**WPCA:** Sheryl Lewis, WPCA Administrative Assistant, in an email to the City Planner dated February 28, 2024 indicated that there are no comments for this application

**Police Traffic:** Police Traffic Sergeant Dustin Baldis, in an email to the City Planner dated February 23, 2024 indicated that he has no comments on this application.

## **Conclusion**

I recommend approval of a re-subdivision of property known as 391 Winsted Road, Assessor's Map 236 Block 001 Lot 025, into two parcels of land, with the following conditions and recommendations:

1. Iron pins shall be set in lot corners in accordance with the re-subdivision Map prior to filing the record re-subdivision map.
2. The commission shall grant waivers of the requirements of a full Soil and Erosion Control Plan and Stormwater Management Plan, as the properties are currently developed with no proposed construction on the properties.
3. Final plans shall show and access easement to the parking spaces adjacent to the proposed property line. Documentation shall also be submitted showing the easements in the property deeds to be reviewed by Corporation Counsel.
4. New property pins shall be set as a condition of this approval. Work may be bonded by the applicant until such time that the pins are set.
5. Per Section 3.10.3.G of the Subdivision Regulations, the final approved re-subdivision map shall contain the Tax Assessor's Map/Block/Lot for each lot in the re-subdivision as assigned by the Engineering Department.
6. In accordance with section 3.10.1 of the subdivision regulations, the following shall be submitted to the City Planner:
  - a. Two paper copies of the full approved plans including the engineer's stamp and chairman's signature box on the title page.

- b. One mylar copy of the full approved plans for filing with the City Clerk. Each mylar sheet shall bear a chairman's signature box, an engineers' seal and live ink stamp.
- c. Final copies of paper and mylar plans shall include conditional modifications as outlined in this memo.
- d. Mylar sheets shall be filed by the applicant with the City Clerk within 90 days after the signature of the Chairman.

END OF MEMO

Cc: Fred Rizvani