

# CITY OF TORRINGTON



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To: Planning & Zoning Commission  
From: Jeremy Leifert, AICP, City Planner *JL*  
Date: February 14, 2024 (Rev 1)  
RE: Special Exception #23-09 and Site Plan #1482, 184 South Main Street – change former first floor catering business to a residential unit and allow a two-family dwelling and a multi-family property

## **In reviewing the application, plans and documents submitted, I have the following comments:**

Jose Neftali Rodriguez, property owner has filed a special exception application for property at 184 South Main Street, Tax Assessor's Map 116 Block 009 Lot 001 to convert a former first floor catering business space to a residential apartment and allow conversion to a two-family dwelling unit. Including a second two family dwelling located on the same property, the proposed change of use would result in four dwelling units on the property, and would change the overall use on the property from a mixed-use three-family property with a commercial business to a multi-family (four-family) property use.

The property is owned by Jose Neftali Rodriguez, is 0.38 acres in area, and is located in the DD-Downtown District Zone. The current use of this property is as a three-family property and a catering business. The current uses are conforming uses in the DD zone. The proposed multi-family use and conversion to a ground-floor residential use is allowed by special exception in the Downtown District under zoning regulations section 3.1, subsection 1.30 – Multi-Family Residences and section 6.8.17 – Downtown District Mixed Use. In addition to the standards in section 6.8.17, the commission relies on the standards and considerations in section 8.2 of the zoning regulations for special exception review. Ground floor residential uses in the Downtown District are reviewed for their location suitability, as commercial uses are typically the preferred uses at street level in most downtown properties. The commission may evaluate the suitability of street-level dwelling units as a special exception approval based on the location of the property and other factors such as access, property location and building location within the property in making a determination to approve or deny ground-level residential units.

Two prior approvals are on file for this property. Site plan #766 and special exception 06-167 were approved in April 2006 for a catering business and cooking classes on the property. Much of the current landscaping, lighting, parking and stormwater infrastructure were installed as part of this approval. Site plan #936 was approved in May 2009 to convert a portion of this space to a driving school.

Other Items of note:

1. There is no proposed construction or exterior work proposed as part of this application. The applicant has requested a waiver of submission of a site plan under section 8.4 of the regulations. I recommend granting of this waiver.
2. The applicant should provide basic information of the square footage of the proposed new unit to confirm that the minimum of 400 square feet for the residence is met.
3. There are no requirements for off street parking in the Downtown District. It however appears that at least 10 off-street parking spaces are provided on this property.

**Other Staff Comments:**

Nate Nardi-Cyrus, Assistant City Planner, in an email to the City Planner dated December 20, 2023, offered the following comment on the plans:

*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 landscaping is proposed or required for this application.*

*Lighting – Upward facing lighting is installed on ground for the old freestanding restaurant, though the sign is removed. The applicant shall remove this lighting, as it serves no function. All future lighting installations shall have fully shielded, full-cutoff fixtures, in accordance with Section 5.17 of the zoning regulations. Our department encourages the use of products approved by the International Dark-Sky Association: <https://www.darksky.org/our-work/lighting/lighting-for-industry/fsa/fsa-products/>.*

*Signage – There are no signs proposed as part of this application. All future signage must conform to section 5.15 of the zoning regulations.*

*Conservation – This application was not referred to the Conservation Commission.*

**Architectural Review Committee:** This project was not referred to the ARC for comment.

**Engineering:** Paul Kundzins, City Engineer, in an email to me dated December 12, 2023 offered the following comments:

*It appears that there are two units in the building on the corner with separate addresses being 184 and 182 South Main Street – will these existing addresses be used for the two proposed apartments?*

*It also appears on the GIS that the building known as 18 and 20 Taylor Street is located on this property. Pls confirm.*

*The applicant shall be aware that the condition and maintenance of the sidewalks abutting this property are the responsibility of the property owner.*

**Police Traffic:** Police Traffic Sergeant Dustin Baldis, in email to the City Planner dated December 12, 2023, stated that he had no comments on these plans.

**Fire:** Fire Marshal Edward Bascetta indicated verbally to the City Planner that he has no comments on this application

**WPCA:** No comments were received to WPCA on this application. The applicant should make contact with WPCA to inquire of any sewer discharge permitting requirements.

**Building:** Building Official Kevin Gillette, in an email to the City Planner dated December 13, 2023, submitted the following comments:

*Building Department Permits must be obtained for all work performed under the CT State Building Code. Permit applications must be accompanied by complete sets of IBC Section 107 Construction Documents, prepared by a Registered Design Professional as applicable. Thank you.*

**Conclusion:** I recommend approval of the Special Exception 23-09 and Site Plan #1482, 184 South Main Street for conversion to a multi-family property with a ground-level conversion with the following conditions and recommendations:

1. It is recommended that the applicant follow the advice of Assistant City Planner Nate Nardi-Cyrus in his December 20, 2023 email to the City Planner, specifically regarding site lighting
2. The applicant shall follow the requirements outlined by City Engineer Paul Kundzins in his email to the City Planner dated December 12, 2023 with respect to sidewalk maintenance
3. The applicant shall obtain necessary sewer discharge permits
4. The Planning and Zoning Commission finds that the proposed use, location and site design is compatible with the neighborhood and surrounding uses, is less likely based on evidence in the application record and comments by city staff to have a detrimental effect upon churches, schools, libraries, playgrounds, or similar facilities found in **Section 2.00 - 2.60** of the Table of Permitted Uses and is reasonably protective of the health, safety and welfare of the citizens of the City of Torrington.
5. In accordance with section 6.8.17 of the zoning regulations, the commission finds that the ground floor residential use on this property is similar to residential uses in the immediate area and is appropriate for this property location.
6. The request for waiver of submission of a site plan is approved as no exterior site work is proposed
7. In accordance with Connecticut General Statutes Section 8-3c, a certificate of special exception shall be filed on the land records with the City Clerk prior to commencing the use or construction associated with this approval.

END OF MEMO

Cc: Jose Neftali Rodriguez