

CITY OF TORRINGTON



Land Use Office
Jeremy Leifert, AICP, City Planner
140 Main Street • City Hall
Torrington, CT 06790-5245
E-mail: Jeremy_leifert@torringtonct.org

Phone: (860) 489-2221
Fax: (860) 496-5928

City of Torrington website: www.torringtonct.org

To: Planning & Zoning Commission
From: Jeremy Leifert, AICP, City Planner *JL*
Date: March 20, 2024 (Rev 1)
RE: Site Plan #1491, 1703 East Main Street, modify site plan comply with buffer regulations; identify parking, equipment storage areas and landscaping

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

George T. Ruwet has filed an application for property located at 1703 East Main Street Assessor's Map 247 Block 001 Lot 035 for a site plan approval to (1) remediate violations of commercial/residential buffer requirements in section 5.11.5 of the Zoning Regulations (2) clearly identify landscaped areas on a site plan and (3) identify equipment display and storage areas on the property. These corrections are the result of zoning enforcement conducted on the property from June 2022 to present.

The property is owned by George G. Ruwet, George T. Ruwet and Aden Ruwet, is 3.80 acres in area and is located in the LB-Local Business zone. Previous site plan approvals include a change in use for the current church on the property (site plan #926) in 2009 and a 10,200 square foot retail and warehouse addition and site changes (site plan #649) in 2004. Both previous site plan approvals have expired, and a new site plan approval is required for this proposed site work. There are no proposed use changes for the property in this application. The review of this application is guided by the site plan review requirements of section 8.4 of the zoning regulations and landscaping and buffer requirements of section 5.11.

A plan has been submitted titled "Compilation Plan prepared for George G. Ruwet, 1695-1703 East Main Street, Torrington, Connecticut" by Timothy G. Wyllie Jr, Land Surveyor, Barkhamsted, Connecticut. Dated January 2024. 1 Sheet. Staff has met previously with the property owner and surveyor to discuss plans and violations prior to this meeting.

Other Items of note:

1. There is some evidence in previous site plan approvals issued for the property that equipment storage in the designated landscaped and buffer areas are a repetitive issue. I have recommended that all of the landscaped islands in the parking lot that are missing curbing to be curbed to discourage this practice. Curbing is missing in the landscaped island directly in front of the building, and has been added to the proposed site plan.
2. Per the enforcement history below from the ZEO/Assistant Planner Nate Nardi-Cyrus and historic files, encroachment into the 25-foot residential buffer has been a repetitive issue

on this property. Except for a few previously approved encroachments as noted on the plans, nothing may be stored or staged in the buffer area.

3. I would encourage the removal of the existing shelving units currently located in the buffer along the eastern property boundary. CGS 8-13a prevents the City from ordering the removal of these units since they are considered a structure in place for more than 3 years, but they may not be utilized for storage, making their presence obsolete. It constitutes a zoning violation to use these units for storage in the buffer area and will be enforced.
4. All remaining equipment or storage in the buffer area shall be removed and the identified buffer along the eastern side of the property currently in asphalt shall be restored with grass or other landscaping.
5. All trees identified on the plan or otherwise within the buffer area that are removed shall be replaced with trees of no less than 2.5" caliper as required in the regulations.
6. The applicant has identified a "temporary pallet storage area" on the plans within the buffer area. The pallets must be relocated to a suitable area, stored inside a building or removed from the property within 60 days of this approval. If relocated on the property, the applicant shall notify the City Planner of the new compliant location for this application file.

Other Staff Comments:

Economic Development Director: Due to a current city vacancy in this position, this application was not referred to the Economic Development Office

Assistant Planner: Nate Nardi-Cyrus, Assistant City Planner, in an email to the City Planner dated February 22, 2024, offered the following comments on the plans:

Enforcement History

- June 1, 2022, the Land Use Office received a complaint from a neighbor behind 1703 East Main Street about clearing of vegetation in the 25' residential buffer and increased light trespass due to this removal.
- June 20, 2022, the property owner was **sent a NOV** identifying unpermitted structures, light trespass, material storage in buffer and equipment/vehicles parked in CT DOT ROW along East Main Street.
- October 12, 2022, lighting, ROW display, and unpermitted structure issues were made compliant.
- January 3, 2023, **Second NOV sent** regarding storage of equipment in residential buffer.
- February 1, 2023, met with Mr. Ruwet and his attorney on site to discuss options. It was agreed that Mr. Ruwet would hire an engineer/surveyor and submit a site plan modification application, given the changes to the site since the last plan was approved.
- August 14, 2023, site plan modification application was not submitted, despite repeated requests from the Land Use Office. A **Cease-and-Desist order was issued** requiring all material storage within the 25' buffer be removed, and a site plan modification application be submitted.
- October 2, 2023, all equipment was relocated outside of the buffer, other than pallet storage, which Mr. Ruwet wanted to request in his site plan modification application. The

Land Use Office allowed him to continue this limited use of the buffer until the site plan modification was approved.

- February 1, 2024, an **e-mail was sent** to Mr. Ruwet stating if a site plan modification application as not submitted by February 15, 2024, a citation would be sent with fines accruing at \$150/day.

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 the East Main street frontage; however, continued equipment display in DOT ROW (partially on the neighboring property) shall cease. Materials stored behind ‘Building B’ and along the retaining wall between Buildings A & B are within the 25’ residential buffer and shall be removed. The ‘existing shelving units’ in the buffer were issued an after-the-fact zoning permit because they were in place for over 3 years (as required by CGS 8-13a), however, the Land Use Office has determined they cannot be used to store equipment as the units were installed after the last site plan was approved in 2004. Proposed pallet storage in the buffer is also prohibited by Section 5.15.5 A, as it was not specified in the prior approval. Screening is required by Section 5.11.5 of the regulation; however, existing vegetation may be used to satisfy this requirement at the Commission’s discretion.

Lighting – Existing lighting is compliant with Section 5.17 of Torrington’s zoning code. For future lighting, we encourage the use of products approved by the International Dark-Sky Association.

Signage – There are no new signs proposed as part of this application. Existing signage is compliant with Section 5.15 of the zoning regulations.

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

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

CT DOT: Rob Fernandez, Transportation District Services Agent II with CT DOT, in an email to the City Planner dated February 21, 2024, offered the following comments:

CTDOT District Services does not have any comment at this point with the plans as presented. Should work extend into the right-of-way, and or additional parking spaces be constructed / proposed, meeting or exceeding 200 spaces, an encroachment permit application will be required with a set of plans detailing all work within the right-of-way and overall site plan for a review.

WPCA, the Fire Marshal’s Office, Police Traffic Division and Engineering responded to the City Planner and indicated that they have no comments on this application

No comments were received on this proposed site plan modification from the Building Official or the Torrington Area Health District.

Conclusion: Per review and comment by City staff, I recommend approval of Site Plan application #1491 to remediate violations of residential buffer requirements in section 5.11.5 of the Zoning Regulations, and to identify equipment storage areas and landscaping areas on a site plan 1703 East Main Street Assessor's Map 247 Block 001 Lot 035 with the following approval conditions and recommendations:

1. The applicant shall install additional curbing as indicated on the plans or provide an acceptable bond amount to the City Planner within 60 days of this approval.
2. The applicant shall remove any and all equipment or other storage from within the landscaped areas and the 25-foot residential buffer areas within 60 days of this approval and notify the City Planner of any new zoning compliant exterior storage locations
3. Except as necessary to protect and maintain buildings or safety, the buffer areas shall remain in a natural state. This includes cessation of any mowing, vehicle access or vegetation removal except as necessary for routine building maintenance access.
4. The two handicapped accessible parking spaces near building "A" and building "B" shall be marked and signs installed as indicated on the plans
5. The applicant shall follow comments of Nate Nardi-Cyrus, Assistant Planner outlined in his February 22, 2024 email to the City Planner and correct all outstanding identified violations within 60 days of this approval.
6. In accordance with section 8.4.3 and 8.4.6 of the zoning regulations, the following shall be submitted to the City Planner:
 - a. Two paper copies of the full approved final site plan sheet including the surveyor's stamp and chairman's signature box
 - b. One mylar copy of the full approved final site plan sheet for filing with the City Clerk in accordance with section 8.4.3.P of the zoning regulations. The mylar sheet shall bear a chairman's signature box, a copy of the approval letter from the commission, a surveyor's seal and live ink stamp.
 - c. Mylar sheets shall be filed by the applicant with the City Clerk after the signature of the Chairman
7. The Cease and Desist order issued by Assistant Planner Nate Nardi-Cyrus on August 14, 2023 shall remain in effect until the property is brought into full compliance with the conditions of this approval.

END OF MEMO

Cc: Timothy G. Wyllie Jr, Land Surveyor
George T. Ruwet