



ZONING BOARD OF APPEALS
JANUARY 14, 2014
MEETING MINUTES
CITY OF BRIDGEPORT

45 Lyon Terrace, Room
210
Bridgeport, CT 06604
(203) 576-7217 Phone
(203) 576-7213 Fax

ATTENDANCE: Michael Piccirillo, Chair; Commissioners: Linda Grace; John Carolan; James Eagen; Robin Shepard; Rob Russo (9:19 PM)

STAFF: Dennis Buckley, Zoning Administrator; Paul Boucher, Assistant Zoning Clerk; Edmund Schmidt, Assistant City Attorney

CALL TO ORDER

Chair Michael Piccirillo called the meeting to order at 6:06 p.m. and introduced the four (4) commission members present. There was a quorum. He announced that item #9 should have been listed as #2 and will be heard as #2. Further, he reviewed the process of the public hearing for those present.

CONTINUED BUSINESS

There was none.

DEFERRED BUSINESS

D-1 (#5) 25 & 27 Burr Court – Petition of 118 Burr Court, LLC – Seeking a use variance under Sec. 6-1-2 and a height and front setback variance as required by Sec. 6-1-3 to permit the construction of a 6,398 sq. ft. industrial building in an OR zone.

Atty. John Fallon appeared along with Pete Romano, Site Engineer from Lantech, on behalf of the applicant. Atty. Fallon provided proof of mailings and a package of documents for each of the commission members. The package included a site plan, photos of the proposed building, and letters of support from immediate neighbors.

Atty. Fallon indicated the applicant is also the owner of 118 Burr Court, also known as CT Tank Removal, Joe Palmieri owner.

Atty. Fallon reviewed the findings needed to approve a variance. He indicated this property will be used for inside storage for equipment and vehicles used by CT Tank Removal. He wished to clarify that there will be no outside storage of materials, etc. Atty. Fallon said the commission can make this a condition of approval.

They will be making aesthetic improvements to the property including landscaping upgrades.

Chair Piccirillo asked what vehicles will be stored on this property. Mr. Joe Palmieri, owner of CT Tank Removal came forward to answer this question. He said they will be storing trucks inside the building, and will not be storing any tanks on this site. His DEEP permit does not allow him to store any dirty tanks. Any tanks returned to CTR must be cleaned inside his facility.

Chair Piccirillo asked if vehicles, etc. for emergency calls will be stored on this site. Mr. Palmieri said no, all emergency vehicles are stored and dispatched from 118 Burr Court.

Commissioner Grace asked if they will be using the existing building on site. Mr. Palmieri said they will be using only the existing foundation and reduce the existing footprint.

Chair Piccirillo asked if anyone wished to speak in favor of the application.

No one came forward.

Chair Piccirillo asked if anyone wished to speak in opposition to this application.

1. Jennifer Buffen – lives next to subject property, and said there is already an increase in noise and traffic relative to this piece of property and said it is unsafe for her children to play in the neighborhood. She felt approval will further affect her property value and taxes. She provided pictures of her property adjacent to the proposed project. She also asked the hours of operation and is worried about the employees working there and their proximity to her backyard.
2. Darrell Harmon – lives in the neighborhood on Wakeman Street, said the large tank trucks use his street for access because they cannot make the turn onto Burr Court from Fairfield Avenue. Diesel brakes are heard at all hours of the night, and Burr Court is full of large vehicle traffic. Also felt he was not properly notified of this hearing (was notified by a neighbor). His main concern is the traffic.

Atty. Fallon spoke. He said that 118 Burr Court is the primary facility for CT Tank Removal. He said they share Burr Court with at least three other businesses, a transmission company, Bridgeport Tool and American Tool Safety.

He stated this property is no zoned residential. He said there will be no external storage or repairs going on at this property. There will not be a lot of employees on this site, and all are state and federally licensed because the nature of the work. They will not be adding any more trucks to the business. They will also be bringing the landscape requirements from non-conforming to conforming.

Mr. Palmieri said there will be mechanics working inside the building, and the hours are 7 am – 5 pm. He restated that there will be no response vehicles leaving from this facility.

The public hearing was closed.

NEW BUSINESS

#9 76 Glenwood Ave. – Petition of 76 Glenwood Avenue, LLC (d/b/a BMW of Bridgeport) Mitch McManus – Seeking variances of the maximum site coverage; minimum landscaping; and minimum landscaping abutting a residential zone under Sec. 6-1-3, and also seeking variances of Sec. 11-1-13 and 12-2b with regard to interior, perimeter, and minimum landscaping requirements to permit the establishment of a used car dealership in the existing commercial building in an OR-G zone.

Atty. John Fallon appeared on behalf of the applicant along with Chris DeAngelis, PE of Cabezas-DeAngelis Engineering, LLC. Atty. Fallon provided proof of mailings along with copies of a map for all commissioners.

This application seeks to use the existing facility for used automobile sales. The plan proposes reducing site coverage, increasing landscaping, and keeping a retaining wall in place which prohibits landscaping in that particular area.

Atty. Fallon reviewed the requirements for granting a variance in this case. The proposal is an overall improvement/enhancement over what exists there now. The site is properly zoned for this business. He added that BMW Bridgeport has been a great corporate citizen in the City of Bridgeport. Atty. Fallon reviewed the requirements for granting a variance in this case.

Chair Piccirillo asked how many vehicles will be located at this site. Mitch McManus, President of BMW Bridgeport came forward to speak. He said this lot will be used for off-brand non-BMW used auto sales, primarily via internet sales. He said there will be approx. 20 cars inside the building, and 5-8 cars parked outside. The existing fence will remain. There will not be any repair work performed at this site, and primary cleaning of the cars will take place across the street. The hours will be 8:30 am – 7 pm M-F and 9 am – 5 pm on Saturday.

Chair Piccirillo asked if anyone wished to speak in favor of the application.

No one came forward.

Chair Piccirillo asked if anyone wished to speak in opposition to this application.

1. Rick McCollum – Sect’y/Treasurer of the Glenwood on Park Condominium Association, direct neighbor of the proposed site, representing 30 unit owners. He stated the Condo Association is totally against the establishment of a used car lot next to their property. He said a small number of unit owners received notices of this meeting. The Condo Association met to get input from unit owners. He furnished a petition signed by those against the proposal. He also has opposition letters from 4 other neighbors from Dean Place. Cited increased traffic, 3 major accidents in the last year, the devaluation of the condo units, pollution and environmental issues.
2. Shalley Gen – lives in condo complex, is concerned with value of her unit, and endorsed the previous speaker.
3. Jackie Robinson – lives in condo complex, against, concerned about more cars allowed.
4. Hugh Hutchinson – lives in condo complex, used car dealer will bring property value down, affect safety of children in the area.
5. Juliet Smith – lives on Dean Place, is opposed to lot due to increased traffic, devalued property.
6. Valerie McCollum – lives in condo complex, will bring increased noise, traffic, and nuisance.

Atty. Fallon stated there will be no washing, no servicing of vehicles, and it will be a small upscale dealership. He restated this is a permitted use in this area. Notice of the application was given in accordance with the city’s regulations. He added that this application is for variances only, and these issues can be addressed at the P&Z public hearing.

The public hearing was closed.

Chair Piccirillo announced Item #2 - 910 Wood Avenue will not be heard because the applicants did not pick up the required signs for posting. They will have to reapply next month.

#1 704, 716, 724 East Main St. and 30 Walter St. – Petition of BNM Builders & Developers, LLC – Seeking variances of 2.4 ft. of the minimum 10 ft. setback and FAR requirement of Sec. 6-1-3, and also seeking to waive 11 (eleven) of the required 36 on-site parking spaces under Sec. 11-1-2, and also waiving all of the interior landscaping required under Sec. 11-1-13 to permit the construction of a 3-story mixed use residential and retail building in an OR zone.

Mahesh Bangar appeared to present the application and submitted proof of mailings. The application proposes building a mixed use, retail & residential, building. The building will sit closer to Walter Street with parking in the rear.

The bottom floor will have retail spaces and 1 handicap accessible apartment. The remaining 2 floors will be residential units. The closest parking in the back will be allocated to the retail spaces. They are trying to encourage pedestrian traffic in front for the retail units.

Commissioner Eagen asked if there will be rear entrances for the retail spaces. Joe Villanuez, Site Engineer, came forward to speak. He said parking spaces #1-5 for retail units. Delivery trucks will need to be made to the rear parking lot and brought to the front of the building.

Chair Piccirillo suggested the applicant return next month to show more detail. The Commission does not have enough information to grant the application as it stands now.

Application was continued.

#2 910 Wood Ave. – Petition of Christ Centered Armed Ministries – Seeking variances of the maximum site coverage and minimum landscaping requirements of Sec. 6-1-3, and waive all 20 (twenty) of the minimum number of off-street parking spaces required under Sec. 11-1-2 to permit the establishment of a house of worship use in an OR zone.

Will not be heard – applicant did not pick up required signs for posting, etc.

#3 2920 Madison Ave. – Petition of Len-Ron, LLC – Seeking a variance of the 2,700 sq. ft. of land requirement per residential unit (2,086 provided), and waive 6 ft. of the required side setbacks to permit the construction of a 31-unit apartment/townhouse complex in an R-C zone.

Atty. Charles Willinger appeared to present the application on behalf of the applicant. He provided proof of mailings.

Atty. Willinger stated the applicant is the contract purchaser of this property with the intention to construct a 3 floor, 32 unit townhouse style condominium complex. The LLC managing member is Len Giacobbi, principal of park City Construction.

The site is 1 ½ acres of an unusual shape, the coverage will be 26.5%, landscaping will be 40%, and parking will consist of 68 spaces, 32 of which will be in garages. Each unit will be 1300 sq. ft., and will consist of: ground floor with the garage, utility and storage areas; the 1st floor will have a DR, LR, kitchen 1/2 bath and a deck; the 2nd floor will have 2 BR, a bath and skylights. The exterior of the building will be brick veneer on doors/entryway, and the balance will be vinyl shingle style siding, each unit a different color.

Atty. Willinger said they are requesting 2 variances, 1 for setback 1 for density. He stated they will address the comments from the City Engineer during the building permit process. The Design Reviewer's report proposes a progressive design, breaking up the 1 building into multiple buildings and open up the development.

Atty. Willinger said to make that change into multiple buildings would require blasting of the site and would increase the cost of an individual unit up to \$600,000 which will not work in this economy in this location. Mr. Willinger briefly reviewed the condo complexes in the neighborhood and commented on the current market prices.

He provided a copy of a density study in the neighborhood and reviewed the data with the commission. He concluded there will be no adverse impact on the neighborhood and it will help increase property values. He said these units will sell for approximately \$300,000.

Chair Piccirillo asked if anyone wished to speak in favor of the application.

1. Mark Lopow – lives in Madison Gardens Condos, his unit is the closest neighbor to this property, felt these are a good idea after reviewing the plans.

Chair Piccirillo asked if anyone wished to speak in opposition to this application.

1. Rebecca Zatarian – Madison Garden Condos – they currently have Sacred Heart University students living in their units and she is concerned about more students moving in and renting in this new complex. Also did not see how this proposal is in harmony with its neighbors. Said there are 15+ unit owners here in opposition.
2. Ken Saffe – neighbor, lives in a single home
3. Ernest Anderson – Madison Gardens, objects because of additional traffic, possible sewer problems, water runoff and the fact that the building is so close to their property.
4. Laura Ocazzi – on the Board of Madison Gardens, believes blasting will be harmful, and also increased traffic will be detrimental.
5. Francis Callahan – Property Manager for Madison Gardens, said the Association has reviewed the 12/11/13 report, and said the property is all rock. Believes these units will attract families which will add to education costs for the city. Recommends putting up fewer units on this site.
6. Terry Valiente – Madison Gardens, said the neighborhood already has trouble entering in to traffic on Madison Avenue. Said there are lots of walkers, joggers, etc. in the summer adding to the traffic challenge.

Atty. Willinger said most of those appearing in opposition are from Madison Gardens, only 1 of a ½ dozen condos in the immediate area. He said Madison Gardens is denser than the proposed project, and feel they are upset because they lost HUD approval in 2011.

Atty. Willinger said they will agree to prohibit rental to Sacred Heart students, and will agree to it as a condition of approval.

The public hearing was closed.

RECESS

Committee recessed at 8:15 p.m. Chair Piccirillo called the meeting back in to order at 8:30 p.m.

#4 624-638 East Main St. – Petition of Ender Kamaci – Seeking a variance of 2 (two) of the required on-site parking spaces of Sec. 11-1-2 to permit the establishment of a convenience store use in the existing general repair/gas station building in an OR zone.

Atty. Joseph Boland came forward to represent on behalf of the applicant Ender Kamaci. He provided proof of mailings.

Atty. Boland said the property has been operating as a gas station since 1958, and the applicant has applied to use 1315 sq. ft. within the station as a convenience store. A site

plan was furnished to all commissioners' indicating 2 additional parking spaces above and beyond the 10 indicated on the original application.

Chair Piccirillo indicated you cannot use the spaces in the repair bays as parking spaces. He also said he visited the site last Sunday and noticed all the garbage surrounding the dumpster.

Chair Piccirillo asked if anyone wished to speak in favor of the application.

No one came forward.

Chair Piccirillo asked if anyone wished to speak in opposition to this application.

Seeing none the Public Hearing was closed.

#5 3885 Main St. – Petition of Cellco Partnership d/b/a Verizon Wireless – Seeking a variance of the maximum height requirement of Sec. 6-1-3, and also seeking a variance of Sec. 4-3-4 waiving the minimum setback for rooftop mechanical equipment to permit the installation of a cellular antenna and equipment in an OR-R zone.

Atty. Kenneth Baldwin appeared to present on behalf of the applicant. He furnished proof of mailings.

Atty. Baldwin indicated Verizon Wireless proposes to install a cellular antenna and related operating equipment on the top of an existing 3 story building. The proposed equipment is actually 3 sections with 4 antennas on each section for a total of twelve antennas.

He said there are already T-Mobile antennas on the building and the proposed antennas will still be lower than the T-Mobile antennas. They are also seeking a setback variance for the operating equipment that will need to be installed on the rooftop.

Atty. Baldwin said the proposed installation will provide the City with enhanced service. New technology is demanding more and better service for all customers. This equipment will serve a radius of 3/4 to 1 mile. Verizon is trending to lower antennas in smaller areas with overlapping service.

Chair Piccirillo asked if anyone wished to speak in favor of the application.

No one came forward.

Chair Piccirillo asked if anyone wished to speak in opposition to this application.

1. M. Lyons, Councilwoman from the 134th District – presented a petition (11 pages of signatures) signed by people living/working in this building in opposition to this installation. She read a letter to the commission noting concerns of public health and safety including cancer, neurological issues among others. She felt there is adequate cellular coverage already and urged the applicant to go to surrounding towns to install cell towers. She questioned the prior notification to the public.
2. Mr. Camacho – tenant in the building, said he did not know about this. Learned about it by accident. Was very concerned that no one knew about this application.
3. Valerie Slotnick – lives 2 blocks away from the proposed site and is very concerned about it, and the fact that she did not know about this.

Atty. Baldwin said Verizon has multiple cellular sites in every town in CT, and added that they complied with all the notice requirements. He also said that the Federal Communications Commission – FCC - has developed health standards for all cellular providers and all providers must comply with those regulations. These antennas will operate well below the FCC Standards.

The Public Hearing was closed.

#6 1087 Railroad Ave./299 Wordin Ave. – Petition of Cellco Partnership d/b/a Verizon Wireless – Seeking a variance of the maximum height requirement under Sec. 8-3-3 to permit the installation of a cellular antenna in an MU-LI zone.

Atty. Kenneth Baldwin appeared to present on behalf of the applicant. He furnished proof of mailings.

Atty. Baldwin said Verizon proposes to install 12 antennas, similar to the prior application, on the top of a public storage building near I95. The antenna will be façade mounted, 8 on an elevator penthouse exterior and 4 on the 12 x 20 ft. equipment shelter they will be installing on the roof. There will also be a propane fuel tank installed on the ground on an existing concrete slab. The propane is used to run the operating equipment.

As in the previous application these antennas are necessary to support growing demand of service in the area.

Chair Piccirillo asked if anyone wished to speak in favor of the application.

No one came forward.

Chair Piccirillo asked if anyone wished to speak in opposition to this application.

1. M. Lyons, Councilwoman from the 134th District came forward to state this application is different from the previous in that this is not in a residential zone.

The public hearing was closed.

#7 194 Wilmot Ave. – Petition of Mostafa Ardouni – Seeking a variance of the maximum height requirement under Sec. 11-8-3 to legalize the existing 6’ high fence in an R-BB zone.

Mr. Ardouni came forward to present the application. He did not have proof of mailings. The application was continued until the February meeting giving the applicant time to properly notify the neighbors.

#8 925 Noble Ave. – Petition of Jesus Martinez – Seeking a variance of Sec. 11-1-2 to waive 1 (one) of the required 5 (five) off-street parking spaces to permit the conversion of the existing 2-family dwelling into a 3-family dwelling in an OR zone.

Mr. Ed Lomax, designer, came forward to present on behalf of the applicant. He presented proof of mailings.

Mr. Lomax indicated Mr. Martinez purchase the home in 2006. He indicated many houses in the area are similar, all have driveway and on street parking arrangements. He said there are 4 spaces including 2 in the garage. The 5th space is the issue.

Chair Piccirillo asked if anyone lives on the 3rd floor. Mr. Lomax said there was a tenant but it is vacant now. The Fire Marshall has indicated the ceiling heights on the 3rd floor are not adequate for a legal apartment. Mr. Lomax reviewed the ceiling heights and square footage of the current apartment with the commission.

Mr. Eagen indicated it still is not a legal apartment. It must be renovated/built to code.

Mr. Martinez said he purchased the home as a 3-family and has been paying taxes as a 3 family. Mr. Piccirillo asked how many electrical meters he has. Mr. Martinez said he has 2.

Chair Piccirillo asked if anyone wished to speak in favor of the application.

No one came forward.

Chair Piccirillo asked if anyone wished to speak in opposition to this application.

Seeing none the Public Hearing was closed.

OTHER BUSINESS

There was none.

TABLED BUSINESS

T-1 (#1) 2450 – 2458 and 2460 Main St. – Petition of Lillian Iodice – Appealing under Sec. 14-10 of the Zoning Regulations and Sec. 8-7 of the CT General Statutes that the Zoning Official erred in the processing of a liquor application for a change of ownership at an established business in an OR-G zone.

Chair Piccirillo said there were no regulations re; exotic dancers when the business started. There was discussion about the abandonment issue, and what constitutes abandonment in the opinion of the courts. The court says there must be a clear intent to abandon the business and change it to a different business.

Atty. Schmidt summarized the decision that the commission must make on this appeal

DECISION SESSION

Re: T-1 (#1) 2450 – 2458 and 2460 Main St. – Petition of Lillian Iodice – Appealing under Sec. 14-10 of the Zoning Regulations and Sec. 8-7 of the CT General Statutes that the Zoning Official erred in the processing of a liquor application for a change of ownership at an established business in an OR-G zone.

**** COMMISSIONER PICCIRILLO MOVED TO DENY T-1 (#1) 2450 – 2458 AND 2460 MAIN ST. – PETITION OF LILLIAN IODICE – APPEALING UNDER SEC. 14-10 OF THE ZONING REGULATIONS AND SEC. 8-7 OF THE CT GENERAL STATUTES THAT THE ZONING OFFICIAL ERRED IN THE PROCESSING OF A LIQUOR APPLICATION FOR A CHANGE OF OWNERSHIP AT AN**

ESTABLISHED BUSINESS IN AN OR-G ZONE FOR THE FOLLOWING REASONS:

THIS IS A CLASSIC EXAMPLE OF A LEGAL PREEXISTING NONCONFORMING USE, AS THE BRIDGEPORT ZONING REGULATIONS DID NOT ADDRESS ADULT ENTERTAINMENT (IN THIS CASE EXOTIC DANCERS) UNTIL 1996. THEREFORE, THE 1990 ZONING APPLICATION DID NOT MENTION, OR NEEDED TO MENTION, ADULT ENTERTAINMENT USE, AS THE USE AT THAT TIME WAS NOT REGULATED

THE BOARD FINDS THAT THE TESTIMONY OF CARLOS SILVA TO BE LESS THAN CREDIBLE AND HIS TESTIMONY FAILED TO ESTABLISH THAT EXOTIC DANCERS DID NOT WORK AT THIS CAFÉ. MR. SILVA'S SECOND CLAIM WAS THAT THE BAR WAS CLOSED FOR RENOVATIONS IN 2007. SINCE RECORDS DO INDICATE THAT THE BAR WAS CLOSED FOR RENOVATIONS INCIDENTAL TO A BAR/CAFÉ, THERE WAS NEVER ANY CLEAR INTENT ON THE PART OF THE OWNER OR OPERATOR THAT THE ESTABLISHED USE (AND ADULT ENTERTAINMENT USE) WAS TO BE ABANDONED.

**** COMMISSIONER EAGEN SECONDED
** MOTION PASSED UNANIMOUSLY**

Commissioner Russo left the meeting at 9:35 PM.

Re: D-1 (#5) 25 & 27 Burr Court – Petition of 118 Burr Court, LLC – Seeking a use variance under Sec. 6-1-2 and a height and front setback variance as required by Sec. 6-1-3 to permit the construction of a 6,398 sq. ft. industrial building in an OR zone.

****COMMISSIONER CAROLAN MOVED TO APPROVE ITEM # D-1 (#5) 25 & 27 BURR COURT – PETITION OF 118 BURR COURT, LLC – SEEKING A USE VARIANCE UNDER SEC. 6-1-2 AND A HEIGHT AND FRONT SETBACK VARIANCE AS REQUIRED BY SEC. 6-1-3 TO PERMIT THE CONSTRUCTION OF A 6,398 SQ. FT. INDUSTRIAL BUILDING IN AN OR ZONE .**

****COMMISSIONER SHEPARD SECONDED
MOTION FAILED 2 IN FAVOR CAROLAN, SHEPARD, 3 AGAINST PICCIRILLO, GRACE, EAGEN

****COMMISSIONER PICCIRILLO MOVED TO DENY ITEM # D-1 (#5) 25 & 27 BURR COURT – PETITION OF 118 BURR COURT, LLC – SEEKING A USE VARIANCE UNDER SEC. 6-1-2 AND A HEIGHT AND FRONT SETBACK VARIANCE AS REQUIRED BY SEC. 6-1-3 TO PERMIT THE CONSTRUCTION OF A 6,398 SQ. FT. INDUSTRIAL BUILDING IN AN OR ZONE FOR THE FOLLOWING REASONS:**

- 1. THE PETITIONER FAILED TO ESTABLISH AN EXCEPTIONAL OR UNUSUAL HARDSHIP RELATING TO THIS REQUEST OR PARCEL OF LAND.**
- 2. SUBJECT PREMISES IS LOCATED ON A NARROW STREET THAT HAS CRITICAL TRAFFIC CONGESTION AND THE ADDITION OF THIS PROPOSED USE WOULD BE A DETRIMENT TO PUBLIC SAFETY.**
- 3. THE PETITIONER SHALL DISCONTINUE THE STORAGE OF ALL VEHICLES, CONTAINERS AND EQUIPMENT IMMEDIATELY AS THIS IS A VIOLATION OF THE OR ZONE REGULATIONS.**

****COMMISSIONER GRACE SECONDED**

****MOTION PASSED 3 IN FAVOR PICCIRILLO, GRACE, EAGEN, 2 AGAINST CAROLAN, SHEPARD**

Re: #1 704, 716, 724 East Main St. and 30 Walter St. – Petition of BNM Builders & Developers, LLC – Seeking variances of 2.4 ft. of the minimum 10 ft. setback and FAR requirement of Sec. 6-1-3, and also seeking to waive 11 (eleven) of the required 36 on-site parking spaces under Sec. 11-1-2, and also waiving all of the interior landscaping required under Sec. 11-1-13 to permit the construction of a 3-story mixed use residential and retail building in an OR zone.

****COMMISSIONER GRACE MOVED TO CONTINUE ITEM # 1 704, 716, 724 EAST MAIN ST. AND 30 WALTER ST. – PETITION OF BNM BUILDERS & DEVELOPERS, LLC – SEEKING VARIANCES OF 2.4 FT. OF THE MINIMUM 10 FT. SETBACK AND FAR REQUIREMENT OF SEC. 6-1-3, AND ALSO SEEKING TO WAIVE 11 (ELEVEN) OF THE REQUIRED 36 ON-SITE PARKING SPACES UNDER SEC. 11-1-2, AND ALSO WAIVING ALL OF THE INTERIOR LANDSCAPING REQUIRED UNDER SEC. 11-1-13 TO PERMIT THE CONSTRUCTION OF A 3-STORY MIXED USE RESIDENTIAL AND RETAIL BUILDING IN AN OR ZONE UNTIL THE FEBRUARY 11, 2014 MEETING.**

****COMMISSIONER EAGERN SECONDED**

****MOTION PASSED UNANIMOUSLY**

RE: #2 910 Wood Ave. – Petition of Christ Centered Armed Ministries – Seeking variances of the maximum site coverage and minimum landscaping requirements of Sec. 6-1-3, and waive all 20 (twenty) of the minimum number of off-street parking spaces required under Sec. 11-1-2 to permit the establishment of a house of worship use in an OR zone.

****COMMISSIONER GRACE MOVED TO DENY ITEM #2 910 WOOD AVE. – PETITION OF CHRIST CENTERED ARMED MINISTRIES – SEEKING VARIANCES OF THE MAXIMUM SITE COVERAGE AND MINIMUM LANDSCAPING REQUIREMENTS OF SEC. 6-1-3, AND WAIVE ALL 20 (TWENTY) OF THE MINIMUM NUMBER OF OFF-STREET PARKING SPACES REQUIRED UNDER SEC. 11-1-2 TO PERMIT THE ESTABLISHMENT OF A HOUSE OF WORSHIP USE IN AN OR ZONE FOR THE FOLLOWING REASON:**

- 1. THE PETITIONER FAILED TO COMPLY WITH PROPERTY POSTING REQUIREMENTS AND FAILED TO ATTEND AT THE PUBLIC HEARING.**

****COMMISSIONER EAGEN SECONDED**

****MOTION PASSED UNANIMOUSLY**

Re: #3 2920 Madison Ave. – Petition of Len-Ron, LLC – Seeking a variance of the 2,700 sq. ft. of land requirement per residential unit (2,086 provided), and waive 6 ft. of the required side setbacks to permit the construction of a 31-unit apartment/townhouse complex in an R-C zone.

****COMMISSIONER PICCIRILLO MOVED TO DENY ITEM #3 2920 MADISON AVE. – PETITION OF LEN-RON, LLC – SEEKING A VARIANCE OF THE 2,700 SQ. FT. OF LAND REQUIREMENT PER RESIDENTIAL UNIT (2,086 PROVIDED), AND WAIVE 6 FT. OF THE REQUIRED SIDE SETBACKS TO PERMIT THE CONSTRUCTION OF A 31-UNIT APARTMENT/TOWNHOUSE COMPLEX IN AN R-C ZONE FOR THE FOLLOWING REASONS:**

- 1. THE PETITIONER FAILED TO ESTABLISH AN EXCEPTIONAL OR UNUSUAL HARDSHIP RELATING TO THIS PROPOSAL OR PARCEL OF LAND.**

- 2. THE PROPOSED DWELLING AND LOCATION WOULD HAVE A NEGATIVE IMPACT ON THE QUALITY OF LIFE OF THE ABUTTING PROPERTY OWNERS.**
- 3. THERE IS NO JUSTIFICATION FOR THE DENSITY OR VARIANCES REQUESTED FOR THIS PROJECT.**
- 4. THE PETITIONER FAILED TO MINIMIZE THE EXTENT OF THE VARIANCES REQUESTED FOR THE PROPOSED PROJECT.**

****COMMISSIONER GRACE SECONDED**

****MOTION PASSED 4 IN FAVOR PICCIRILLO, EAGEN, GRACE, SHEPARD,
1 AGAINST CAROLAN**

Re: #4 624-638 East Main St. – Petition of Ender Kamaci – Seeking a variance of 2 (two) of the required on-site parking spaces of Sec. 11-1-2 to permit the establishment of a convenience store use in the existing general repair/gas station building in an OR zone.

**** COMMISSIONER EAGEN MOVED TO APPROVE ITEM #4 624-638 EAST MAIN ST. – PETITION OF ENDER KAMACI – SEEKING A VARIANCE OF 2 (TWO) OF THE REQUIRED ON-SITE PARKING SPACES OF SEC. 11-1-2 TO PERMIT THE ESTABLISHMENT OF A CONVENIENCE STORE USE IN THE EXISTING GENERAL REPAIR/GAS STATION BUILDING IN AN OR ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE SUBJECT SITE SHALL BE LINED, STRIPED, AND LANDSCAPED IN STRICT ACCORD WITH THE SITE PLAN SUBMITTED TO AND APPROVED BY THE BOARD.**
- 2. A SUITABLE 6' PRIVACY FENCE SHALL BE ERECTED AROUND THE TRASH DISPOSAL AREA AND MEET WITH THE APPROVAL OF THE DESIGN REVIEW COORDINATOR.**
- 3. THE PETITIONER IS TO FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**
- 4. THE PETITIONER IS TO FILE TRAFFIC REPORT AS TO THE CONDITIONS AND TRAFFIC FLOW AT THIS SITE AS PART OF THE APPLICATION TO THE PLANNING & ZONING COMMISSION.**

**** COMMISSIONER GRACE SECONDED**

**** MOTION PASSED UNANIMOUSLY**

Re: #5 3885 Main St. – Petition of Cellco Partnership d/b/a Verizon Wireless – Seeking a variance of the maximum height requirement of Sec. 6-1-3, and also seeking a variance of Sec. 4-3-4 waiving the minimum setback for rooftop mechanical equipment to permit the installation of a cellular antenna and equipment in an OR-R zone.

****COMMISSIONER EAGEN MOVED TO APPROVE ITEM #5 3885 MAIN ST. – PETITION OF CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS – SEEKING A VARIANCE OF THE MAXIMUM HEIGHT REQUIREMENT OF SEC. 6-1-3, AND ALSO SEEKING A VARIANCE OF SEC. 4-3-4 WAIVING THE MINIMUM SETBACK FOR ROOFTOP MECHANICAL EQUIPMENT TO PERMIT THE INSTALLATION OF A CELLULAR ANTENNA AND EQUIPMENT IN AN OR-R ZONE WITH THE FOLLOWING CONDITION:**

- 1. THE PETITIONER IS TO FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**

FOR THE FOLLOWING REASON:

- 1. THE PROJECT, AS APPROVED, WILL ENHANCE CELLULAR SERVICE TO AREA RESIDENTS.**

**** COMMISSIONER SHEPARD SECONDED
** MOTION PASSED UNANIMOUSLY**

Re: #6 1087 Railroad Ave./299 Wordin Ave. – Petition of Cellco Partnership d/b/a Verizon Wireless – Seeking a variance of the maximum height requirement under Sec. 8-3-3 to permit the installation of a cellular antenna in an MU-LI zone.

**** COMMISSIONER EAGEN MOVED TO APPROVE ITEM #6 1087 RAILROAD AVE./299 WORDIN AVE. – PETITION OF CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS – SEEKING A VARIANCE OF THE MAXIMUM HEIGHT REQUIREMENT UNDER SEC. 8-3-3 TO PERMIT THE INSTALLATION OF A CELLULAR ANTENNA IN AN MU-LI ZONE WITH THE FOLLOWING CONDITION:**

- 1. THE PETITIONER IS TO FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**

FOR THE FOLLOWING REASON:

1. THE PROJECT, AS APPROVED, WILL ENHANCE CELLULAR SERVICE TO AREA RESIDENTS.

**** COMMISSIONER SHEPARD SECONDED
** MOTION PASSED UNANIMOUSLY**

Re: #7 194 Wilmot Ave. – Petition of Mostafa Ardouni – Seeking a variance of the maximum height requirement under Sec. 11-8-3 to legalize the existing 6’ high fence in an R-BB zone.

****COMMISSIONER EAGEN MOVED TO CONTINUE ITEM #7 194 WILMOT AVE. – PETITION OF MOSTAFA ARDOUNI – SEEKING A VARIANCE OF THE MAXIMUM HEIGHT REQUIREMENT UNDER SEC. 11-8-3 TO LEGALIZE THE EXISTING 6’ HIGH FENCE IN AN R-BB ZONE TO THE FEBRUARY 11, 2014 MEETING.**

**** COMMISSIONER PICCIRILLO SECONDED
** MOTION PASSED UNANIMOUSLY**

Re: #8 925 Noble Ave. – Petition of Jesus Martinez – Seeking a variance of Sec. 11-1-2 to waive 1 (one) of the required 5 (five) off-street parking spaces to permit the conversion of the existing 2-family dwelling into a 3-family dwelling in an OR zone.

**** COMMISSIONER GRACE MOVED TO DENY ITEM #8 925 NOBLE AVE. – PETITION OF JESUS MARTINEZ – SEEKING A VARIANCE OF SEC. 11-1-2 TO WAIVE 1 (ONE) OF THE REQUIRED 5 (FIVE) OFF-STREET PARKING SPACES TO PERMIT THE CONVERSION OF THE EXISTING 2-FAMILY DWELLING INTO A 3-FAMILY DWELLING IN AN OR ZONE FOR THE FOLLOWING REASON:**

1. THE PETITIONER FAILED TO PRESENT AN UNUSUAL DIFFICULTY OR HARDSHIP RELATING TO THIS APPLICATION.

**** COMMISSIONER EAGEN SECONDED
** MOTION PASSED UNANIMOUSLY**

Re: #9 76 Glenwood Ave. – Petition of 76 Glenwood Avenue, LLC (d/b/a BMW of Bridgeport) Mitch McManus – Seeking variances of the maximum site coverage; minimum landscaping; and minimum landscaping abutting a residential zone under Sec. 6-1-3, and also seeking variances of Sec. 11-1-13 and 12-2b with regard to

interior, perimeter, and minimum landscaping requirements to permit the establishment of a used car dealership in the existing commercial building in an OR-G zone.

**** COMMISSIONER CAROLAN MOVED TO APPROVE ITEM #9 76 GLENWOOD AVE. – PETITION OF 76 GLENWOOD AVENUE, LLC (D/B/A BMW OF BRIDGEPORT) MITCH MCMANUS – SEEKING VARIANCES OF THE MAXIMUM SITE COVERAGE; MINIMUM LANDSCAPING; AND MINIMUM LANDSCAPING ABUTTING A RESIDENTIAL ZONE UNDER SEC. 6-1-3, AND ALSO SEEKING VARIANCES OF SEC. 11-1-13 AND 12-2B WITH REGARD TO INTERIOR, PERIMETER, AND MINIMUM LANDSCAPING REQUIREMENTS TO PERMIT THE ESTABLISHMENT OF A USED CAR DEALERSHIP IN THE EXISTING COMMERCIAL BUILDING IN AN OR-G ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE PETITIONER IS TO FILE PLANS AND APPLICATION FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**
- 2. LANDSCAPING AND STRIPING OF PROPERTY SHALL BE IN STRICT ACCORD WITH THE PLAN SUBMITTED TO AND APPROVED BY THE BOARD.**
- 3. NO MORE THAN 8 (EIGHT) VEHICLES ARE TO BE DISPLAYED FOR SALE AT ANY TIME AND FOR ANY REASON.**
- 4. ALL USE OF FLAGS, BUNTINGS, TEMPORARY BANNERS, FLASHING OR STROBE LIGHTING ARE NOT TO BE UTILIZED AT THIS SITE.**

FOR THE FOLLOWING REASON:

- 1. THE APPROVAL OF THIS APPLICATION, WITH ALL OF ITS CONDITIONS, SHALL HAVE NO NEGATIVE IMPACT ON THE NEIGHBORHOOD OR QUALITY OF LIFE FOR RESIDENTS OF THE IMMEDIATE AREA.**

**** COMMISSIONER SHEPARD SECONDED
** MOTION PASSED UNANIMOUSLY**

APPROVAL OF MINUTES

Did not address.

ADJOURNEMENT

****COMMISSIONER RUSSO MOVED TO ADJOURN
**COMMISSIONER CAROLAN SECONDED
THE MOTION PASSED UNANIMOUSLY

Meeting was closed at 10:05 PM

Respectfully submitted,

**Jill Kuzmich
Telesco Secretarial Services**