



ZONING BOARD OF APPEALS
JULY 9, 2013
MEETING MINUTES
CITY OF BRIDGEPORT

45 Lyon Terrace
Bridgeport, CT 06604
(203) 576-7217 Phone
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ATTENDANCE: Michael Piccirillo, Chair; Linda Grace, Secretary; John Carolan, Robert Russo, James Eagen

STAFF: Attorney Ed Schmidt, Associate City Attorney; Dennis Buckley Zoning Enforcement Officer; Paul Boucher, Assistant Zoning Clerk; Diego Guevara, Design Review Coordinator

CALL TO ORDER

Commissioner Piccirillo called the meeting to order 6:00 p.m. A quorum was present. He introduced the Commissioners seated and then reviewed the application hearing process.

C-1 (#5) RE: 90 – 92 EDWIN STREET (aka 1856 – 1858 STRATFORD AVENUE) – Habitat for Humanity - Seeking a variance of the required minimum front setback requirement of Sec. 5-1-3 to permit the construction of a 2-family dwelling on a nonconforming lot in an R-BB zone.

Mr. Steve Cook came forward and greeted the Commission. He said that the first application was for a duplex home and three major concerns had been expressed about the original site plan for a two family home. The house is now a single family dwelling, the density has been reduced and the driveway has been adjusted accordingly.

Commissioner Piccirillo asked if there was anyone present who would like to speak in favor of the application. No one came forward. Commissioner Piccirillo asked if there was anyone present who would like to speak against the application. Hearing none, Commissioner Piccirillo then closed the public hearing on 90 – 92 Edwin Street.

ITEM D-1 (#4) RE: 55 SUBURBAN AVE. – Joseph Giacobbe - Seeking a variance of Sec. 4-2-2 to permit the reduction of an existing lot into a nonconforming lot and validate the existing single-family dwelling in an R-A zone.

Mr. Giacobbe came forward, greeted the Commission and requested that his two applications be heard together. He reviewed the details of the site plans and said that the project now meets the rear and side setbacks. Mr. Giacobbe said that he has reason to believe that these were originally two lots that were owned by the same individual and subsequently combined into one lot. He

submitted a city site plot that showed the two lots. He added that St. Margaret's Shrine submitted a letter in favor of the project.

Commissioner Piccirillo explained that the second application had not been announced yet, so the Commission would only consider one parcel at a time.

Commissioner Grace asked if the shed would be removed, or the garage. Mr. Giacobbe said that the shed would go. She then asked about the deck. Mr. Giacobbe said that there was an existing deck and plenty of space for parking.

Commissioner Piccirillo asked if there was anyone present who would like to speak in favor of the application. No one came forward. Commissioner Piccirillo asked if there was anyone present who would like to speak against the application. Hearing none, Commissioner Piccirillo then closed the public hearing on 55 Suburban Avenue.

ITEM D-2 (#5) RE: 53 (aka 55) Suburban Ave. – Joseph Giacobbe - Seeking a variance of Sec. 5-1-3 to permit the construction of a single-family dwelling on a 50' x 100' lot in an R-A zone.

Mr. Giacobbe explained that regarding this parcel there were no setbacks needed, and this project would be new construction. The new building will conform to the neighborhood. He spoke with the neighbors and there were no objections. Mr. Giacobbe then indicated where the covered porch was on the plans.

Commissioner Piccirillo asked if there was anyone present who would like to speak in favor of the application. No one came forward. Commissioner Piccirillo asked if there was anyone present who would like to speak against the application. Hearing none, Commissioner Piccirillo then closed the public hearing on 57 Suburban Avenue.

ITEM #1 RE: 840 GRAND STREET – Dan Epifano (Esplanade, LLC) - Seeking a variance of Sec. 4-12-3 and Sec. 4-12-4 which prohibits the extension and enlargement of a non-conforming building and use, and also seeking to waive the minimum landscaping requirements the maximum site coverage requirement; and the minimum side setback requirements of Sec. 5-1-3 to permit a 2nd story addition and a ground level addition to the existing remains of a contractor's garage in a R-C zone.

Mr. John Gable came forward and requested that the Commission deferred this application to next month.

ITEM #2 RE: 725 – 727 LAUREL AVENUE – Keith Vo - Seeking a use variance of Sec. 5-1-2; and variances for maximum site coverage and minimum landscaping of Sec. 5-1-3; and also seeking to waive the minimum driveway width of Sec. 11-1-11, the minimum parking space dimension of Sec. 11-1-10, and the minimum parking setback and perimeter

landscaping requirements of Sec. 11-1-13 to legalize a 3rd residential apartment in the existing 2-family dwelling in an R-B zone.

Mr. Mario Paniccia, an architect, came forward and said that the house was built in 1916 and was constructed as a three family. He then turned in the green cards. When Mr. Vo purchased the house as a three family in 2008. There have been no changes to the building. The Fire Chief has requested fire doors be installed.

Mr. Paniccia said that the house is currently as it was purchased with parking in the rear. He said that if the Commission insisted on the landscaping, it would eliminate one parking space. The existing driveway is 10 feet. One report claims that the driveway was too wide, another said it was too narrow.

Commissioner Piccirillo asked why the applicant was here. Mr. Piccirillo said that his client had received a letter claiming it was a two family house. The Tax Assessor's records have it listed as a three family. Mr. Vo came forward and said there are three separate meters, three separate gas meters and sufficient doors.

Mr. Vo submitted a number of photos of the building to Commissioner Piccirillo. Commissioner Piccirillo asked what happened to the front porch. Mr. Vo said that a vehicle had come down the street, and hit a vehicle parked on the street. The parked vehicle was pushed into the front porch and damaged it.

Commissioner Piccirillo asked if there was anyone present who would like to speak in favor of the application. No one came forward. Commissioner Piccirillo asked if there was anyone present who would like to speak against the application. Hearing none, Commissioner Piccirillo then closed the public hearing on 725-727 Laurel Avenue.

ITEM #3 RE: 1006 BROAD STREET -- Barnum Publick House LLC - Seeking a variance of Sec. 12-10 to permit the establishment of a café liquor restaurant and the issuance of a café liquor restaurant permit; and also seeking the establishment of an outside patio/dining area with patio liquor permit along the Bank Street frontage within 1500' of other liquor outlets in a DVD zone.

There was no one present to present the application.

ITEM #4 RE: 545 BREWSTER STREET – City of Bridgeport Board of Education - Seeking variances of the minimum front yard setback; the maximum site coverage, and the minimum landscaping requirements of Sec. 5-1-3, the minimum number of off-street parking spaces of Sec. 11-1-1, and the interior and perimeter landscaping requirements of Sec. 11-1-13 (a-e) to permit the construction of a 2-story addition to the existing school building in the proposed R-C zone.

Mr. Scott Baillie, the City's representative, came forward and submitted the green cards. He said that the City was in the process of acquiring Parcel B on the site plan. Parcel B is where the parking will be in the future. He then explained where the addition would be located on the actual school property. Mr. Bailey then reviewed the prospective plan for creating the cul de sac and traffic pattern.

Commissioner Piccirillo asked if there was anyone present who would like to speak in favor of the application. No one came forward. Commissioner Piccirillo asked if there was anyone present who would like to speak against the application. Hearing none, Commissioner Piccirillo then closed the public hearing on 545 Brewster Street.

ITEM #5 RE: 98 GROVERS AVENUE – K. Oni Chikwu - Seeking a variance of Sec. 14-7-4 to validate the existing accessory structures consisting of a guest cottage and a garage with domestic living accommodations on an interior developed lot in an R-AA zone and coastal area.

Atty. Greg Cava came forward, greeted the Commissioner and turned in the green cards. He displayed a site map and turned in a smaller version of the site plan for the record. He said that the parcel was developed before the zoning regulations were created. In 1973, there were Federal flood act created. The 1973 Act required that the city create flood regulations. He turned in copies of the Federal flood regulations and the City flood regulations.

The main structure will most likely have to be raised five feet, to roughly the same height as the seawall. He said that this was a classic case of hardship because the owner has an existing building but it would be cost prohibitive to demolish and rebuild.

Atty. Cava then reviewed the details of the site plan and outlined the reasons why they were asking for the specific variances. When the building is raised, the difference should be slight and it should not block any views since there is significant open space around the parcel. He also pointed out that the parcel has three abutters and indicated where the street frontage was. He said that he was trying to maintain the old estate

He noted that he had addressed all the concerns of the City engineer had expressed.

Commissioner Piccirillo asked if there was anyone present who would like to speak in favor of the application. No one came forward. Commissioner Piccirillo asked if there was anyone present who would like to speak against the application. Hearing none, Commissioner Piccirillo then closed the public hearing on 98 Grovers Avenue.

ITEM #3 RE: 1006 BROAD STREET – - Barnum Publick House LLC - Seeking a variance of Sec. 12-10 to permit the establishment of a café liquor restaurant and the issuance of a café liquor restaurant permit; and also seeking the establishment of an outside patio/dining area with patio liquor permit along the Bank Street frontage within 1500' of other liquor outlets in a DVD zone.

Mr. Steve Montello, the owner of Barnum Publick House, came forward and said that he was asking for some variances for a second restaurant. While it is owned by Barnum Publick House, LLC, it will be facing on Broad Street. This facility will have sidewalk dining and also have 4 feet for public access. The public will have to enter the patio through the restaurant.

Mr. Montello said that the fencing around the area will be temporary. Commissioner Piccirillo asked where the patrons would enter. Mr. Montello indicated where the main restaurant door was and where the patio door was on the site plans.

Commissioner Piccirillo asked if this site would be separate from the original site. Mr. Montello said that it would be.

Commissioner Piccirillo asked if there was anyone present who would like to speak in favor of the application. No one came forward. Commissioner Piccirillo asked if there was anyone present who would like to speak against the application. Hearing none, Commissioner Piccirillo then closed the public hearing on 1006 Broad Street.

Commissioner Piccirillo closed the public hearing section of the meeting at 6:52 p.m.

RECESS.

Commissioner Piccirillo declared a recess at 6:52 p.m. He called the meeting back into order at 6:58 p.m.

DECISION SESSION.

ITEM C-1 (#5) RE: 90 – 92 EDWIN STREET (aka 1856 – 1858 STRATFORD AVENUE) – Habitat for Humanity - Seeking a variance of the required minimum front setback requirement of Sec. 5-1-3 to permit the construction of a 2-family dwelling on a nonconforming lot in an R-BB zone.

**** COMMISSIONER GRACE MOVED TO APPROVE APPLICATION C-1 (#5) RE: 90 – 92 EDWIN STREET (AKA 1856 – 1858 STRATFORD AVENUE) – HABITAT FOR HUMANITY - SEEKING A VARIANCE OF THE REQUIRED MINIMUM FRONT SETBACK REQUIREMENT OF SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A 2-FAMILY DWELLING ON A NONCONFORMING LOT IN AN R-BB ZONE WITH THE FOLLOWING CONDITIONS:**

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

2. THE DEVELOPMENT OF THE SUBJECT PROPERTY IS TO BE IN STRICT ACCORD WITH THE PLANS SUBMITTED TO AND APPROVED BY THE BOARD.

FOR THE FOLLOWING REASON:

THE PROJECT AS APPROVED WILL HAVE A POSITIVE EFFECT ON THE IMMEDIATE AREA AND PROVIDE A NEW HOME IN AN OLDER NEIGHBORHOOD.

**** COMMISSIONER EAGEN SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

ITEM D-1 (#4) RE: 55 Suburban Ave. – Joseph Giacobbe - Seeking a variance of Sec. 4-2-2 to permit the reduction of an existing lot into a nonconforming lot and validate the existing single-family dwelling in an R-A zone.

****COMMISSIONER CAROLAN MOVED TO APPROVE APPLICATION D-1 (#4) RE: 55 SUBURBAN AVE. – JOSEPH GIACOBBE - SEEKING A VARIANCE OF SEC. 4-2-2 TO PERMIT THE REDUCTION OF AN EXISTING LOT INTO A NONCONFORMING LOT AND VALIDATE THE EXISTING SINGLE-FAMILY DWELLING IN AN R-A ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE SHED AND DECK SHALL BE REMOVED FROM THE SINGLE-FAMILY DWELLING.**
- 2. THE PETITIONER SHALL FILE AN A-2 SURVEY ON THE LAND RECORDS OF THE CITY OF BRIDGEPORT SHOWING THE DIVISION OF THE EXISTING LOT.**

FOR THE FOLLOWING REASON:

THE PROPOSED SITE DIVISION IS IN KEEPING WITH THE RESIDENTIAL PARCELS OF PROPERTY IN THE IMMEDIATE AREA.

**** COMMISSIONER RUSSO SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

ITEM D-2 (#5) RE: 53 (aka 55) Suburban Ave. – Joseph Giacobbe - Seeking a variance of Sec. 5-1-3 to permit the construction of a single-family dwelling on a 50' x 100' lot in an R-A zone.

**** COMMISSIONER CAROLAN MOVED TO APPROVE APPLICATION D-2 (#5) RE: 53 (AKA 55) SUBURBAN AVE. – JOSEPH GIACOBBE - SEEKING A VARIANCE OF**

SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING ON A 50' X 100' LOT IN AN R-A ZONE WITH THE FOLLOWING CONDITIONS:

- 1. THE APPLICANT IS TO FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**
- 2. THE DEVELOPMENT OF THE SUBJECT PROPERTY IS TO BE IN STRICT ACCORD WITH THE PLANS SUBMITTED TO AND APPROVED BY THE BOARD.**
- 3. AN AS-BUILT SURVEY TO BE SUBMITTED TO THE ZONING DEPARTMENT UPON COMPLETION OF PROJECT.**

FOR THE FOLLOWING REASON:

THE PROJECT AS APPROVED WILL HAVE A POSITIVE EFFECT ON THE IMMEDIATE AREA AND PROVIDE A NEW HOME IN AN OLDER NEIGHBORHOOD.

**** COMMISSIONER RUSSO SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

ITEM #1 RE: 840 GRAND STREET – Dan Epifano (Esplanade, LLC) - Seeking a variance of Sec. 4-12-3 and Sec. 4-12-4 which prohibits the extension and enlargement of a non-conforming building and use, and also seeking to waive the minimum landscaping requirements the maximum site coverage requirement; and the minimum side setback requirements of Sec. 5-1-3 to permit a 2nd story addition and a ground level addition to the existing remains of a contractor’s garage in a R-C zone.

**** COMMISSIONER GRACE MOVED TO DEFER APPLICATION #1 RE: 840 GRAND STREET – DAN EPIFANO (ESPLANADE, LLC) - SEEKING A VARIANCE OF SEC. 4-12-3 AND SEC. 4-12-4 WHICH PROHIBITS THE EXTENSION AND ENLARGEMENT OF A NON-CONFORMING BUILDING AND USE, AND ALSO SEEKING TO WAIVE THE MINIMUM LANDSCAPING REQUIREMENTS THE MAXIMUM SITE COVERAGE REQUIREMENT; AND THE MINIMUM SIDE SETBACK REQUIREMENTS OF SEC. 5-1-3 TO PERMIT A 2ND STORY ADDITION AND A GROUND LEVEL ADDITION TO THE EXISTING REMAINS OF A CONTRACTOR’S GARAGE IN A R-C ZONE TO AUGUST 13, 2013.**

**** COMMISSIONER RUSSO SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

ITEM #2 RE: 725 – 727 LAUREL AVENUE – Keith Vo - Seeking a use variance of Sec. 5-1-2; and variances for maximum site coverage and minimum landscaping of Sec. 5-1-3; and

also seeking to waive the minimum driveway width of Sec. 11-1-11, the minimum parking space dimension of Sec. 11-1-10, and the minimum parking setback and perimeter landscaping requirements of Sec. 11-1-13 to legalize a 3rd residential apartment in the existing 2-family dwelling in an R-B zone.

A discussion regarding the number of meters on the building followed.

**** COMMISSIONER GRACE MOVED TO CONTINUE APPLICATION #2 RE: 725 – 727 LAUREL AVENUE – KEITH VO - SEEKING A USE VARIANCE OF SEC. 5-1-2; AND VARIANCES FOR MAXIMUM SITE COVERAGE AND MINIMUM LANDSCAPING OF SEC. 5-1-3; AND ALSO SEEKING TO WAIVE THE MINIMUM DRIVEWAY WIDTH OF SEC. 11-1-11, THE MINIMUM PARKING SPACE DIMENSION OF SEC. 11-1-10, AND THE MINIMUM PARKING SETBACK AND PERIMETER LANDSCAPING REQUIREMENTS OF SEC. 11-1-13 TO LEGALIZE A 3RD RESIDENTIAL APARTMENT IN THE EXISTING 2-FAMILY DWELLING IN AN R-B ZONE TO AUGUST 13, 2013 IN ORDER FOR THE ZONING ENFORCEMENT OFFICER TO INSPECT THE PROPERTY.**

**** COMMISSIONER EAGEN SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

ITEM #3 RE: 1006 BROAD STREET – - Barnum Publick House LLC - Seeking a variance of Sec. 12-10 to permit the establishment of a café liquor restaurant and the issuance of a café liquor restaurant permit; and also seeking the establishment of an outside patio/dining area with patio liquor permit along the Bank Street frontage within 1500’ of other liquor outlets in a DVD zone.

A brief discussion followed as to whether temporary or permanent fencing should be installed.

**** COMMISSIONER GRACE MOVED TO APPROVE APPLICATION #3 RE: 1006 BROAD STREET – BARNUM PUBLICK HOUSE LLC - SEEKING A VARIANCE OF SEC. 12-10 TO PERMIT THE ESTABLISHMENT OF A CAFÉ LIQUOR RESTAURANT AND THE ISSUANCE OF A CAFÉ LIQUOR RESTAURANT PERMIT; AND ALSO SEEKING THE ESTABLISHMENT OF AN OUTSIDE PATIO/DINING AREA WITH PATIO LIQUOR PERMIT ALONG THE BANK STREET FRONTAGE WITHIN 1500’ OF OTHER LIQUOR OUTLETS IN A DVD ZONE WITH THE FOLLOWING CONDITIONS:**

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

2. THE PATIO AREA SHALL BE FENCED. FURTHERMORE, NO SIGNAGE, BANNERS, OR ADVERTISING MATERIAL TO BE ATTACHED TO THE FENCES.

3. THE ONLY ACCESS TO PATIO IS THROUGH THE BUILDING. ANY ACCESS FROM THE SIDEWALK OR STREET IS STRICTLY PROHIBITED.

FOR THE FOLLOWING REASONS:

1. OUTSIDE DINING IS IN KEEPING WITH THE DEVELOPMENT OF THE DOWNTOWN AREA.

2. THE PROJECT, AS APPROVED, COMPLIES WITH THE MASTER PLAN OF CONSERVATION AND DEVELOPMENT IN THE DOWNTOWN ZONES.

**** COMMISSIONER EAGEN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ITEM #4 RE: 545 BREWSTER STREET – City of Bridgeport Board of Education - Seeking variances of the minimum front yard setback; the maximum site coverage, and the minimum landscaping requirements of Sec. 5-1-3, the minimum number of off-street parking spaces of Sec. 11-1-1, and the interior and perimeter landscaping requirements of Sec. 11-1-13 (a-e) to permit the construction of a 2-story addition to the existing school building in the proposed R-C zone.

Atty. Schmidt spoke briefly about the Board of Education’s plans to acquire the outstanding parcel.

**** COMMISSIONER EAGEN MOVED TO APPROVE APPLICATION #4 RE: 545 BREWSTER STREET – CITY OF BRIDGEPORT BOARD OF EDUCATION - SEEKING VARIANCES OF THE MINIMUM FRONT YARD SETBACK; THE MAXIMUM SITE COVERAGE, AND THE MINIMUM LANDSCAPING REQUIREMENTS OF SEC. 5-1-3, THE MINIMUM NUMBER OF OFF-STREET PARKING SPACES OF SEC. 11-1-1, AND THE INTERIOR AND PERIMETER LANDSCAPING REQUIREMENTS OF SEC. 11-1-13 (A-E) TO PERMIT THE CONSTRUCTION OF A 2-STORY ADDITION TO THE EXISTING SCHOOL BUILDING IN THE PROPOSED R-C ZONE WITH THE FOLLOWING CONDITION:**

THE PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.

FOR THE FOLLOWING REASONS:

- 1. THE DEVELOPMENT OF THE SUBJECT SITE WILL ENHANCE THE SAFETY OF STUDENTS.**
- 2. VARIANCES ARE NEEDED FOR THIS PROJECT AS THE HARDSHIP EXISTS DUE TO THE SIZE, SHAPE AND TOPOGRAPHY OF THE SUBJECT SITE.**
- 3. THE PROPOSED RENOVATIONS AND ADDITION WILL PROVIDE AN UP-TO-DATE EDUCATIONAL FACILITY FOR THE STUDENTS ATTENDING THIS FACILITY.**

**** COMMISSIONER RUSSO SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

ITEM #5 RE: 98 GROVERS AVENUE – K. Oni Chikwu - Seeking a variance of Sec. 14-7-4 to validate the existing accessory structures consisting of a guest cottage and a garage with domestic living accommodations on an interior developed lot in an R-AA zone and coastal area.

Atty. Schmidt reminded the Commission that each house is different and when raising a existing building, the rules vary.

**** COMMISSIONER CAROLAN MOVED TO APPROVE APPLICATION #5 RE: 98 GROVERS AVENUE – K. ONI CHIKWU - SEEKING A VARIANCE OF SEC. 14-7-4 TO VALIDATE THE EXISTING ACCESSORY STRUCTURES CONSISTING OF A GUEST COTTAGE AND A GARAGE WITH DOMESTIC LIVING ACCOMMODATIONS ON AN INTERIOR DEVELOPED LOT IN AN R-AA ZONE AND COASTAL AREA WITH THE FOLLOWING CONDITIONS:**

- 1. THE PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT FOR THE RENOVATION OF THE GUEST COTTAGE AND GARAGE WITH A DOMESTIC APARTMENT ABOVE**
- 2. THE MAXIMUM HEIGHT OF THESE STRUCTURES ARE NOT TO EXCEED THE FEMA GUIDE LINES FOR WATERFRONT PROPERTIES.**

FOR THE FOLLOWING REASONS:

- 1. SHAPE, SIZE, LOCATION OF THIS INTERIOR LOT, AND FLOOD ELEVATION REQUIREMENTS PROVIDE THE HARDSHIP WHICH NECESSITATES THE NEED FOR VALIDATION OF THESE ACCESSORY STRUCTURES.**

2. THE APPROVAL OF THIS PETITION WILL HAVE NO ADVERSE IMPACT ON THE COASTAL AREA.

**** COMMISSIONER GRACE SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

OTHER BUSINESS.

Discussion of 2458 Main Street, aka 2466 Main Street.

Mr. Buckley gave a brief overview of a recent decision by Judge Rackliffe regarding Ms. Lillian Iodice and her claim of a grievance with regard to a liquor license certification at 2458 Main Street. It was alleged that the Zoning Enforcement Officer erred in his issuance of a Certification of Zoning Compliance for the café with adult entertainment in an ORG zone.

Mr. Buckley explained that Atty. Jonathan Klein had submitted a challenge to the renewal of the liquor license at the café. There had been no closure of the café or break in service. Mr. Buckley reminded the Commissioners that the Zoning regulation 14-10- 1 only allows for a 30 day window for an appeal. Ms. Iodice's appeal had been made in 2012, years after the liquor license renewal was granted in 2008. Mr. Buckley discussed this application with Chairman Piccirillo and it was decided not to include the application on the agenda.

Judge Rackliffe subsequently ruled that only the Commission had the authority to decide whether Ms. Iodice was grieved or not. Therefore, the Commission must make a decision regarding this issue that is duly recorded in the minutes of the meeting.

**** COMMISSIONER RUSSO MOVED TO AFFIRM THE DECISION OF THE ZONING ENFORCEMENT OFFICER REGARDING 2458 MAIN STREET, AKA 2466 MAIN STREET.**

**** COMMISSIONER EAGEN SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

Atty. Schmidt requested that a transcript of the discussion on 2458 Main Street be prepared. This was duly noted.

TABLED ITEMS.

There were no tabled items to consider at this time.

ADOPTION OF MINUTES.

Approval of ZBA Minutes for June 11, 2013 –

A quorum of the Commissioners seated at that meeting was not present to approve the minutes.

ADJOURNMENT.

**** COMMISSIONER CAROLAN MOVED TO ADJOURN.**

**** COMMISSIONER EAGEN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:25 p.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services