

**CITY OF BRIDGEPORT  
ZONING BOARD OF APPEALS  
PUBLIC HEARING  
AUGUST 11, 2015**

**ATTENDANCE:** Linda Grace, Chair; John J. Carolan; Kelly Perez; Maria Alves; Robyn Shepard

**STAFF:** Paul Boucher, Assistant Zoning Official; Dennis Buckley, Zoning Official; Diego Guevara, Design Review Coordinator; Atty. Mark Anastasi, City's Attorney

**CALL TO ORDER**

The Chair called the meeting to order at 6:05 PM. A quorum was present. The Chair reviewed the procedures for the hearing.

**CONTINUED ITEMS**

**C-1 2575, 2533 & 2543 East Main St. & 71 Waverly Pl. – Petition of Cumberland Farms, Inc. – Seeking a use variance under Sec. 6-1-2 and also seeking variances of the front setback and accessory structure height requirements under Sec. 6-1-3; the maximum structure size requirement under Sec. 4-9-1.c.2; the building siting and window area requirement under Sec. 6-1-4 (a) & (b) and the maximum fence height requirement under Sec. 11-8-3; to permit the redevelopment and construction of a new 4,738 sq. ft. retail sales building in an OR zone.**

Atty. Benjamin Purwell came forward to speak on the item, in addition to Patrick O'Hare, the project's engineer.

Atty. Purwell stated that Cumberland Farms is the contract purchaser of 3 pieces of property on the corner of Waverly Place and East Main Street, and that they hoped to expand the operation pictured on the provided map. He stated that in response to concerns stated at the last meeting by neighbors, they had a meeting with the locals as well as council members, and have come up with the following items to support and address:

1. The direct abutter's driveway is on a portion of the Cumberland Property, which was not known until a survey was done. They have provided Mr. Balleas a letter giving him an easement on the corner of the driveway. The easement is granted in perpetuity, so long as it is maintained.

2. Cumberland Farms is working with the City's Engineering Department to improve the traffic light, in order to create better synchronization and provide better control of traffic during peak times.
3. Cumberland Farms intends to improve the overall appearance of the property, particularly in regards to more and more effective lighting.
4. Cumberland Farms intends to move the building placement so that all parking will be in front of the new building, allowing employees to police the parking lot. In addition, the improved lighting should discourage individuals from hanging around the building.
5. Cumberland Farms called the waste collection providers and told them to change the 3 AM garbage pickup. The area has recently changed providers, so they are now in contact with the new providers as well, working towards a solution.

Atty. Purwell stated that some things are out of their power, such as food trucks frequenting the area or the placement of a stop sign, but that they will support the neighborhood's endeavors to bring these things to fruition.

The Chair asked what material the fencing would be made of, and Atty. Purwell stated that it would be vinyl plaid stockade fencing consisting of a frame and 9 inch solid panels.

Atty. Purwell stated that they have provided the neighbors with John Moritz's contact information, and will also provide them with information on store managers and area managers. He stated that they would be happy to post things from the hours of operation. In addition, he stated that they would conduct a 1 to 2 month trial of 24 hour operations, and if it becomes a problem, they will return to their previous hours.

Atty. Purwell thanked Council Member Casco for his input and assistance in the proceedings.

The Chair asked about landscaping, and Atty. Purwell stated there was a large tree that needed to be carefully removed, and that the build cycle for the property in its entirety is about 16 weeks.

The Chair asked if anyone wished to speak in favor of the application. Sue Gotta (10 Waverly Place) came forward and stated the importance of traffic maintenance. Audrea Cosme (27B Noble Avenue) stated that she was grateful for the applicant's willingness to meet, and stated that she felt it was a productive meeting. Ms. Cosme stated that it should be a good venture as long as the lines of communication and collaboration remain open.

The Chair asked if anyone wished to speak in opposition. Hearing none, she closed the hearing on 2575, 2533 & 2543 East Main St. & 71 Waverly Place.

**C-2 (#5) 110 Broadway St. – Petition of RMVA-NY Properties, LLC – Seeking a use variance of Sec. 5-1-2, and also seeking variances of the required side setback requirement and the cumulative setback requirements under Sec. 5-1-3, and also seeking a variance of all of the required off-street parking spaces required under Sec. 11-1-2 to permit the construction of a 2-family dwelling in an R-A zone.**

The applicant came forward and stated that he believes he has eliminated all instances of variance abuse and issues. He stated that he believes the revitalization of the property will make a huge improvement for the community. He stated that they intend to put in a sidewalk, and that he does not believe the new property will impact traffic issues.

Jeff Post, architect, came forward and stated that he made the following changes to the architectural site plan as well as amendments to the intended building:

1. The positioning of the building has changed to the East, eliminating the previous setback issue.
2. The square footage of the building was reduced, allowing them to fulfill the parking requirements and placing them beneath the 60% coverage threshold.
3. A front gable has been added in order to make the appearance similar to the neighboring single family homes.
4. The existing footprint of the building on the ground has been relocated in an effort to reduce the level of non-conformity on the site.

The Chair asked if they were able to add three parking spaces, and Mr. Post stated 2 are in the back, while 1 slip is in the front. The Chair asked if the house is 2-family, and Mr. Post stated that it is a duplex split straight down the middle.

Mr. Guevara stated that it would be advisable to remove the slip parking space in the front of the property while keeping the two parking spaces in the back of the property.

The Chair asked if anyone wished to speak in favor of the application. No one came forward. She then asked if anyone wished to speak in opposition. Hearing none, she closed the hearing on 110 Broadway Street.

### **DEFERRED ITEM**

**D-1 (#6) 1944-1954 Boston Ave. – Petition of Elle Em In Oh Pre, LLC – Seeking a variance of Sec. 11-8-3b, which prohibits a fence to exceed 4' in height on a corner lot and violates the height and location requirements in an OR zone.**

Chantell Blackford came forward and handed in the appropriate mailings. She stated that she owns the preschool in question, and that the fence should remain 6 feet tall for safety reasons, and to preserve her property and discourage theft of playground equipment.

The Chair asked if anyone wished to speak in favor of the application. No one came forward. She then asked if anyone wished to speak in opposition.

A letter of opposition was read, stating that the stockade fencing is a traffic hazard, and should be changed to a chain link or something with comparably improved visibility. The Chair asked if Ms. Blackford would be amenable to this, and Ms. Blackford stated that she was not.

The hearing on 1944-1954 Boston Avenue closed.

### NEW ITEMS

**#1. 1300 Seaview Ave. – Petition of Seaview Avenue Realty, LLC – Violation Resolved – 7/17/15**

**#2. 61 Hurd Ave. – Petition of Churrascaria Pioneira, LLC – Seeking to amend a condition of approval to a petition granted by the Zoning Board of Appeals on 11/10/09, which permitted a small 3-piece ensemble to be the only live entertainment in the liquor licensed full service restaurant in an OR zone.**

Atty. Raymond Rizio came forward and stated that the applicants had realized they did not formally ask for the amendment of original conditions during their June patio application, and so they immediately reapplied.

Atty. Rizio stated that the original approvals stated that a 3-piece ensemble was the only acceptable entertainment for the Churrascaria. He stated that they were asking to change condition #6 to add DJ or karaoke to that entertainment. Atty. Rizio stated that the request is consistent with the facility, and that they are amenable to a condition that states the entertainment not take place outside. He stated that there is a great deal of parking, so any potential draw from these entertainment acts would bring.

The Chair asked if the DJ would sit only on the stage, and Atty. Rizio stated that they wanted the acts to have free range of the interior of the property. He further stated that the property abuts Santos Construction and a Church, neither of which should be affected by the noise.

The Chair asked if anyone wished to speak in favor of the application. No one came forward. She then asked if anyone wished to speak in opposition. Hearing none, she closed the hearing on 61 Hurd Avenue.

**#3. 1794 Barnum Ave. – Petition of 500 North Avenue, LLC – Seeking variances of the setback requirements; the minimum floor area ratio; the maximum site coverage and the minimum landscaping requirements of Sec. 6-1-3 and also seeking a variance of Sec. 4-12-4 prohibiting the expansion of a nonconforming structure to permit the construction of a new pitched roof and stairwell covering on the existing commercial building in an OR zone.**

Patrick Rose came forward and turned in the appropriate mailings. He stated that the changes to the existing building on the corner of Barnum and Bishop were in the interest of safety in instances of inclement weather (the stairwell) and necessary repairs (the leaking roof).

The Chair asked if anyone wished to speak in favor of the application. No one came forward. She then asked if anyone wished to speak in opposition. Hearing none, she closed the hearing on 1794 Barnum Avenue.

**#4. (908)-910 Wood Ave. – Petition of VBCI Bridgeport Ministries, Inc – 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 community facility in conjunction with a New York state religious organization in the existing commercial building in an OR zone.**

The applicant came forward and presented a receipt, but not the mailings. It was determined that while it was evidence of something, it was not sufficient for the hearing. The Chair stated that the applicant would need to re-mail the notices and check with staff as to how to properly mail the items. The Chair stated that the item would be deferred.

**#5. 504-506 Merritt Ave. – Petition of Cesar Luna – Seeking a variance of the required side and rear setback requirements of Sec. 5-1-3 to permit the construction of a 100.32 sq. ft. accessory structure in an R-A zone.**

Cesar Luna came forward and turned in the appropriate mailings. Mr. Luna stated that he has two small children, and in order to keep them safe, he built a shed for his yard equipment, including a lawn mower, gasoline, rakes, and shovels.

The Chair asked if the shed was solely for yard maintenance, and Mr. Luna answered in the affirmative. The Chair asked how long the shed had been there, and Mr. Luna stated he finished it Monday. The Chair asked if someone had complained, and Mr. Luna stated that his neighbor to the back thought it was too high, and he explained to her that given his property's position on a hill, there is no other place to put it. The Chair inquired about the height, and Mr. Luna stated that it was around 8 feet tall. He stated that he does not have the money to move the full shed. The Chair asked about the material, and Mr. Luna stated that the shed is made of wood and shingled roofing. The Chair asked if there was only 1 door, and Mr. Luna answered in the affirmative.

The Chair asked if anyone wished to speak in favor of the application. No one came forward. She then asked if anyone wished to speak in opposition. Hearing none, she closed the hearing on 504-506 Merritt Avenue.

**#6. 1955 Boston Ave. – Petition of Saltamontes Tire Company – Requesting a rehearing relating to the tire changing activity and fleet storage of service vehicles to permit the establishment of a tire sales, repair and installation business in the existing commercial building in an OR zone.**

Ray Jimenez came forward to represent Saltamontes Tires. He stated that they were requesting a rehearing on the basis of substantive differences.

The Chair asked if anyone wished to speak in favor of the application. No one came forward. She then asked if anyone wished to speak in opposition. Hearing none, she closed the hearing on 1955 Boston Avenue.

**DECISION SESSION**

**C-1 2575, 2533 & 2543 EAST MAIN ST. & 71 WAVERLY PL. – PETITION OF CUMBERLAND FARMS, INC. – SEEKING A USE VARIANCE UNDER SEC. 6-1-2 AND ALSO SEEKING VARIANCES OF THE FRONT SETBACK AND ACCESSORY STRUCTURE HEIGHT REQUIREMENTS UNDER SEC. 6-1-3; THE MAXIMUM STRUCTURE SIZE REQUIREMENT UNDER SEC. 4-9-1.C.2; THE BUILDING SITING AND WINDOW AREA REQUIREMENT UNDER SEC. 6-1-4 (A) & (B) AND THE MAXIMUM FENCE HEIGHT REQUIREMENT UNDER SEC. 11-8-3; TO PERMIT THE REDEVELOPMENT AND CONSTRUCTION OF A NEW 4,738 SQ. FT. RETAIL SALES BUILDING IN AN OR ZONE.**

**\*\* COMMISSIONER CAROLAN MOVED TO GRANT ITEM C-1 2575, 2533 & 2543 EAST MAIN ST. & 71 WAVERLY PL. – PETITION OF CUMBERLAND FARMS, INC. – SEEKING A USE VARIANCE UNDER SEC. 6-1-2 AND ALSO SEEKING VARIANCES OF THE FRONT SETBACK AND ACCESSORY STRUCTURE HEIGHT REQUIREMENTS UNDER SEC. 6-1-3; THE MAXIMUM STRUCTURE SIZE REQUIREMENT UNDER SEC. 4-9-1.C.2; THE BUILDING SITING AND WINDOW AREA REQUIREMENT UNDER SEC. 6-1-4 (A) & (B) AND THE MAXIMUM FENCE HEIGHT REQUIREMENT UNDER SEC. 11-8-3; TO PERMIT THE REDEVELOPMENT AND CONSTRUCTION OF A NEW 4,738 SQ. FT. RETAIL SALES BUILDING IN AN OR ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE NUMBER OF CURB CUTS SHALL BE REDUCED TO TWO (2).**
- 2. AN EASEMENT SHALL BE FILED ON THE LAND RECORDS GIVING THE ABUTTING NOBLE AVENUE PROPERTY OWNER DRIVEWAY ACCESS IN PERPETUITY.**
- 3. DELIVERIES AND WASTE PICKUP SHALL ONLY BE ALLOWED FROM 7 AM TO 11 PM.**
- 4. THE WHITE VINYL DECORATIVE FENCING ALONG THE WESTERLY PROPERTY LINE SHALL NOT EXCEED 8' IN HEIGHT.**
- 5. THE REFUSE AREA SHALL BE ENCLOSED WITH A SOLID FENCE IN LESS THAN 6' IN HEIGHT WITH A SUITABLE GATE OPENING.**
- 6. ALL LIGHTING SHALL BE DIRECTED INWARD TOWARD THE SITE TO COMPLY WITH SEC. 11-8-1 OF THE ZONING REGULATIONS.**
- 7. THE SITE DEVELOPMENT SHALL BE IN STRICT ACCORD WITH THE PLANS SUBMITTED AND APPROVED BY THE BOARD.**

**FOR THE FOLLOWING REASONS:**

- 1. THE PROJECT AS APPROVED WILL BE A SIGNIFICANT IMPROVEMENT TO THE AREA.**
- 2. THE INCREASED LIGHTING AND REPOSITIONING OF THE BUILDING WILL CREATE A SAFER ENVIRONMENT FOR PATRONS OF THIS FACILITY.**
- 3. THE UNIQUE SHAPE OF THIS PARCEL, COMBINED WITH THREE STREET FRONTAGES, MAKE THIS PROPERTY DIFFICULT TO IMPROVE AND REDEVELOP WITHOUT THE NEED OF VARIANCES.**

**\*\* COMMISSIONER SHEPARD SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY.**

**C-2 (#5) 110 BROADWAY ST. – PETITION OF RMVA-NY PROPERTIES, LLC – SEEKING A USE VARIANCE OF SEC. 5-1-2, AND ALSO SEEKING VARIANCES OF THE REQUIRED SIDE SETBACK REQUIREMENT AND THE CUMULATIVE SETBACK REQUIREMENTS UNDER SEC. 5-1-3, AND ALSO SEEKING A VARIANCE OF ALL OF THE REQUIRED OFF-STREET PARKING SPACES REQUIRED UNDER SEC. 11-1-2 TO PERMIT THE CONSTRUCTION OF A 2-FAMILY DWELLING IN AN R-A ZONE.**

**\*\* COMMISSIONER SHEPARD MOVED TO GRANT ITEM C-2 (#5) 110 BROADWAY ST. – PETITION OF RMVA-NY PROPERTIES, LLC – SEEKING A USE VARIANCE OF SEC. 5-1-2, AND ALSO SEEKING VARIANCES OF THE REQUIRED SIDE SETBACK REQUIREMENT AND THE CUMULATIVE SETBACK REQUIREMENTS UNDER SEC. 5-1-3, AND ALSO SEEKING A VARIANCE OF ALL OF THE REQUIRED OFF-STREET PARKING SPACES REQUIRED UNDER SEC. 11-1-2 TO PERMIT THE CONSTRUCTION OF A 2-FAMILY DWELLING IN AN R-A ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE PARKING SPACE IN THE FRONT YARD SHALL BE ELIMINATED.**
- 2. THE FRONT OF THIS HOME SHALL BE LANDSCAPED WITH LOW LEVEL SHRUBBERY AND PROPERLY MAINTAINED.**
- 3. THE PETITIONER SHALL 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 IS IN HARMONY WITH THE ONE AND TWO FAMILY DWELLINGS IN THE NEIGHBORHOOD.**

**\*\* COMMISSIONER PEREZ SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY.**

**D-1 (#6) 1944-1954 BOSTON AVE. – PETITION OF ELLE EM IN OH PRE, LLC – SEEKING A VARIANCE OF SEC. 11-8-3B, WHICH PROHIBITS A FENCE TO EXCEED 4' IN HEIGHT ON A CORNER LOT AND VIOLATES THE HEIGHT AND LOCATION REQUIREMENTS IN AN OR ZONE.**

**\*\* COMMISSIONER ALVES MOVED TO PARTIALLY GRANT AND PARTIALLY DENY ITEM D-1 (#6) 1944-1954 BOSTON AVE. – PETITION OF ELLE EM IN OH PRE, LLC – SEEKING A VARIANCE OF SEC. 11-8-3B, WHICH PROHIBITS A FENCE TO EXCEED 4' IN HEIGHT ON A CORNER LOT AND**

**VIOLATES THE HEIGHT AND LOCATION REQUIREMENTS IN AN OR ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. ALL FENCING SHALL BE REMOVED FROM THE STATE OF CT HIGHWAY EASEMENT AND RELOCATED TO COMPLY WITH THE FRONT SETBACK LINE.**
- 2. ALL FENCING ABUTTING THE EAST AVENUE PROPERTY LINE DOES NOT HAVE TO BE REMOVED OR RELOCATED.**

**FOR THE FOLLOWING REASONS:**

- 1. A 6' HIGH FENCE IS NECESSARY FOR THE PRIVACY AND SECURITY FOR THE CHILDREN UTILIZING THIS DAYCARE CENTER.**
- 2. BOTH THE CITY OF BRIDGEPORT ORDINANCE AND ZONING REGULATIONS ARE CONCERNED WITH THE LINE OF SIGHT FOR MOTORISTS AND THEREFORE THE FRONT FENCE MUST BE RELOCATED TO ENSURE THE SAFETY OF MOTORISTS AND PEDESTRIANS.**

**\*\* COMMISSIONER SHEPARD SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY.**

**#2. 61 HURD AVE. – PETITION OF CHURRASCARIA PIONEIRA, LLC – SEEKING TO AMEND A CONDITION OF APPROVAL TO A PETITION GRANTED BY THE ZONING BOARD OF APPEALS ON 11/10/09, WHICH PERMITTED A SMALL 3-PIECE ENSEMBLE TO BE THE ONLY LIVE ENTERTAINMENT IN THE LIQUOR LICENSED FULL SERVICE RESTAURANT IN AN OR ZONE.**

**\*\* COMMISSIONER CAROLAN MOVED TO GRANT ITEM #2 RE: 61 HURD AVE. – PETITION OF CHURRASCARIA PIONEIRA, LLC – SEEKING TO AMEND A CONDITION OF APPROVAL TO A PETITION GRANTED BY THE ZONING BOARD OF APPEALS ON 11/10/09, WHICH PERMITTED A SMALL 3-PIECE ENSEMBLE TO BE THE ONLY LIVE ENTERTAINMENT IN THE LIQUOR LICENSED FULL SERVICE RESTAURANT IN AN OR ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. LIVE ENTERTAINMENT SHALL CONSIST OF 3-PIECE ENSEMBLES, DJS AND KARAOKE.**
- 2. ALL ENTERTAINMENT SHALL BE WITHIN THE BUILDING.**
- 3. THERE SHALL BE NO ENTERTAINMENT ON THE PATIO AT ANYTIME FOR ANY REASON. THIS INCLUDES ANY AMPLIFIED MUSIC BEYOND THE CONFINES OF THE BUILDING.**

**FOR THE FOLLOWING REASONS:**

- 1. THIS APPROVAL SHALL HAVE NO ADVERSE IMPACT ON THE NEIGHBORING PROPERTIES.**

**\*\* COMMISSIONER ALVES SECONDED THE MOTION.  
\*\* MOTION PASSED UNANIMOUSLY.**

**#3. 1794 BARNUM AVE. – PETITION OF 500 NORTH AVENUE, LLC – SEEKING VARIANCES OF THE SETBACK REQUIREMENTS; THE MINIMUM FLOOR AREA RATIO; THE MAXIMUM SITE COVERAGE AND THE MINIMUM LANDSCAPING REQUIREMENTS OF SEC. 6-1-3 AND ALSO SEEKING A VARIANCE OF SEC. 4-12-4 PROHIBITING THE EXPANSION OF A NONCONFORMING STRUCTURE TO PERMIT THE CONSTRUCTION OF A NEW PITCHED ROOF AND STAIRWELL COVERING ON THE EXISTING COMMERCIAL BUILDING IN AN OR ZONE.**

**\*\* COMMISSIONER CAROLAN MOVED TO GRANT ITEM #3 RE: 1794 BARNUM AVE. – PETITION OF 500 NORTH AVENUE, LLC – SEEKING VARIANCES OF THE SETBACK REQUIREMENTS; THE MINIMUM FLOOR AREA RATIO; THE MAXIMUM SITE COVERAGE AND THE MINIMUM LANDSCAPING REQUIREMENTS OF SEC. 6-1-3 AND ALSO SEEKING A VARIANCE OF SEC. 4-12-4 PROHIBITING THE EXPANSION OF A NONCONFORMING STRUCTURE TO PERMIT THE CONSTRUCTION OF A NEW PITCHED ROOF AND STAIRWELL COVERING ON THE EXISTING COMMERCIAL BUILDING IN AN OR 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. ALL CONSTRUCTION SHALL COMPLY WITH THE BASIC BUILDING CODE OF THE STATE OF CT.**

**FOR THE FOLLOWING REASONS:**

- 1. A PITCHED ROOF WILL CORRECT THE LEAKING PROBLEM ASSOCIATED WITH THE EXISTING FLAT ROOF.**
- 2. COVERED STAIRS WILL BE LESS DANGEROUS IN THE INCLEMENT WEATHER.**

**\*\* COMMISSIONER PEREZ SECONDED THE MOTION.  
\*\* MOTION PASSED UNANIMOUSLY.**

City of Bridgeport

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Zoning Board of Appeals

August 11, 2015

Public Hearing

**#4. (908)-910 WOOD AVE. – PETITION OF VBCI BRIDGEPORT MINISTRIES, INC – 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 COMMUNITY FACILITY IN CONJUNCTION WITH A NEW YORK STATE RELIGIOUS ORGANIZATION IN THE EXISTING COMMERCIAL BUILDING IN AN OR ZONE.**

**\*\* COMMISSIONER ALVES MOVED TO DEFER #4 RE: (908)-910 WOOD AVE. – PETITION OF VBCI BRIDGEPORT MINISTRIES, INC – 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 COMMUNITY FACILITY IN CONJUNCTION WITH A NEW YORK STATE RELIGIOUS ORGANIZATION IN THE EXISTING COMMERCIAL BUILDING IN AN OR ZONE TO SEPTEMBER 8, 2015.**

**\*\* COMMISSIONER SHEPARD SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY.**

**#5. 504-506 MERRITT AVE. – PETITION OF CESAR LUNA – SEEKING A VARIANCE OF THE REQUIRED SIDE AND REAR SETBACK REQUIREMENTS OF SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A 100.32 SQ. FT. ACCESSORY STRUCTURE IN AN R-A ZONE.**

**\*\* COMMISSIONER PEREZ MOVED TO GRANT ITEM #5 RE: 504-506 MERRITT AVE. – PETITION OF CESAR LUNA – SEEKING A VARIANCE OF THE REQUIRED SIDE AND REAR SETBACK REQUIREMENTS OF SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A 100.32 SQ. FT. ACCESSORY STRUCTURE IN AN R-A ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE PETITIONER IS TO FILE AN APPLICATION FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE.**

**FOR THE FOLLOWING REASONS:**

- 1. THE SIZE OF THE REAR YARD, COMBINED WITH THE OUT CROPPING OF LEDGE LIMITS THE ADEQUATE LOCATION FOR AN ACCESSORY STRUCTURE.**

**\*\* COMMISSIONER SHEPARD SECONDED THE MOTION.  
\*\* MOTION PASSED UNANIMOUSLY.**

**#6. 1955 BOSTON AVE. – PETITION OF SALTAMONTES TIRE COMPANY – REQUESTING A REHEARING RELATING TO THE TIRE CHANGING ACTIVITY AND FLEET STORAGE OF SERVICE VEHICLES TO PERMIT THE ESTABLISHMENT OF A TIRE SALES, REPAIR AND INSTALLATION BUSINESS IN THE EXISTING COMMERCIAL BUILDING IN AN OR ZONE.**

**\*\* COMMISSIONER SHEPARD MOVED TO GRANT ITEM #6 RE: 1955 BOSTON AVE. – PETITION OF SALTAMONTES TIRE COMPANY – REQUESTING A REHEARING RELATING TO THE TIRE CHANGING ACTIVITY AND FLEET STORAGE OF SERVICE VEHICLES TO PERMIT THE ESTABLISHMENT OF A TIRE SALES, REPAIR AND INSTALLATION BUSINESS IN THE EXISTING COMMERCIAL BUILDING IN AN OR ZONE FOR THE FOLLOWING REASON:**

- 1. THE APPLICANT STATED THAT THERE WAS ADDITIONAL INFORMATION FOR THE BOARD TO CONSIDER REGARDING THE PROPOSED USE OF THIS PROPERTY.**

**\*\* COMMISSIONER PEREZ SECONDED THE MOTION.  
\*\* MOTION PASSED UNANIMOUSLY.**

#### **APPROVAL OF MINUTES**

**\*\* COMMISSIONER ALVES MOVED TO APPROVE THE MEETING MINUTES WITH THE FOLLOWING CORRECTION:**

- 1. ON PAGE 6, IT SHOULD READ THAT HE DISCOVERED IT WAS A THREE FAMILY HOME, RATHER THAN A THREE BEDROOM HOME.**

**\*\* COMMISSIONER SHEPARD SECONDED THE MOTION.  
\*\* MOTION PASSED UNANIMOUSLY.**

#### **ADJOURNMENT**

**\*\* COMMISSIONER CAROLAN MOVED TO ADJOURN.  
\*\* COMMISSIONER PEREZ SECONDED THE MOTION.  
\*\* MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:55 PM.

Respectfully submitted,

Catherine Ramos  
Telesco Secretarial Services