

**CITY OF BRIDGEPORT
ZONING BOARD OF APPEALS
PUBLIC HEARING
APRIL 13, 2021**

ATTENDANCE: Edward McLaine, Chairman; John Carolan; Michael Nastu; Ira Nachem

STAFF: Dennis Buckley, Zoning Official; Nicholas Sampieri, Zoning Inspector, Atty. Russel Liskov,

OTHER: Antonio; Ernest Agbeko; Atty. Charles Willinger; Christopher Russo; Atty. Ray Rizio; Richard Vaczek; Evan Goldberg; Patrick Rose; Bill Coleman, OPED Deputy Director; Michelle Lyons, City Council Member; April Billings; Douglas Woods

CALL TO ORDER

Chairman McLaine called the meeting to order at 6:03 P.M. There was a quorum present.

This meeting of the Zoning Board of Appeals complies with Governor Lamont's Executive Order 7b as it relates to a web-based meeting. Therefore, the in-person requirement is eliminated if a person can participate by phone or video in real time. Also, the sign posting requirement and the return receipt of notification to property owners has also been eliminated as long as the ZBA agenda has been online complying with the statute's normal earliest publication date in the Connecticut Post.

Chairman McLaine noted the absence of Commissioner Shepard and made it clear to all who decided to bring their items forward tonight that they would need a unanimous vote of four from the Board of Appeals for approval as a result. Therefore, if they desired to continue to the next meeting, they could do so.

CONTINUED & DEFERRED BUSINESS

C-1

150 ANTON ST. – PETITION OF ANTON NCN FP, LLC – SEEKING A VARIANCE OF THE RESIDENTIAL DENSITY REQUIREMENT OF 2,700-SQ. FT. OF PROPERTY PER RESIDENTIAL UNIT UNDER SEC. 5-1-3 AND ALSO A VARIANCE OF THE MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES UNDER SEC. 11-1-2 TO PERMIT THE ESTABLISHMENT OF 30 ADDITIONAL STUDIO APARTMENTS WITHIN THE EXISTING BUILDINGS WITH 30 ON-SITE PARKING SPACES IN AN R-C ZONE.

Atty. Rizio came forward to present this item. He provided a site plan for the Commission. This item had been continued previously for the Commission to update to review the review by OPED. Mr. Coleman has submitted a letter in support of this application. The Commission did not have the chance to provide a proper review before the last hearing. The client is seeking to add to pre-existing buildings. There is an area on the first floor where they can put six studios in each of the five buildings. They are appx. 500 sq. feet and each apartment will be a studio apartment. Each apartment can fit only one bedroom. 30 parking spaces will be added to support the additional 30 units. The property has a unique, triangular, shape to it.

The only way to add more parking would be to make significant cuts along Horse Tavern Brook and behind where parking is already being added. There are no residential neighbors. Atty. Rizio reviewed the other nearby properties for the Commission and said that they would not have detrimental effects and that they would not change the physical landscape of the property. He made sure to clarify that they were not increasing the existing building at all and the space already existed in the building.

There are currently 110 units and 101 parking spaces. A detailed parking analysis has been provided for the Commission. There are 90 1-bedroom apartments and 20 studio apartments. Of the 110 units only 76 of the units have cars. The other 28 do not use cars and use public transportation instead. There has not been a college student renting at this location. 62 of the units have one resident and a car. 25 of the units had no car. 14 had two residents with only 1 car. 3 had 2 residents with no car. Between 78 and 90 is the greatest number of spaces that are regularly used. After the construction is finished there will be 131 parking spaces on-site. Each of the new units will have a full parking space per unit. There have been no issues with parking at this location historically. The clients, the Goldberg's, have been good landlords within the city. They do not own student housing and have no intention to do student housing and prefer workforce housing and feel that this is an excellent project.

Atty. Rizio also mentioned that, in the letter that Mr. Coleman wrote, there was empirical data that showed that there was plenty of parking for the existing clientele. They have met with OPED and proposed additional parking, but they did not wish to see any further impact on Horse Tavern Brook and desired to keep the green space that existed. The hardship is the unusual shape of the lot and that 1 and ½ spaces are required per unit regardless of if it's a 5-bedroom house or studio and one-bedroom. They believe that strict enforcement of this regulation provides a hardship. They believe that the increase in units is warranted. They believe that there is more than adequate parking. They believe that, even though they could create additional parking, it wouldn't justify the intrusion into the topography and the makeup of the lot.

The Commission did not have further questions.

Mr. Bill Coleman came forward to speak. He said he was present to address the staff report. He said the report was supportive of the project but was intended as a staff report the kind of thinking that had been brought to the project. He said that they had tried to first anchor themselves in the concept of hardship and in that regard, they had focused on the configuration of the site, the area it could be expanded upon, the elevated aspect of the site, and the waterway as physical constraints upon the site's expansion and development. They then looked at the regulation that requires there be 2,700 square ft of land per unit available on the site. The site, as currently configured, does not meet that minimum requirement. It is a legal non-conforming property. As it currently exists the site is currently 2,100 square ft. of land per unit available on the site. The petition is legally non-conforming in that regard. As such the required 2,700 square ft. minimum would be impossible and this has been the case since the site was originally developed. The Master Plan of Bridgeport also encourages the preservation of a tree canopy immediately adjacent to a water course. Anything that can be done to encourage natural advantages at this site to continue to exist would be a good thing. As far back as 2007 there's been a lot of open asphalt on this parking lot visible from aerial images. As a result, there is no empirical basis for a need for there to be more parking.

There was no one else who wished to speak in favor.

Mr. Richard Vaczek came forward to speak against this item. He spoke to three residents of the location who said that there was a parking problem. Cars are parked in the street and there have been incidents of people parking in the street only to have their car towed. He reported that at 3:30 P.M. today the parking lot was 70% full of cars. He said that the owners already had reasonable use of the property and there was no hardship as a result. It is already non-conforming as well and they were expanding a non-conformity and continue to add insufficient parking at a location that the residents had told him there was not enough parking. He said that a resident of the site said he desired to move out due to how terrible the parking situation is. He also said that tow-trucks go into the lot frequently to tow cars lacking stickers. There is no true legal hardship and the property owner has full use and full legal use of the property and there is no reason to expand a non-conforming use. A large amount of the people who reside there are unhappy about living there.

City Councilwoman Michelle Lyons came forward to speak against this item. She said that Mr. Vaczek had hit upon all the points that were her concerns. She is concerned about the parking especially since she received the phone calls when there's an issue with parking, especially during snow-times and when peoples cars are towed. She requested that the ZBA look into trying to do something with the parking. She expressed her concerns over the changes. She also pointed out that the new zoning laws were not ready yet. She questioned if changing things before the new zoning regulations were passed would cause problems especially in conforming to the new zoning regulations.

No one else wished to speak in opposition to this item.

Atty. Rizio came forward to offer a rebuttal. He provided aerial images of the lot dating back to 2006. He pointed out that the lot was only appx. 50% used in the photos up to appx. 70% used in 2020. He also pointed out that permits are issued for every legal resident who desires to park there. The maximum number of permits they ever had to issue is 80. This is because there are currently 80 people who legally reside at the location who can park their cars there legally. He suggested that someone had parked there illegally who resided nearby or couldn't find parking elsewhere and had their car towed when they attempted to park in the lot. He reiterated that they have had to issue only 80 permits and every legal resident is entitled to a permit. He said that there were unsubstantiated allegations that were not realistic. Mr. Coleman's letter sets forth perfectly what the hardship is. In regard to hardship standards it is not just the matter of if a building can exist without it but also if it is consistent with the Master Plan as well, which the proposed changes are.

Atty. Rizio pointed out that they have worked hard with the City over the past several months and could have added additional parking but would have lost the tree canopy in doing so. They have worked with the City to preserve the property as best they can. He reiterated that they were adding 30 studios and were adding 30 lots to support those studios. Currently there is no problem and both currently and historically there is no parking problem. There are currently 30 spaces available since only 80 permits have been issued. Strict regulation on the amount of parking spaces is also a hardship as they are requiring the same amount of parking spaces for a studio apartment as a five-bedroom house. The property has only single-bedroom and studio apartments yet is charged with providing the exact same amount of parking as if there were two-to-three-bedroom units, student housing, or five-bedroom housing. They met with the City and showed how they could create additional spots, but the City did not desire that play.

Chairman McLaine asked Atty. Rizio if they were all one-bedroom apartments.

Atty. Rizio clarified that there are currently 91 1-bedroom and 20 studio apartments. The new units are all studio apartments. In order to support the units, there are 101 parking spaces.

Chairman McLaine asked if the people living in the one-bedroom apartments had two people living within each with their own car.

Atty. Rizio confirmed that this is the case for several apartments.

Chairman McLaine asked if any of the residents could be married with two cars.

Atty. Rizio said that none of the residents owned two cars. In 14 of the units there are two residents with 1 car.

Chairman McLaine asked if there were any illegal residents living at the site.

Atty. Rizio confirmed that, to the best of their knowledge, there were no illegal residents.

Commissioner Nachem clarified that they were adding 30 studios of appx. 450 square ft. and 30 parking spaces.

Atty Rizio confirmed that this was the case.

**** COMMISSIONER NATSU MOTIONED TO DENY ITEM C-1 FOR THE FOLLOWING REASONS:**

- 1. THE APPROVAL OF THIS PETITION WOULD RESULT IN AN OVERUSE OF THE SUBJECT PREMISES.**
- 2. THE PETITIONER FAILED TO ESTABLISH AN EXCEPTIONAL DIFFICULTY OR UNUSUAL HARDSHIP DIRECTLY EFFECTING THIS PARCEL OF LAND.**

**** COMMISSIONER CAROLAN SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

C-2

2750 NORTH AVE. – PETITION OF CARCAMO AUTO REPAIR, LLC – SEEKING TO GRANT UNDER SEC. 14-54 OF THE CT. GENERAL STATUTES AN AMENDED CERTIFICATE OF APPROVAL OF LOCATION FOR A GENERAL REPAIRER’S LICENSE AND ALSO SEEKING TO VALIDATE THE CONVENIENCE STORE USE IN THE EXISTING GAS STATION FACILITY IN AN OR-G ZONE.

Mr. Antonio came forward to speak on this item. He was requesting validation of a small convenience store within the shop which, he said, would be minor. They will be selling minor things such as soda and candy and nothing major. He said that there was already a repair shop at the location and a gas station for many years. All he is doing is changing ownership.

Chairman McLaine said that he had an issue with the condition of the property not being kept. He noticed that it had been cleaned up. He added that they couldn't put their business and things outside and cannot repair cars outside of the lot. Any cars that are repaired needed to be repaired inside of the lot. He asked if Mr. Antonio understood this.

Mr. Antonio confirmed that he understood this. He said he felt that they were mistaken and were confusing the property with another property in back separated by a fence. That property is treated like a junkyard and Mr. Antonio has no control over that. The front of the property, which is the space he controls, cars are parked properly and while cars with issues may be parked outside temporarily no repairs are conducted outside and he was going to make an emphasis on not conducting repairs outside of the bays.

Chairman McLaine said he had gone by the property and saw cars outside of the property with their hoods open. A condition of approval would be that any cars with their hoods up should be inside of the garage being worked on and any equipment should be kept inside the garage and any parts to be disposed of or waiting to be stored inside the garage and used/old parts should be disposed of properly. He asked if Mr. Antonio understood this.

Mr. Antonio said he did.

Chairman McLaine then said he was glad and noted that the place had been cleaned up considerably since the last time it had been looked at.

There was no one who wished to speak in favor of this item.

There was no one who wished to speak against this item.

**** COMMISSIONER CAROLAN MOTIONED TO APPROVE ITEM C-2 WITH THE FOLLOWING CONDITIONS:**

- 1. REPAIRS OUTSIDE OF THE SERVICE BAYS IS STRICTLY PROHIBITED.**
- 2. ALL EQUIPMENT AND MATERIALS SHALL BE STORED WITHIN THE BUILDING.**
- 3. USED AND UNWANTED PARTS SHALL BE PROPERLY DISPOSED OF AND THE WASTE CONTAINER SHALL BE ENCLOSED WITH A 6-FOOT PRIVACY FENCE.**
- 4. PETITIONER SHALL ALSO FOLLOW MOTOR VEHICLE CONDITIONS "D" (ENCLOSED).**

FOR THE FOLLOWING REASONS

- 1. THIS IS A CONTINUATION OF A WELL-ESTABLISHED MOTOR VEHICLE FACILITY.**

**** COMMISSIONER NASTU SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

D-1

9, 25 & 35 ISLAND BROOK AVE. – PETITION OF ARCHITECTURAL STONE GROUP, LLC – SEEKING TO LEGALIZE THE ESTABLISHMENT OF A STONE WHOLESALE BUSINESS ESTABLISHED WITHOUT A

CERTIFICATE OF ZONING COMPLIANCE UNDER SEC. 14-1 AND ALSO SEEKING A VARIANCE OF SEC. 14-3-3 (I) WHICH PROHIBITS OUTDOOR STORAGE IN AN I-L ZONE AND COASTAL AREA.

This item was deferred.

**** COMMISSIONER CAROLAN MOTIONED TO DEFER ITEM D-1 UNTIL THE MEETING OF TUESDAY, MAY 11, 2021.**

**** COMMISSIONER NASTU SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

D-2

1905 BARNUM AVE. – PETITION OF MUHAMMAD ALI ZULEKFAL – SEEKING TO GRANT UNDER SEC. 14-54 OF THE CT. GENERAL STATUTES AN AMENDED CERTIFICATE OF APPROVAL OF LOCATION FOR A USED CAR DEALERSHIP AND THE ISSUANCE OF A USED CAR DEALERSHIP LICENSE IN THE EXISTING GENERAL REPAIRER FACILITY IN AN OR ZONE.

This item was deferred.

**** COMMISSIONER CAROLAN MOTIONED TO DEFER ITEM D-2 UNTIL THE MEETING OF TUESDAY, MAY 11, 2021.**

**** COMMISSIONER NACHEM SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

NEW BUSINESS

#1

1370 PARK AVE. – PETITION OF BELIEVERS AUTO REPAIR & SALES – SEEKING TO GRANT UNDER SEC. 14-54 OF THE CT GENERAL STATUTES AN AMENDED CERTIFICATE OF APPROVAL OF LOCATION FOR A USED CAR DEALERSHIP UNDER NEW OWNERSHIP IN AN RB ZONE.

Mr. Ernest Agbeko came forward to speak. He is seeking permission from the Zoning department to use an already-existing lot which has been used by previous operators as a small-use car dealership. The area will allow him to sell four cars at a time and have four for repair, two inside of the garage and two in front of the garage. He will have three employees: two mechanics and possibly a secretary. There are two parking spots for employees and three available for visitors.

Chairman McLaine stated that they had received a letter in support of this application. He read the letter aloud for those present. The letter was from a neighboring business owner who was in full support of the application.

Commissioner Nachem asked about the common driveway at the location and if they would be keeping cars parked in the common driveway.

Mr. Agbeko said he would not.

Commissioner Nachem asked to confirm that Mr. Agbeko would have only four cars for sale at any time, two employee spots, and three customer spots. He also asked if the employees would be allowed to park in the common driveway.

Mr. Agbeko said that the employees would not be allowed to park in the common driveway.

Commissioner Nachem clarified that all equipment and parts both new and used would be contained in the garage.

Mr. Agbeko agreed with this statement.

Commissioner Nachem asked if this was how it was now.

Mr. Agbeko said that they were not currently in operation and waiting for approval. However, the prior owner had left a lot of cars and used parts outside which have been cleaned up.

Commissioner Nachem asked if the canopy would be removed or if it would remain.

Mr. Agbeko said it would remain.

No one wished to speak in favor of this item.

No one wished to speak in opposition to this item.

**** COMMISSIONER NATSU MOTIONED TO DENY ITEM #1 FOR THE FOLLOWING REASONS:**

- 1. THE APPROVAL OF THIS PETITION WOULD RESULT IN AN OVERUSE OF THE SUBJECT PREMISES.**

**** COMMISSIONER CAROLAN SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

#2

1697 BARNUM AVE. – PETITION OF LORENA MEJIA – SEEKING A VARIANCE OF THE 750-FOOT RADIUS REQUIREMENT UNDER SEC. 12-10B WHICH PROHIBITS THE ESTABLISHMENT OF A GROCERY BEER PERMIT IN CLOSE PROXIMITY TO OTHER SIMILAR PERMITS OR SENSITIVE USES IN AN OR ZONE.

No one was present to represent this item. There was a quick review of the possible actions that could be taken because of the absence.

**** COMMISSIONER NATSU MOTIONED TO DENY ITEM #2 FOR THE FOLLOWING REASONS:**

- 1. THE PETITIONER FAILED TO ESTABLISH AN EXCEPTIONAL DIFFICULTY OR UNUSUAL HARDSHIP RELATING TO THIS PETITION.**

**** COMMISSIONER CAROLAN SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

#3

1253 RESERVOIR AVE. – PETITION OF ALTON GONCALVES – SEEKING A VARIANCE OF THE PROHIBITION OF THE REDUCTION IN SIZE OF A FULLY CONFORMING LOT UNDER SEC. 4-4-2 TO ESTABLISH TWO (2) NONCONFORMING LOTS AND ALSO SEEKING A VARIANCE OF SEC. 5-1-3 TO VALIDATE THE EXISTING 1-FAMILY DWELLING NO LONGER IN COMPLIANCE WITH THE MINIMUM LOT AREA REQUIREMENTS IN A IN AN R-A ZONE. THE PETITIONER IS ALSO SEEKING AN ADDITIONAL VARIANCE OF SEC. 5-1-3, TABLE 3 TO CONSTRUCT A 1-FAMILY DWELLING ON A NONCONFORMING LOT IN AN R-A ZONE

Atty. Charles Willinger came forward to speak on this item as a representative of Alton Goncalves who was present as well. He wishes to sub-divide the parcel into two lots. One has an existing house which has been completely rehabilitated and put back on the market and the second will create what is known as 'Lot A' with the intention of building a brand-new house on that lot. A survey and floor plans have been submitted. These were presented for Commission review. He reviewed the layout of the lot for the Commission. The existing house was rehabilitated to the exact same footprint as the former house that was on there. The property was purchased in August of 2017. The original house was abandoned and dilapidated before renovation both inside and outside of the house.

He provided photos of the property which were reviewed. He reiterated that the house had been ready to fall and had been rehabilitated while remaining in the original footprint. This lot was part of Rocky Hill Crest 1919. Every lot on the map is 25 feet by 100 feet. He then provided the warranty deed for the property which he reviewed for the Commission. When the houses were constructed, people would buy two of the lots for each house. This resulted in lots that were 50 feet by 100 feet. Discussion followed on the details and history of the lots. The hardship comes from imposing the zoning regulations on a neighborhood which has existed for 102 years with most of the homes being built around that time. The variances being sought are the least deviation to get the proposal approved. If granted the homes will be in harmony with the neighborhood. There will be no adverse impact on the neighborhood. Additionally, rehabilitating the house from its dilapidated state is a positive effect on the neighborhood.

He also brought up that the courts approve of the Zoning Board of Appeals granting a variance if in granting the variance they give the petitioner basically the same protection and treatment afforded to neighbors. As such if similar applications have been granted then out of fundamental fairness, they should have the same approval. He pointed out that the neighbors have been living on similar lots and they have granted the same variances previously. This applies to several other neighborhoods as well. The older neighborhoods are dying and need revitalization and he felt they had recognized that with their approval. He also brought up zoning regulations regarding the size allowed for an RA zone. Page 3 of the Master Plan contains the overriding goal of increasing new residential development. Page 11 contains the goal of updating the housing stock and increasing the supply. It mentioned that, as of 2017, 85% of the new housing demand in Bridgeport was unmet.

No one wished to speak in favor of this application.

No one wished to speak in opposition to this application.

**** COMMISSIONER NASTU MOTIONED TO APPROVE ITEM #3 WITH THE FOLLOWING CONDITIONS:**

City of Bridgeport
Zoning Board of Appeals
Public Hearing
April 13, 2021

1. AN A-2 SURVEY OF EACH NEW LOT SHALL BE FILED ON THE LAND RECORDS OF THE CITY OF BRIDGEPORT.
2. THE PETITIONER SHALL SUBMIT PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.
3. ALL CONCERNS OF THE CITY ENGINEER SHALL BE INCORPORATED INTO THIS DEVELOPMENT.
4. THE FRONT OF THE NEW HOME SHALL BE PLANTED WITH LOW LYING SHRUBS, PROPERLY MAINTAINED, AND REPLACED WHEN NECESSARY.

FOR THE FOLLOWING REASONS:

1. THE NEW LOTS CONFORM IN SIZE WITH THE LOTS IN THE SURROUNDING NEIGHBORHOOD.
2. A LARGE PORTION OF THE ORIGINAL LOT WAS UNDER UTILIZED AT THE TIME OF DEVELOPMENT.
3. THE PROJECT AS APPROVED WILL HAVE NO ADVERSE IMPACT ON THE IMMEDIATE AREA.

** THE MOTION PASSED UNANIMOUSLY.

#4

1389 PEMBROKE ST. – PETITION OF DOUGLAS WOODS/DOUGLAS ALLEN INVESTMENT GROUP – SEEKING VARIANCES OF THE RESIDENTIAL DENSITY REQUIREMENT OF 2,700 SQ. FT. OF PROPERTY PER RESIDENTIAL UNIT; THE MAXIMUM SITE COVERAGE AND THE MINIMUM LANDSCAPING REQUIREMENTS UNDER SEC. 5-1-3 AND ALSO SEEKING TO WAIVE SIX (6) OF THE 10 REQUIRED ON-SITE PARKING SPACES TO PERMIT THE RENOVATION OF THE EXISTING FOUR (4) UNIT APARTMENT BUILDING IN AN R-C ZONE.

Mr. Douglas Woods came forward to speak on this item. Mr. Woods purchased the property with his business partner six years ago. The property was purchased as a six-family building. It was renovated as a six-unit apartment location and all the permits were acquired. The partner passed away 3 years ago in 2017. When Mr. Woods went to sell the property, he was informed that the first floor was not permitted to be apartments and had been zoned as retail space. There was a fire in the location the following year and the left side of the building was vacant for a year.

For the past 20 years the location has been taxed as a 6-family location and was purchased as such. He felt keeping it as a retail space would not serve the neighborhood any good. The building continues to be a six-unit location.

Commissioner Nachem asked about the parking lot behind the property and what they would be doing with the spaces present.

Mr. Woods replied that the City requires 1.5 parking spaces per bedroom. As such he is not able to make the number of parking spaces required in the lot on the property for each lot to have their own space. Residents park in the lots of other locations as a result.

Chairman McLaine said that Commissioner Nachem was out of order. Commissioner Nachem apologized.

Chairman McLaine asked to clarify the date of the purchase.

Mr. Woods clarified that he had purchased it in 2015.

Chairman McLaine asked if he had hired a lawyer to do the closing on the property.

Mr. Woods said he had hired a lawyer to do the closing. Since it had been purchased with cash, he assumed that the lawyer had not looked through the zoning regulations. When he had pulled the permits initially nothing had come up in zoning. It wasn't until after the partner had passed and Mr. Woods tried to sell the building that the person buying the property did a search and noticed the inconsistency.

Chairman McLaine said that the lawyer had not properly researched the location before buying it. Had he purchased it contingent upon the zoning being legal or contingent upon it being a six-family structure then the lawyer would have discovered that it was not. He asked to confirm that Mr. Woods had purchased it with cash and as-is.

Mr. Woods confirmed this.

Chairman McLaine said that he had continued to use it in an illegal manner until there was a fire and they needed to legalize it.

Mr. Woods clarified that it was after his partner had passed. They had done everything they could to legalize it. When it had been purchased it was in complete disrepair. He had pulled multiple permits without issue including electrical, plumbing, building, and had a Fire Marshal come to the property numerous times without issue.

Chairman McLaine said that was unfortunate but there weren't enough parking spaces on the property for residential use.

Mr. Woods said that he was there to obtain a variance for the parking to legalize the first floor. He said that it would require more spaces to serve as a retail as it was originally zoned. He pointed out that it has been taxed like a six-family structure for the past six years.

There was no one who wished to speak in favor of this petition.

There was no one who wished to speak in opposition to this petition.

**** COMMISSIONER NASTU MOTIONED TO DENY ITEM #4 FOR THE FOLLOWING REASONS:**

- 1. THE PETITIONER FAILED TO ESTABLISH AN EXCEPTIONAL DIFFICULTY OR UNUSUAL HARDSHIP RELATING TO THIS PETITION.**

**** COMMISSIONER CAROLAN SECONDED THE MOTION.**

**** THE MOTION PASSED WITH THREE IN FAVOR (CAROLAN, NASTU, MCLAINE) AND ONE OPPOSED (NACHEM).**

#5

136 & 140 JAMES ST. – PETITION OF EATON ENTERPRISES, LLC – SEEKING A VARIANCE OF SEC. 4-2-2 WHICH PROHIBITS THE REDUCTION IN SIZE OF A CONFORMING LOT TO CREATE FOUR (4) NONCONFORMING LOTS IN AN R-C ZONE.

Mr. Patrick Rose came forward to discuss this item. The lot in question is currently an old industrial building that is not in good shape. They have proposed a development on this lot like another development that they did in the past. They will be making four lots and they will be completely conforming except for the size of the lots. They will be less than 9,000 square ft and will be various sizes which were provided to the Commission. Most of the existing housing lots in the area are between 5,000 and 6,000 square feet which is smaller than the proposed lot sizes provided. He mentioned multiple lots which were of similar or smaller sizes within the area as well.

He said they had been before the ZBA before in December of 2019 and were approved at that time but the approval did not get filed with the Town Clerk's office so it has lapsed which is why they are back at the ZBA for approval. He reviewed the details of the property for the Commission. This project is a joint venture between Eaton Enterprises and the City of Bridgeport. The City is looking to do the demolition next month and break ground sometime near the end of June. There are no changes from the original approval back in 2019.

Commissioner Carolan asked if they were planning to put up a retaining wall when they removed the brick buildings.

Atty. Rose noted that there was a distinct gradient change going up James St. and Sanford Ave. There is an existing building wall which they will keep in place at the end that goes between James St. and Sanford Ave. at the highpoint. They will be using the foundation walls for the garage and basement areas.

Mr. Coleman said that the City was supportive of the project, but he hasn't seen the specifics of the application itself.

**** COMMISSIONER MOTIONED TO APPROVE THIS ITEM 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 DEVELOPMENT OF THE SUBJECT PREMISES SHALL BE IN STRICT ACCORD WITH THE PLANS SUBMITTED TO AND GRANTED BY THE BOARD.**
- 3. THE CONCRETE SIDEWALK AND ADA CORNER RAMPS SHALL BE REPAIRED AND REPLACED IN ACCORDANCE WITH THE CITY OF BRIDGEPORT ENGINEER REQUIREMENTS.**
- 4. THE FRONT OF ALL FOUR (4) RESIDENTIAL DWELLINGS SHALL BE PLANTED TO THE L-2 (1) STANDARD, MAINTAINED AND REPLANTED WHEN NECESSARY.**

FOR THE FOLLOWING REASONS:

City of Bridgeport
Zoning Board of Appeals
Public Hearing
April 13, 2021

1. THE GRANTING OF THIS PETITION WILL BE A VAST IMPROVEMENT TO THE IMMEDIATE AREA.
2. THE REDEVELOPMENT OF THE SUBJECT PREMISES WILL PROVIDE NEW HOUSING UNITS IN AN OLD NEIGHBORHOOD.
3. THIS IS A RE-APPROVAL OF AN APPLICATION THAT WENT BEFORE THE BOARD ON APRIL 9, 2019 AND DECEMBER 10, 2019.

**** COMMISSIONER SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY**

(END OF PUBLIC HEARING)

OTHER BUSINESS

**** CHAIRMAN MCLAINE MADE A MOTION TO SUSPEND THE REVIEW AND APPROVAL OF MINUTES UNTIL MR. BUCKLEY STRAIGHTENS OUT THE SITUATION WITH THE MINUTES AND POSTS THE PREVIOUSLY APPROVED MINUTES TO THE WEBSITE.**

Chairman McLaine said that they were getting consistently incorrect information on minutes that were sent back for correction and he noted that they were coming back multiple times and coming back incorrect and were coming back with more mistakes than their original submission. He stated that he felt there was no reason that Mr. Buckley, who was attending these meetings, cannot review the minutes when they come into his possession and make obvious corrections before they are sent to the ZBA for approval. They come faithfully, every month, to do the best job that they can as volunteers with no pay. The Zoning Laws are supposed to provide administrative support to them. Yet they are receiving minutes that are worse than what is submitted. Hence his motion to suspend the review and approval of minutes until Mr. Buckley straightens out the situation with the minutes and posts the previously approved minutes to the website. It's appalling that there are only 4 months of minutes posted to the website for 2019 and three months of minutes posted for 2020. He said that they should have the people who are getting paid to do their jobs.

**** COMMISSIONER CAROLAN SECONDED THE MOTION.**

Commissioner Nachem said that he had read all the minutes and, in the past, fortunately or unfortunately he couldn't vote on many because he was only an alternate and he wasn't one of the members. He had looked at the minutes of February 9, 2021 and the minutes of March 9, 2021 and in his opinion there seems to be substantial improvement on these two. He had found no errors that he could discern in either one. He admitted there might have been errors in the past, including embarrassing errors with the spelling of people's names, but he would like to vote on the minutes of February 9, 2020 and March 9, 2021 for several reasons. Firstly, he feels that they are correct and secondly if they voted on them several months after the fact, they may not have a perfect recollection of what was said and what transpired than if they were voted on today. He said he was not arguing with what had happened in the past.

**** COMMISSIONER NACHEM MADE A COUNTER MOTION TO VOTE ON THE MINUTES OF FEBRUARY 9, 2021 AND MARCH 9, 2021.**

**** THE MOTION FAILED DUE TO LACK OF A SECOND.**

Chairman McLaine said that he appreciated what Commissioner Nachem had said and there were substantial mistakes in the February minutes which were corrected and new mistakes that were not there previously. He noted that this had been an ongoing problem since 2018. He wants the problems corrected and he wants them corrected as soon as possible.

Atty. Liskov suggested that all corrections should be done in hand by the corrector and tuned in to Mr. Buckley to submit to the stenographer. He suggested that the problem may be that the corrections are being handled over ZOOM® and were resulting in unclear corrections. He said it was really hard to do oral corrections and that he had read the material multiple times and didn't fully recollect all the details. He blamed the stenography company more than anything else in regard to getting people's names right. They should get the service that they are paying for and they have done a good job on other meetings and there was only a month or two of things that needed to be corrected. He requested that they discuss the months that they have a problem with and obtain a copy of the latest version of the minutes for that month, they then go over it with a red pen to highlight needed corrections.

Chairman McLaine said that he had had enough and that these issues have been going on since 2018. He has consistently requested that the approved minutes be posted to the website and this has not been done yet. They have submitted corrections before, and they have come back with more mistakes than they had previously.

Atty. Liskov said that that was crazy.

Chairman McLaine agreed with that statement. He said he had had enough, and that people were being paid to do this and needed to start doing their jobs.

Atty. Liskov said that it didn't work that way and he wished it did work that way, but it doesn't.

Chairman McLaine said he appreciated Atty. Liskov's input, but this was an issue he was not going to back down on.

It was suggested that an effort to properly correct the minutes could be spearheaded by Mr. Buckley working with the stenographers.

Chairman McLaine said that, since 2018, he has made an issue of the approved minutes not being posted for viewing. They are not being posted. There were only 4 posted for 2019 and 3 for 2020. He liked to refer to that when items come up on the agenda that had been previously dealt with.

Atty. Liskov said he would contact the City Webmaster to find out why these were not loaded up. He felt sure Mr. Buckley was turning the minutes in.

Chairman McLaine said that they could come back next month and, if this was straightened out, he would make a motion to continue reviewing and approving the minutes. Until then he was standing fast

on the suspension of the review of the minutes until a system is put in place that will ensure that they are not doing this multiple times on the same minutes.

**** CHAIRMAN McLAINE RESTATED HIS MOTION TO SUSPEND THE REVIEW AND APPROVAL OF THE MINUTES UNTIL THIS MATTER IS ADDRESSED.**

**** COMMISSIONER NASTU SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

Atty. Liskov committed to them that he would see what he could do to get the City Webmaster to load the previously approved minutes to the City website. If they do not get loaded, he will be able to provide a reason as to why they are not loaded.

Chairman McLaine said that the City Council minutes get their minutes loaded every month and other commissions get their minutes loaded. He felt that something was not right, and he wanted it addressed and straightened out.

Commissioner Nachem asked if they had a contract with a specific stenographer.

Atty. Liskov confirmed that there was an ongoing contract with the stenographer and said that they were very good, and they did not understand what the problem is. He understands the frustration especially in regard to issues with the corrections. He restated that he was going to ask that they get hard copies of the minutes and go over it with a red pen with Chairman McLaine.

Chairman McLaine said that he had worked for multiple organizations that kept the minutes and the level of incompetence being displayed by people who are getting paid is appalling. People working for free for these organizations did a better job. He said they needed to raise the bar and was confident that they could do that.

Atty. Liskov said he had two missions now. The first to find out why these were not being loaded and the second to get a copy of any minutes that had not been approved and providing Chairman McLaine with a red pen to mark corrections.

CONSENT AGENDA

There were no items on the consent agenda at this time.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE BOARD

There were no other matters currently.

APPROVAL OF MINUTES

APPROVAL OF ZBA MINUTES FOR FEBRUARY 9, 2021 – PRESENT: CHAIRMAN: EDWARD McLAINE. COMMISSIONERS: MARIA ALVES, JOHN CAROLAN, MICHAEL NASTU AND ROBIN SHEPARD. STAFF: DENNIS BUCKLEY, CLERK, PAUL BOUCHER, ASSISTANT ZONING OFFICIAL, NICHOLAS SAMPIERI, ZONING INSPECTOR. OFFICE OF THE CITY ATTORNEY: RUSSELL LISKOV.

The review and approval of minutes has been suspended by unanimous vote on April 13, 2021

**APPROVAL OF ZBA MINUTES FOR MARCH 9, 2021 – PRESENT: CHAIRMAN: EDWARD MCLAINE.
COMMISSIONERS: JOHN CAROLAN, MICHAEL NASTU AND ROBIN SHEPARD. ALTERNATE
COMMISSIONER: IRA NACHEM STAFF: DENNIS BUCKLEY, CLERK, PAUL BOUCHER, ASSISTANT ZONING
OFFICIAL, NICHOLAS SAMPIERI, ZONING INSPECTOR. OFFICE OF THE CITY ATTORNEY: RUSSELL LISKOV.**

The review and approval of minutes has been suspended by unanimous vote on April 13, 2021

ADJOURNMENT

- ** COMMISSIONER NACHEM MOTIONED TO ADJOURN.**
- ** COMMISSIONER NASTU SECONDED THE MOTION.**
- ** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:56 P.M.

Respectfully Submitted
Ian A. Soltes
Telesco Secretarial Services