

**CITY OF BRIDGEPORT
ZONING BOARD OF APPEALS
REGULAR MEETING
FEBRUARY 8, 2022**

ATTENDANCE: Ira Nachem, Chairman; Robin Shepard; Paul Miller; John Slater

STAFF: Dennis Buckley, Zoning Official; Russell Liskov, City Attorney; Paul Boucher, Zoning Office

OTHER: Brenda, Jake Cassell, Jan Cohen; Juan Mazza; Lauren Miller; Ralph Ford; Atty. Raymond Rizio; Allie; Kate Spain; Council Member Ernest Newton; Eneida Martinez; Council Member Jeanette Herron; Stuart Sachs

CALL TO ORDER

Chairman Nachem called the meeting to order at 6:05. There was a quorum present.

Chairman Nachem read the following statement into the record:

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

He stated that there were only four Commissioners so a unanimous vote would be required and suggested anyone uncomfortable with that postpone until a meeting with more members could be held.

DEFERRED BUSINESS

N3

4281 MAIN ST. – PETITION OF NHAN NGUYEN/ D/B/A TJ NAIL SALON – SEEKING UNDER SEC. 14-10 OF THE ZONING REGULATIONS OF THE CITY OF BRIDGEPORT AND SEC. 8-7 OF THE CT GENERAL STATE STATUTES WHEREBY IT IS ALLEGED THE ZONING OFFICIAL ERRED IN HIS DECISION TO REJECT THE APPLICATION FOR A CERTIFICATE OF ZONING COMPLIANCE TO LEGALIZE THE BASEMENT RENOVATIONS PERFORMED WITHOUT PROPER APPROVALS IN THE EXISTING COMMERCIAL BUILDING IN THE OR ZONE.

This item has been withdrawn

NEW BUSINESS

#1

20, 32, 50 REMER ST., 635, 643 NORTH AVE. – PETITION OF EZ REALTY, LLC – SEEKING A MODIFICATION OF 2006 GENERAL REPAIR OF MOTOR VEHICLES APPROVAL TO NOW INCLUDE THE

REPAIR OF LANDSCAPING EQUIPMENT TO BE STORED IN ACCESSORY TENT STRUCTURES IN THE IL ZONE.

This item was deferred to the meeting of March 8, 2022.

#2

29 FEDERAL ST. – PETITION OF AFRANIO MENDONCA – SEEKING TO LEGALIZE THE CONSTRUCTION OF A METAL CANOPY OVER THE REAR PORTION OF THE PROPERTY FOR ADDITIONAL DINING AREA AND SEEKING VARIANCES OF SIDE AND REAR SETBACKS OF TABLE 3.20.5 OF 3’ MINIMUM OFF PROPERTY LINES AND THE SIZE LIMIT OF 50% OF THE BUILDING FOOTPRINT OF ARTICLE 3.170.3 G (1) IN THE (MIXED-USE CORRIDOR) MX1 ZONE.

This item was deferred until meeting of March 8, 2022.

#3

24 FOX ST. – PETITION OF MICHAEL BERTANZA – SEEKING A USE VARIANCE TO ALLOW FOR THE STORAGE OF FOUR (4) COMMERCIAL CONCESSION TRAILERS OF SECTION 3.70.9 AND 4.70.3 (F) IN THE (NEIGHBORHOOD MIX) NX1 ZONE.

Atty. Raymond Rizio came forward to address the Commission. The applicant desires to store four trailers at the location prior to being taken off-site. He clarified that they were not food trucks and they only wished to be able to store at the location on a temporary basis. He provided photos for the Commission. The proposed trailers are not prohibited for storage in the zone, but they are seeking permission for just the four. They are willing to agree to the condition that they are not food trucks and will not be operable on their own. More variances will be needed than just for the trailers. He reviewed the needed variances for the Commission. The neighbors have given their support for the project. Further discussion followed.

There were no questions from the Commission regarding this item.

Mr. Stuart Sachs came forward to speak in favor of this item. He had helped prepare the drawings. He pointed out that 36 Fox Street was also used as a commercial site and was effectively blocking the view long the back. The back property lines are screened by either garages or landscaping.

Mr. Roberto Santana came forward to speak in opposition of this item. He said that even though the trailers were being parked off the street, it was still a residential area.

Atty. Rizio came forward to rebut. He said that this was a mixed zone and there was commercial located next door. They were willing to agree to conditions that they didn't park the trailers on the street. Mr. Santana will not be able to see the site due to pre-existing view obstructions. He further reviewed the need for the space and that this variation would be appropriate for the use and area. He does not believe that there will be negative impact and further highlighted that this would help other businesses with storage. It will not create any traffic problems and they are willing to limit it to only four trailers with no parking on the streets and that they be stationary and not independent trucks.

Commissioner Miller said he had driven past the area twice a week and never noticed the trailers before. He felt it would be unobtrusive and was inclined to vote in favor seeing that the neighbors had signed a petition in support.

Atty. Liskov pointed out that a legal hardship needed to be found and not an economic one. Also, the variance would remain with the land if granted. As such they'd need to be specific that it was trailers that were allowed to be stored there to prevent other items from being stored there. Discussion followed regarding potential conditions.

**** COMMISSIONER SLATER MOVED TO APPROVE APPLICATION #3 24 FOX ST. – PETITION OF MICHAEL BERTANZA – SEEKING A USE VARIANCE TO ALLOW FOR THE STORAGE OF FOUR (4) COMMERCIAL CONCESSION TRAILERS OF SECTION 3.70.9 AND 4.70.3 (F) IN THE (NEIGHBORHOOD MIX) NX1 ZONE WITH THE FOLLOWING CONDITIONS:**

- **A MAXIMUM OF FOUR (4) NON-MOTORIZED FOOD CONCESSION TRAILERS AFFILIATED WITH THE TAKE-OUT FOOD RESTAURANT LOCATED AT 2992 FAIRFIELD AVENUE ARE ALLOWED TO BE STORED OVERNIGHT AT THIS LOCATION.**

FOR THE FOLLOWING REASONS:

- **THE PARKING AREA BEHIND THE PETITIONER'S BUSINESS ON FAIRFIELD AVE CANNOT ACCOMMODATE THE FOUR FOOD CONCESSION TRAILERS.**
- **THE PETITIONER HAS A SUCCESSFUL BUSINESS IN THE BLACK ROCK DISTRICT AND IN ADDITION RESIDES IN THE IMMEDIATE AREA.**

**** COMMISSIONER MILLER SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

#4

1370 PARK AVE. – PETITION OF BELIEVERS AUTO REPAIR AND SALES – SEEKING UNDER SECTION 14-54 OF THE CGS A CERTIFICATE OF APPROVAL OF LOCATION FOR A USED CAR DEALERSHIP LICENSE PREVIOUSLY APPROVED IN 2017 IN THE (RESIDENTIAL-OFFICE CORRIDOR) RX1 ZONE.

An attorney from Willinger, Willinger, & Bucci came forward to discuss this item. They reviewed the details of Mr. Decker, the applicant, for the Commission. They also reviewed the positive impact it would have upon the area including the ability to both perform and teach car repair. The site was previously used as a gas station with a repairs license which included used car sales. Further discussion followed.

There were no questions from the Commissioners.

Mr. Jackson came forward to speak. He said he wished to follow up on some of the reports regarding concerns over stormwater runoff and leakage. He also noted that, for landscaping and fencing, the new code had additional requirements that would need conforming.

The Attorney said that they would agree to providing the landscaping as part of the condition for approval. She also said that, once the repairs to the property were done, there would not be any oil run-off and it would be disposed of properly.

Commissioner Shepard asked to confirm that the site had been approved in 2017.

Mr. Paul Boucher confirmed this but clarified that this was a new tenant coming for approval.

Chairman Nachem asked to confirm that they would abide by the recommendation for landscaping but could not remove the gas pump canopy.

The Attorney said that they didn't have any way to remove the canopy but were willing to clean the location up.

**** COMMISSIONER SHEPARD MOVED TO APPROVE APPLICATION #4 1370 PARK AVE. – PETITION OF BELIEVERS AUTO REPAIR AND SALES – SEEKING UNDER SECTION 14-54 OF THE CGS A CERTIFICATE OF APPROVAL OF LOCATION FOR A USED CAR DEALERSHIP LICENSE PREVIOUSLY APPROVED IN 2017 IN THE (RESIDENTIAL-OFFICE CORRIDOR) RX1 ZONE WITH THE FOLLOWING CONDITIONS:**

1. PETITIONER TO CLEAN UP CANOPY AND EXTERIOR OF BUILDING.
2. LANDSCAPING SHALL BE INSTALLED ALONG THE SIDEWALK LINE AND PLANTED IN ACCORDANCE WITH TABLE 7-1 OF THE ZONING REGULATIONS.
3. THE PETITIONER SHALL COMPLY WITH THE STANDARD MOTOR VEHICLE CONDITIONS "D" FOR USED CAR AND GENERAL REPAIR FACILITIES.

FOR THE FOLLOWING REASONS:

**** COMMISSIONER MILLER SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

#5

1380-1488 BARNUM AVE. – PETITION OF 1460 BARNUM AVE, LLC – PROPOSING TO SUBDIVIDE THE EXISTING LOT INTO TWO (2) LOTS OF 6.530 ACRES AND 3.429 ACRES AND SEEKING A VARIANCE OF THE SITE COVERAGE MAXIMUM OF 85% OF TABLE 3.50.4 FOR THE TWO NEW LOTS IN THE (OFFICE-INDUSTRIAL CENTER) IX ZONE.

Atty. Raymond Rizio came forward to discuss this item. He provided a map for the Commission. There is nothing new being proposed or extra square footage. They are taking a single lot and splitting it into two lots. The new lots will need to get a variance of pre-existing non-conforming. He reviewed the details of the lot for the Commission. The only required variance is that they're looking to keep the coverage that they currently have.

Chairman Nachem asked to review the lots and asked to clarify that the maximum coverage would be 85% on one lot.

Atty. Rizio reviewed the amounts of coverage for Chairman Nachem to his satisfaction and reviewed what constituted coverage for the proposed lots.

Mr. Coleman came forward to speak in favor of this petition. He said this was effectively just a matter of math which resulted in the lot being split. He also pointed out that they had turned a brownfield into a vibrant park which spoke to the quality of the petitioner. As a result, he was supportive of the petition.

Mr. Liu came forward to speak in favor of this petition. He agreed with what Mr. Coleman had said. The development has attracted retail into the area and this change doesn't change the community.

No one wished to speak in opposition to the petition.

**** COMMISSIONER MILLER MOTIONED TO APPROVE APPLICATION #5 1380-1488 BARNUM AVE. – PETITION OF 1460 BARNUM AVE, LLC – PROPOSING TO SUBDIVIDE THE EXISTING LOT INTO TWO (2) LOTS OF 6.530 ACRES AND 3.429 ACRES AND SEEKING A VARIANCE OF THE SITE COVERAGE MAXIMUM OF 85% OF TABLE 3.50.4 FOR THE TWO NEW LOTS IN THE (OFFICE-INDUSTRIAL CENTER) IX ZONE WITH THE FOLLOWING CONDITIONS:**

- **PETITIONER SHALL FILE AN A2 SURVEY MAP ON THE LAND RECORDS OF THE CITY OF BRIDGEPORT TO ESTABLISH THESE TWO LOTS.**

FOR THE FOLLOWING REASONS:

- **TO DIVIDE THIS LARGE PARCEL OF PROPERTY INTO TWO SEPARATE LOTS WILL HAVE NO ADVERSE IMPACT ON THE IMMEDIATE AREA.**

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

**** THE MOTION PASSED UNANIMOUSLY.**

#6

673 CONNECTICUT AVE. – PETITION OF CARIE ANN DESPIRIT D/B/A BRO'S CUSTOM CAR CLINIC, LLC – SEEKING UNDER SECTION 14-54 OF THE CGS A CERTIFICATE OF APPROVAL OF LOCATION FOR A USED CAR DEALERSHIP LICENSE UNDER NEW OWNERSHIP PREVIOUSLY LICENSED AS BEST BUY AUTOMOTIVE IN THE (RESIDENTIAL OFFICE CORRIDOR) RX1 ZONE.

Atty. Rizio came forward to discuss this item. There were issues with regards to the prior owner on the lot. They are working with the NRZ to attempt to improve the lot. The application is solely for the building at 673 Connecticut Avenue. There is no hardship required for this item. He provided photos of the site for the Commission. He then proceeded to review the details of the site for the Commission. Identical applications have been approved in 1961, 1986, 1991, and 200. The property has been used for auto-repair for over 60 years. They will agree to no outside storage of vehicles and that all repairs be done inside, and any car marked for used sale be stored inside the building. There will be no impact on the neighborhood.

Chairman Nachem asked about the neighboring lot which was filled with cars.

Atty. Rizio said that they were not the clients. Further discussion followed.

Council Member Ernest Newton came forward to speak in favor of this petition. He wished to commend the owner and how the lot had improved since the old owners. They are also looking to develop the area with the new zoning changes. He wished that everything would be handled inside the building so the area did not end up looking like a junkyard.

Ms. Eneida Martinez came forward to speak in favor of this petition. She commended the owners for the effort they had put in towards beautifying the lot. She noted that the lot had seemed like a junkyard prior, and she was glad it had been cleaned up. She wished that they be assisted in any way possible.

Mr. Bill Coleman came forward to speak in favor of this petition. He echoed the support voiced by Council Member Newton and Ms. Martinez. He noted that the owner also owned the neighboring lot and was the only tenant of the current lot. He suggested that it might be relevant to consider these conditions if it's a singular integrated enterprise. He said that he simply wished to bring these to their attention and raise the concern.

Mr. Ralph Ford came forward to speak in favor of this petition. He was glad to see the area cleaned up. He was concerned about parking though due to it being used to sell cars.

Mr. Keith came forward to speak in favor of this petition. He said that they were in favor of their business; however, they were concerned about the potential increase in traffic. He wished for conditions to prevent this from happening.

No one wished to speak in opposition.

Atty. Rizio came forward to rebut. He noted that there should be something in the file from a Mr. Moses Peter who had written a letter to Mr. Buckley clarifying the ownership of the property. He was in favor of the location being used for a general dealership and repair license. He said they would agree to a condition that all repairs and sales be handled indoors. They were willing to work with the NRZ to ensure the lot was cleaned up and properly buffered. He pointed out that there is adequate parking on the street, and it is the same parking that has been present for 60 years.

Commissioner Shepard said that they would clearly need the condition that everything needs to be done inside.

Chairman Nachem agreed and suggested they also plant shrubs along the exterior walls of the building.

Mr. Buckley said that they had written down all the usual video offerings and DMV conditions. All the concerns to the public had been addressed.

**** COMMISSIONER MILLER MOTIONED TO APPROVE APPLICATION #6 673 CONNECTICUT AVE. – PETITION OF CARIE ANN DESPIRIT D/B/A BRO'S CUSTOM CAR CLINIC, LLC – SEEKING UNDER SECTION 14-54 OF THE CGS A CERTIFICATE OF APPROVAL OF LOCATION FOR A USED CAR DEALERSHIP LICENSE UNDER NEW OWNERSHIP PREVIOUSLY LICENSED AS BEST BUY AUTOMOTIVE IN THE (RESIDENTIAL OFFICE CORRIDOR) RX1 ZONE WITH THE FOLLOWING CONDITIONS:**

- ALL REPAIRS AND VEHICLES DISPLAYED FOR SALE MUST BE CONDUCTED INSIDE OF THE BUILDING.
- LANDSCAPING SHALL BE INSTALLED IN COMPLIANCE WITH TABLE 7-1 OF THE ZONING REGULATIONS ALONG THE CONNECTICUT AVENUE FRONTAGE, BETWEEN THE BUILDING AND THE SIDEWALK.
- PETITIONER SHALL COMPLY WITH STANDARD MOTOR VEHICLE CONDITIONS “D” FOR USED CAR AND GENERAL REPAIR FACILITIES.

FOR THE FOLLOWING REASONS:

- THIS LOCATION HAS A LONG-ESTABLISHED MOTOR VEHICLE USE.

** COMMISSIONER SHEPARD SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

(END OF PUBLIC HEARING)

OTHER BUSINESS

(OB-01)

332 WOOD AVE. – PETITION OF PERALTA BROS AUTO CLINIC, LLC – SEEKING TO RE-ESTABLISH THE PRIOR 2005 ZBA APPROVAL FOR THE GENERAL REPAIR OF MOTOR VEHICLES IN CONNECTION WITH A PORTION OF THE GENERAL REPAIR GARAGE AND A GENERAL REPAIRER’S LICENSE UNDER NEW OWNERSHIP.

Mr. Buckley said this was a consent agenda item and the location had been a car lot for the past 60 years. It would be taken at face value, and they would not need to speak to the petitioner.

**** A MOTION WAS MADE TO APPROVE APPLICATION 332 WOOD AVE. – PETITION OF PERALTA BROS AUTO CLINIC, LLC – SEEKING TO RE-ESTABLISH THE PRIOR 2005 ZBA APPROVAL FOR THE GENERAL REPAIR OF MOTOR VEHICLES IN CONNECTION WITH A PORTION OF THE GENERAL REPAIR GARAGE AND A GENERAL REPAIRER’S LICENSE UNDER NEW OWNERSHIP WITH THE FOLLOWING CONDITIONS:**

- STANDARD MOTOR VEHICLE CONDITIONS “B” FOR GENERAL REPAIR FACILITIES.

** THERE WAS A SECOND.

** THE MOTION PASSED UNANIMOUSLY.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE BOARD

APPROVAL OF MINUTES

APPROVAL OF ZBA MINUTES FOR JANUARY 11, 2022 – PRESENT: ACTING CHAIRPERSON: IRA NACHEM. COMMISSIONERS: TIHEBA BAIN, PAUL MILLER, ROBIN SHEPARD AND JOHN SLATER. STAFF:

PAUL BOUCHER, ZONING OFFICIAL; NICHOLAS SAMPIERI, ZONING INSPECTOR. OFFICE OF THE CITY
ATTORNEY: ATTY RUSSELL LISKOV.

- ** COMMISSIONER SLATER MOTIONED TO APPROVE THE MINUTES AS SUBMITTED.
- ** COMMISSIONER MILLER SECONDED THE MOTION.
- ** THE MOTION PASSED UNANIMOUSLY.

ORGANIZATIONAL MEETING

ELECTION OF ZBA OFFICERS

THE OFFICERS OF THE ZONING BOARD OF APPEALS SHALL CONSIST OF A CHAIRPERSON, VICE
CHAIRPERSON, SECRETARY, AND A CLERK WHICH IS NORMALLY HELD BY THE ZONING OFFICIAL. THE
OFFICERS SHALL BE ELECTED ANNUALLY AT AN ORGANIZATION MEETING. THE TERMS OF EACH
ELECTED OFFICE SHALL BE FOR A 1-YEAR PERIOD.

Mr. Buckley noted thatn once five full-time members could be found, they could have an organizational meeting.

ADJOURNMENT

- ** COMMISSIONER MILLER MOTIONED TO ADJOURN.
- ** COMMISSIONER SHEPARD SECONDED THE MOTION.
- ** THE MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 7:35 P.M.

Respectfully Submitted,
Ian A. Soltes
Telesco Secretarial Services.