

**ZONING BOARD OF APPEALS
PUBLIC HEARING
ZOOM TELECONFERENCE
MEETING ID: 95845888147
<https://zoom.us/j/95845888147>
TUESDAY OCTOBER 13, 2020**

ATTENDANCE: Edward McLaine, Chairman; John Carolan; Robin Shepard; Michael Nastu:

ABSENT: Maria Alves

STAFF: Dennis Buckley, Zoning Official; Nicholas Sampieri, Zoning Inspector; Russel Liskov, City Attorney

CALL TO ORDER

Chairman McLaine called the meeting to order at 6:16 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 as long as 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 P&Z agenda has been online complying with the statute's normal earliest publication date in the Connecticut Post.

There were only four Commissioners present for the meeting. It was stated that any petition would need four votes to pass and that the petitioners had the option to wait until the next month. It was requested that anyone desiring to wait till next month's meeting to have their petition voted on should speak to the Board at this time. No one present desired to defer their petition till the next month.

NEW BUSINESS

#1

1370 PARK AVE.

PETITION OF BELIEVERS AUTO REPAIR AND SALES

SEEKING TO GRANT UNDER SEC. 14-54 OF THE CT GENERAL STATUES AN AMENDED CERTIFICATE OF APPROVAL OF LOCATION FOR A USED CAR DEALERSHIP UNDER NEW OWNERSHIP IN AN R-B ZONE.

Mr. Ernest Agbeko came forward to speak on the petition. He had a Ms. Comika speak on his behalf. She provided an overview of the property for the Commission.

Chairman McLaine asked if they were currently operating at that location. Ms. Comika responded that yes, they were, having taken over from the previous owners that were there.

Chairman McLaine asked who the license holder was. Ms. Comika responded that Ernest Agbeko was.

Chairman McLaine asked if she was the new owner and if Ernest was the present owner of the license. Ms. Comika confirmed this but then clarified that she meant Ernest was the current license holder and owner of the business.

Chairman McLaine asked to clarify if Ernest was applying for zoning. Ms. Comika confirmed this.

Chairman McLaine asked to confirm if he had the current license. Ms. Comika denied this and stated that they had applied from the DMV along with the application for the zoning hearing.

Chairman McLaine asked if they were currently operating at an unlicensed location. Ms. Comika denied that they were doing so.

Chairman McLaine asked that, if it was licensed, who owned the present license. Ms. Comika stated that the prior owner still held the license and was attempting to transfer the license to Ernest.

Chairman McLaine asked if there was a previous operator. Ms. Comika stated that the previous operator was the current license holder.

Chairman McLaine asked if Ernest was presently there operating without a license. Ms. Comika denied that they were doing so.

Chairman McLaine asked if the previous owner had granted Ernest permission to operate under their license. Ernest confirmed that they had.

Chairman McLaine asked to clarify that the previous owner was no longer the holder of the lease. Ernest confirmed that, yes, the prior owner was no longer the holder of the lease.

Chairman McLaine stated that, if the prior owner was no longer the holder of the lease, the license was no longer valid.

Chairman McLaine asked, to clarify, that Ernest was currently operating in the area, selling cars and repairing cars, without a license. Ms. Comika confirmed this.

Chairman McLaine then asked Dennis about a 15-foot set-back on the blueprints. He then asked if there had ever been a variance issued to the property due to the setback. Dennis stated that the history of the property was present in a provided long sheet. He stated that there has not been an issue with that as this place had been in existence for years, and they submitted this survey with their application.

Chairman McLaine stated that, if there hadn't been a waiver for the setback, as he drove by there, he had seen cars displayed within the setbacks. He questioned if they would need a waiver for the setback. Dennis stated that, since the cars were movable, the setback regulation wouldn't apply to them.

Chairman McLaine asked how many employees were present at the location. Ernest stated he was looking to have 4-5 employees.

Chairman McLaine asked where the employees would be parking. Ernest stated that the employees would be parking in the street 4-5 minutes away from the store.

Chairman McLaine asked how many customer parking spaces were present. Ernest stated that there were 5 parking spaces for customers.

Chairman McLaine asked where the parking spaces were located. Ernest stated that the parking spaces were in front of the store.

Chairman McLaine asked to confirm that there were two bays that Ernest would need access to and five parking spaces in front. Ms. Comika offered a clarification as to the layout of the store and property.

Chairman McLaine then asked where the parking spaces for the customers awaiting repair would be located. Ms. Comika pointed to a location on a nearby property that could be utilized for additional parking.

Chairman McLaine then asked where the display area for the cars for sale was located. Ernest stated that they would be in the front of the store.

Chairman McLaine asked how many cars would be for sale at any given time. Ernest stated that there would be 4-5 cars for sale at any given time.

Chairman McLaine asked if there would be a dumpster at the proposed location. Ernest confirmed that there was to be a dumpster at the location.

Chairman McLaine asked where the dumpster would be located. Ernest stated that the dumpster would be located on the side of the property.

Chairman McLaine asked if the dumpster would be enclosed. Ernest stated that it would be enclosed and there would be a lock on the dumpster.

Chairman McLaine asked what the hours of operation would be. Ernest stated that they would be 9 A.M. to 5 P.M.

Chairman McLaine asked if this was Monday through Friday or Monday through Saturday or some other arrangement. Ernest stated that it was Monday through Saturday.

Commissioner Natsu had an additional question. He asked if, on the outer street, the gate was to always be closed. Ernest confirmed that the gate was closed when people were working on the premises.

There was no one who desired to speak in favor of the application. There was no one who wished to speak in opposition to the application.

**** COMMISSIONER CAROLAN MOVED TO DENY ITEM #1 - 1370 PARK AVE. PETITION OF BELIEVERS AUTO REPAIR AND 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 R-B ZONE FOR THE FOLLOWING REASONS:

1) THE PROJECT AS PRESENTED WOULD RESULT IN AN OVERUSE OF THE SUBJECT PREMISES.

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

**** THE MOTION TO DENY PASSED UNANIMOUSLY.**

#2

860-866 HANCOCK AVE.

PETITION OF PRO TECH HOMES, LLC

SEEKING A VARIANCE OF THE MINIMUM LOT AREA AND WIDTH, AS WELL AS THE MINIMUM SIDE YARD SETBACK REQUIREMENTS UNDER SEC. 5-1-2 TO PERMIT THE CONSTRUCTION OF A 2-FAMILY DWELLING IN AN R-C ZONE.

Mr. Tiago Silva came forward to speak on the petition. He provided a quick overview of the property for the Commission. He stated a desire to build a two-family house in a location where there had been housing prior that had been burned down. He reviewed the plans for the proposed property for the Commission.

Chairman McLaine asked about the number of parking spaces. Mr. Silva stated that there was enough parking on both sides.

Chairman asked if this was stacked parking. Mr. Silva stated that it was stacked parking and three more spots could be potentially placed behind the property.

Chairman McLaine asked if there would be two parking spaces on each side. Mr. Silva confirmed that, yes, two parking spaces would be on each side.

Chairman McLaine asked what sort of landscaping would be placed on the property. Mr. Silva asked for clarification. Chairman McLaine asked if they would be planting grass, installing shrubs, or installing trees. Mr. Silva confirmed that they would be adding shrubs and trees in the front of the property and grass and shrubs in the back of the property.

Chairman McLaine asked if they would be utilizing the currently existing sidewalk or installing a new sidewalk. Mr. Silva stated that they would be installing a new sidewalk and it would be poured concrete.

Chairman McLaine asked if the pathway from the sidewalk to the buildings would also be poured concrete. Mr. Silva confirmed that it would be.

Chairman McLaine asked what the height of the fencing would be. Mr. Silva stated that the front fencing would be 4 feet high.

There were no additional questions currently.

There was no one who desired to speak in favor of the application. There was no one who wished to speak in opposition to the application.

**** COMMISSIONER CAROLAN MOVED TO APPROVE ITEM #2 - 860-866 HANCOCK AVE. PETITION OF PRO TECH HOMES, LLC SEEKING A VARIANCE OF THE MINIMUM LOT AREA AND WIDTH, AS WELL AS THE MINIMUM SIDE YARD SETBACK REQUIREMENTS UNDER SEC. 5-1-2 TO PERMIT THE CONSTRUCTUON OF A 2-FAMILY DWELLING IN AN R-C ZONE WITH THE FOLLOWING CONDITIONS:**

- 1) THE DEVELOPMENT OF THE SUBJECT PREMISES SHALL BE IN STRICT ACCORD WITH THE PLAN SUBMITTED TO AN APPROVED BY THE BOARD.**
- 2) THE PETITIONER SHALL INCORPORATE ALL OF THE CITY ENGINEE'S RECOMMENDATIONS AS STATED IN HIS REPORT DATED 09/22/20.**
- 3) ALL FENCING, IF INSTALLED, MUST COMPLY WITH SEC. 11-8-3 OF THE ZONING REGULATIONS.**
- 4) NEW CONCRETE SIDEWALKS SHALL BE INSTALLED ALONG THE HANCOCK AVENUE FRONTAGE.**

FOR THE FOLLOWING REASONS:

- 1) THE NEW 2-FAMILY HOME WILL BE AN IMPROVEMENT TO THE NEIGHBORHOOD, AS WELL AS REDUCING THE PREVIOUS NONCONFORMITIES.**
- 2) THE APPRIOVAL OF THIS PETITION WILL HAVE NO ADVERSE IMPACT ON THE IMMEDIATE AREA.**

**** COMMISSIONER SHEPARD SECONDED THE MOTION**

**** THE MOTION PASSED UNANIMOUSLY**

#3

1234 HUNTINGTON TPKE

PETITION OF MTM FAMILY LIMITED PARTNERSHIP

SEEKING A USE VARIANCE OF TABLE 7 AND A VARIANCE OF THE MINIMUM LANDSCAPING REQUIREMENTS TO PERMIT THE REDUCTION OF LANDSCAPING TO ACCOMMODATE THE ADDITION OF A DRIVE-THRU FACILITY IN THE COMMERCIAL BUILDING CURRENTLY UNDER CONSTRUCTION IN AN OR ZONE.

Attorney Charles Willinger came forward to address the Commission. A quick overview of the plans and site history was provided for the Commission. Dunkin Donuts is currently interested in leasing out the proposed property and desires to install a drive-through at the location which they say they require. Photographs of the site were provided for the Commission. A letter with details and graphs involving the statistics of such an addition were also provided for the Commission. Discussion on the details of the property followed.

Chairman McLaine asked if Dunkin Donuts presently had a lease for the location. Atty. Willinger stated that they were currently negotiating a lease with Dunkin Donuts and they had non-bindingly signed a letter of intent.

Chairman McLaine asked that, if Dunkin Donuts were the ones desiring to do business at the location, shouldn't they be the ones applying for the license. Atty. Willinger stated that they did not have to and had asked others to do so on their behalf.

Chairman McLaine voiced his concern that, if Dunkin Donuts did not follow through on the lease, there would be a property in which any business could be placed. Atty. Willinger stated that they could make a condition of the lease that it be a coffee/donut shop that occupies the property.

Chairman McLaine stated that he was concerned about how there were doors to multiple retail establishments behind the property so that they could receive shipments and that this would cause problems with the proposed drive-through.

Manny Silva came forwards with additional details about the backside of the building. He stated that the area in the back was designed for a 30-foot box truck and wasn't designed for a tractor trailer or anything similar. He provided further details about the situation regarding trucks and the back area of the lot.

Chairman McLaine stated that his concern wasn't the length of the trucks but the height of the trucks. Especially regarding tractor trailer trucks. Atty. Willinger stated that he doubted a tractor trailer truck could even make the turn to reach the drive-through. He suggested that that be made a condition as well, that the store have no intention of servicing tractor trailer trucks.

There were no further questions.

There was no one who desired to speak in favor of the application. There was no one who wished to speak in opposition to the application.

**** COMMISSIONER NASTU MOVED TO DENY #3 - 1234 HUNTINGTON TPKEPETITION OF MTM FAMILY LIMITED PARTNERSHIP SEEKING A USE VARIANCE OF TABLE 7 AND A VARIANCE OF THE MINIMUM LANDSCAPING REQUIREMENTS TO PERMIT THE REDUCTION OF LANDSCAPING TO ACCOMMODATE THE ADDITION OF A DRIVE-THRU FACILITY IN THE COMMERCIAL BUILDING CURRENTLY UNDER CONSTRUCTION IN AN OR ZONE FOR THE FOLLOWING REASONS:**

- 1) THE PETITIONER FAILED TO PRESENT AN UNUSUAL CONDITION OR LEGAL HARDSHIP RELATING TO THE PROPOSAL DRIV-THRU USE.
- 2) THE REAR ACCESS IS INADEQUATE TO ACCOMMODATE DELIVERIES TO INDIVIDUAL STORES AND DRIVE-THRU WINDOW TRAFFIC.
- 3) VEHICLE NOISE AND EXHAUST FUMES WOULD HAVE A NEGATIVE IMPACT ON THE RESIDENTIAL PROPERTIES ABUTTING THE PROPOSED DRIVE-THRU ACCESS.

**** COMMISSIONER CAROLAN SECONDED THE MOTION**

**** THE MOTION TO DENY PASSED UNANIMOUSLY**

#4

2285-2295 MAIN ST

PETITION OF GOLDEN WHEELS, LLC

SEEKING TO GRANT UNDER SEC. 14-4 OF THE CT GENERAL STATUTES AN AMENDED CERTIFICATE OF APPROVAL OF LOCATION FROM A NEW CAR-DEALERSHIP TO A USED-CAR DEALERSHIP IN THE EXISTING MOTOR VEHICLE LICENSED FACILITY IN AN OR-G ZONE.

Mr. Alaa Akach came forward to address the committee for the application. He provided an overview of the location for the committee. The location is currently a new car dealership and the owner wishes to downgrade to a used car dealership.

Chairman McLaine asked if Mr. Akach was the current owner or holder of the lease for the property. Mr. Akach confirmed that he is.

Chairman McLaine asked if Mr. Akach was currently operating from that site. Mr. Akach stated that he was not.

Chairman McLaine asked if this meant that Mr. Akach was the new owner. Mr. Akach confirmed that he was the new owner.

Chairman McLaine asked if Mr. Akach was seeking a certificate of approval for a used car dealership in a location that was previously licensed for a new car dealership. Mr. Akach confirmed that this was the case.

Chairman McLaine asked how many cars Mr. Akach planned to have for sale on the lot. Mr. Akach stated that he planned to have up to ten available for sale.

Chairman McLaine asked how many employees would be employed. Mr. Akach said he planned on having himself and one other person currently.

Chairman McLaine asked what the hours of operation would be. Mr. Akach stated that they would be operating from 9 A.M. to 5 P.M.

Chairman McLaine then asked what days of the week Mr. Akach would be open for business. Mr. Akach stated he would be open Monday to Saturday.

Chairman McLaine asked if there would be a dumpster at the location. Mr. Akach stated that there would be a dumpster.

Chairman McLaine asked where the dumpster would be located. Mr. Akach provided the planned location for the Commission.

He provided details on the current business for the committee. The committee had no further questions at this time.

There were no further questions at this time.

There was no one who desired to speak in favor of the application.

Mr. Marcos spoke in opposition. Due to a bad connection his opposition needed to be handled via a text-chat instead of verbally. He stated that Mr. Akach had been leaving tires out which had resulted in a breeding mosquito population that was causing problems.

**** COMMISSIONER NATSU MOVED TO APROVE #4 - 2285-2295 MAIN ST PETITION OF GOLDEN WHEELS, LLC SEEKING TO GRANT UNDER SEC. 14-4 OF THE CT GENERAL STATUTES AN AMENDED CERTIFICATE OF APPROVAL OF LOCATION FROM A NEW CAR-DEALERSHIP TO A USED-CAR DEALERSHIP IN THE EXISTING MOTOR VEHICLE LICENSED FACILITY IN AN OR-G ZONE WITH THE FOLLOWING CONDITIONS:**

- 1) THE STORAGE OF TIRES OR ANY UNUSED AUTOMOBILE PARTS IS STRICTLY PROHIBITED.**
- 2) THE REFUSE CONTAINERS SHALL BE ENCLOSED IN A 6' PRIVACY FENCE.**

- 3) GENERAL MOTOR VEHICLE CONDITIONS "D" (ENCLOSED). NO AUTOBODY WORK.
- 4) THE PETITIONER SHALL APPLY FOR A CERTIFICATE OF ZONING COMPLIANCE PRIOR TO SIGNING THE PETITIONER'S DEPARTMENT OF MOTOR VEHICLE K-7 FORM. THERE IS AN ADDITIONAL FEE OF \$190.00.

FOR THE FOLLOWING REASONS:

- 1) THE PETITION IS FOR A CONTINUATION OF A WELL-ESTABLISHED AUTOMOTIVE BUSINESS UNDER NEW OWNERSHIP.
- 2) THE RETAIL SALES OF AUTOMOBILES IS CONSISTENT WITH OTHER RETAIL BUSINESS IN THE IMMEDIATE AREA.

** COMMISSIONER CAROLAN SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

#5

89 ISLAND BROOK AVE.

PETITION OF STRATFORD COLLISION OF BRIDGEPORT – SEEKING TO GRANT UNDER SEC. 14-4 OF THE CT GENERAL STATUTES AN AMENDED CERTIFICATE OF APPROVAL OF LOCATION FOR A GENERAL REPAIRER'S LICENSE IN THE EXISTING COMMERCIAL BUILDING IN AN I-L ZONE.

Mr. Anthony DeMiles came forward to address the Commission.

Chairman McLaine noted that there was an area towards the rear of the building that was not considered part of the shop. Mr. DeMiles confirmed this. Chairman McLaine asked what it was being used for. Mr. DeMiles stated that that was a back-lot owned by a neighboring business.

Chairman McLaine asked if this was part of 89 Island Brook Ave. Mr. DeMiles confirmed that this was true, and it was the rear part of the building. Chairman McLaine stated that there couldn't be two uses for the building and, if approved, Mr. DeMiles would need to occupy the whole building. Mr. DeMiles stated that this had been approved by the prior shop before he had owned the lot.

Chairman McLaine asked if this was an approved use in the back of the building. Mr. DeMiles said that it was always split in two. Chairman McLaine stated that there was no zoning approval for that use in the back of the building and they couldn't have those two uses at the same address.

It was stated that the Commission could grant permission with conditions so long as they were aware that there was something else on the property besides this.

Chairman McLaine asked where the parking spaces for the cars awaiting repairs would be located. Mr. DeMiles stated that most everything was inside with customer parking right in front of the building, employees would be in the lot across the street or in the side lot, and cars awaiting repair would be stored inside the building.

Chairman McLaine asked what the hours of operation would be. Mr. DeMiles stated that they would be Monday through Friday, 7 A.M. to 3:30 P.M.

Chairman McLaine asked how many employees there would be. Mr. DeMiles stated that there would be 3-4 employees.

Chairman McLaine asked where the employee parking would be. Mr. DeMiles stated that it would be either in the lot across the street or in the side lot.

Chairman McLaine asked if there was a dumpster at the location. Mr. DeMiles confirmed that there was a dumpster at the location at Bud's Towing Lot.

Chairman McLaine asked where Mr. DeMiles would be storing discarded parts. Mr. DeMiles said that parts that were being discarded would be placed in the scrap dumpster already present.

There were no further questions at this time.

There was no one who desired to speak in favor of the application. There was no one who wished to speak in opposition to the application.

**** COMMISSIONER NASTU MOVED TO APPROVE ITEM #5 - 89 ISLAND BROOK AVE. PETITION OF STRATFORD COLLISION OF BRIDGEPORT – SEEKING TO GRANT UNDER SEC. 14-4 OF THE CT GENERAL STATUTES AN AMENDED CERTIFICATE OF APPROVAL OF LOCATION FOR A GENERAL REPAIRER'S LICENSE IN THE EXISTING COMMERCIAL BUILDING IN AN I-L ZONE WITH THE FOLLOWING CONDITIONS:**

- 1) ANY EXPANSION INTO THE REAR PORTION OF THE BUILDING OR LOT WELL REQUIRES AN ADDITIONAL APPROVAL BY THE BOARD.
- 2) GENERAL MOTOR VEHICLES CONDITIONS "C" (ENCLOSED).
- 3) THE PETITIONER SHALL APPLY FOR A CERTIFICATE OF ZONING COMPLIANCE PRIOR TO SIGNING THE PETITIONER'S DEPARTMENT OF MOTOR VEHICLE K-7 FORM. THERE IS AN ADDITIONAL FEE OF \$190.00.

FOR THE FOLLOWING REASONS:

- 1) THIS IS A CONTINUATION OF AN ESTABLISHED BUSINESS UNDER NEW OWNERSHIP.
- 2) THE BODY SHOP FACILITY IS CONSISTENT WITH OTHER WELL-ESTABLISHED BUSINESSES IN THE IMMEDIATE AREA.

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

**** THE MOTION PASSED UNANIMOUSLY.**

#6

280-282 WILLIAM ST

PETITION OF HABITAT FOR HUMANITY OF COASTAL FAIRFIELD COUNTY

SEEKING VARIANCES OF THE MINIMUM LOT AREA; THE 2,700-SQ. FT. OF PROPERTY PER RESIDENTIAL UNIT; THE MINIMUM SIDE LOT LINE REQUIREMENT OF 22 FT. AND THE MINIMUM REAR YARD REQUIREMENT OF 15' TO PERMIT THE CONSTRUCTION OF A 2-FAMILY DWELLING IN AN R-C ZONE AND COASTAL AREA.

Mr. Kevin Moore came forward to address the Commission on behalf of Habitat for Humanity. He provided an overview of the property for the Commission.

Chairman McLaine asked if there would be four stacked parking spaces for the units. Mr. Moore confirmed that this was the case with two spaces per side.

Chairman McLaine asked about the landscaping. Mr. Moore stated that, as a condition of their approval, they required the planting of two trees, one at each property, between the street and each home.

Chairman McLaine asked if Mr. Moore would be installing new front sidewalks. Mr. Moore confirmed that, yes, new front sidewalks would be installed.

Chairman McLaine stated that they were removing an existing fence and asked if any new fencing would be installed. Mr. Moore stated that there would only be new fencing between the lot and the neighboring properties and there was no front fencing proposed.

There were no further questions at this time.

There was no one who desired to speak in favor of the application. There was no one who wished to speak in opposition to the application.

**** COMMISSIONER NASTU MOVED TO APPROVE ITEM #6 - 280-282 WILLIAM ST PETITION OF HABITAT FOR HUMANITY OF COASTAL FAIRFIELD COUNTY SEEKING VARIANCES OF THE MINIMUM LOT AREA; THE 2,700-SQ. FT. OF PROPERTY PER RESIDENTIAL UNIT; THE MINIMUM SIDE LOT LINE REQUIREMENT OF 22 FT. AND THE MINIMUM REAR YARD REQUIREMENT OF 15' TO PERMIT THE CONSTRUCTION OF A 2-FAMILY DWELLING IN AN R-C ZONE AND COASTAL AREA WITH THE FOLLOWING CONDITIONS:**

- 1) THE PETITIONER SHALL FILE PLANS AND APPLICATION FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.
- 2) ALL OF THE RECOMMENDATIONS IN THE CITY ENGINEER'S REPORT DATED 09/22/20 SHALL BE INCORPORATED INTO THIS APPROVAL.
- 3) NEW CONCRETE SIDEWALKS SHALL BE INSTALLED ALONG THE WILLIAM STREET FRONTAGE.
- 4) ALL FENCING SHALL COMPLY WITH SEC. 11-8-3 OF THE ZONING REGULATIONS.
- 5) IN ADDITION TO THE FOUR (4) TREES THAT ARE REQUIRED BY THE HISTORIC COMMISSION, THE FRONT OF THE SUBJECT PREMISES SHALL BE PLANTED WITH LOW LYING SHRUBS; PROPERLY MAINTAINED AND REPLACED WHEN NECESSARY.

FOR THE FOLLOWING REASONS:

- 1) WILL PROVIDE NEW HOME OWNERSHIP FOR AN AREA RESIDENT.
- 2) THE HOME AS APPROVED WILL BE AN ASSET TO THE NEIGHBORHOOD.
- 3) THE APPROVAL OF THIS PETITION WILL HAVE NO ADVERSE IMPACT IN THE COASTAL AREA.

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

**** THE MOTION PASSED UNANIMOUSLY.**

#7

288 KNOWLTON ST.

PETITION OF G&S PRODUCE DIRECT, LLC

SEEKING A VARIANCE OF THE REQUIRED 750-SQ. FT. DISTANCE FROM OTHER LIQUOR OUTLETS UNDER SEC. 12-10A & C. ALSO SEEKING TO WAIVE ALL 10 OF THE REQUIRED ON-SITE PARKING SPACES TO PERMIT THE ESTABLISHMENT OF A RESTAURANT WITH A CONSUMER BAR, SERVING BEER AND WINE IN THE EXISTING TAKE-OUT RESTAURANT IN AN MU-LI ZONE AND COASTAL AREA.

Attorney Ray Rizio came forward to address the Commission for the petition. Attorney Rizio provided a blueprint of the property for the Commission. He also provided an overview of the property for the

Commission. The only reason for the need for approval is an up-tick in the parking requirement despite that the amount of parking needed is unlikely to change.

Chairman McLaine asked if a bar area would be added to the location. Atty. Rizio stated that there would be a bar area but were willing to agree to the limitation that it is not a sit-down bar.

Chairman McLaine asked how many tables were present now. Atty. Rizio stated that there was currently a counter and 1-2 tables.

Chairman McLaine asked how many seats were at each table. Atty. Rizio stated that there were 4-6 seats at the counter and most of the customers were in-and-out and didn't sit down.

Chairman McLaine asked how many tables they desired to add. Atty. Rizio stated that they desired to add six four-tops and five two-seat tables. The tables will be well spread out.

Chairman McLaine asked what the proposed hours of operation would be. Atty. Rizio stated that they could support from 6 A.M. to 10 P.M. And they weren't looking for 24 hour or late-night hours.

Chairman McLaine asked if people would be allowed to sit and purchase beer and wine without purchasing food. Atty. Rizio stated that it was possible for someone to buy a bottle of wine and only an appetizer or that a large group could have three people eating and one person who desires only a glass of wine. He stated that he felt it would be hard to restrict it so that you had to have food with your meal. He said they were willing to agree to a limitation to not have a sit-down bar area.

Chairman McLaine asked if they stopped serving food at 8 P.M. to 9 P.M. would they close the restaurant as well or would they allow people to stay inside and consume alcohol. Atty. Rizio stated that they were willing to agree to not serve any beer or wine or any alcohol unless the kitchens were open, and they were serving food.

There were no further questions at this time.

There was no one who desired to speak in favor of the application. There was no one who wished to speak in opposition to the application.

**** COMMISSIONER NASTU MOVED TO DENY ITEM #7 - 288 KNOWLTON ST. PETITION OF G&S PRODUCE DIRECT, LLC SEEKING A VARIANCE OF THE REQUIRED 750-SQ. FT. DISTANCE FROM OTHER LIQUOR OUTLETS UNDER SEC. 12-10A & C. ALSO SEEKING TO WAIVE ALL 10 OF THE REQUIRED ON-SITE PARKING SPACES TO PERMIT THE ESTABLISHMENT OF A RESTAURANT WITH A CONSUMER BAR, SERVING BEER AND WINE IN THE EXISTING TAKE-OUT RESTAURANT IN AN MU-LI ZONE AND COASTAL AREA FOR THE FOLLOWING REASONS:**

- 1) THE PROPOSED RESTAURANT IS IN AN AREA WITH CRITICAL TRAFFIC CONGESTION AND THE ADDITION OF A RESTAURANT USE WITHOUT ANY ON-SITE PARKING WOULD BE A DETRIMENT TO PUBLIC SAFETY.**
- 2) THE PETITION FAILED TO ESTABLISH AN EXCEPTIONAL DIFFICULTY OR UNUSUAL HARDSHIP RELATING TO THIS USE OR PARCEL OF LAND.**

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

**** THE MOTION TO DENY PASSED UNANIMOUSLY.**

#8

118, 120, 120A, 122, 122A & 124 CENTER ST.

PETITION OF MAURICIO HERNANDEZ – SEEKING A VARIANCE OF THE 2,700-SQ. FT. OF PROPERTY PER RESIDENTIAL UNIT UNDER SEC. 5-1-3 AND TO WAIVE SEVEN (7) OF THE NINE (9) REQUIRED ON-SITE PARKING SPACES UNDER SEC. 11-1-2 TO LEGALIZE THE CONVERSION OF THE 4-FAMILY DWELLING INTO A 6-FAMILY DWELLING IN AN R-C ZONE.

Mr. Leonardo Rodriguez came forwards to address the Commission on the behalf of Mauricio Hernandez for the permit. He provided an overview of the site for the Commission. Prior to the purchase of the property it had been utilized as a six-family home. Despite being a six-family property, it is only zoned to be a 4-family property. The property owners wish to have it rezoned to make everything legal by going through the process of zoning for a six-family property. The property is currently being taxed as a six-family property.

Chairman McLaine asked what the nature of the work Mr. Hernandez was trying to have done was. Mr. Rodriguez stated that there had been an electrician hired to update the electrical wiring and fixtures within the common areas of the property. When the electrician went to get the permit, he was told he couldn't because he couldn't get the Zoning Compliance Certificate because it is a six-family residence but only listed as a four-family residence.

Chairman McLaine explained that there is a private company that goes out to assess the properties for the tax assessor's office. If they see that a property is being used, whether it is legal or not, as a six-family property, it will be taxed as a six-family property. That does not legitimize the use or supersede the need for proper zoning.

Chairman McLaine asked when the property was purchased was an attorney able to do the closing. Mr. Rodriguez stated that, yes, an attorney had done the closing sixteen years ago. When the property was purchased it was supporting six families.

Chairman McLaine questioned if the attorney had ever advised Mr. Hernandez that the use was illegal at the time. Mr. Rodriguez stated that he did not have that information but that once they did the title search and got the title description, the title description would coincide with what was on the record. He likely had filed the forms assuming that the property was a six-family and the forms for it to be a six-family were in order.

Chairman McLaine asked if they needed to install new electrical meters. Mr. Rodriguez stated that the meters were already there and there were meters for electrical and gas and there were four electrical meters and six gas meters.

Chairman McLaine stated that this was the biggest indication that this was an illegal six-family home. Mr. Hernandez stated that he was the one who paid for all the electricity.

There were no further questions at this time.

There was no one who desired to speak in favor of the application. There was no one who wished to speak in opposition to the application.

**** COMMISSIONER NASTU MOVED TO DENY ITEM #8 - 118, 120, 120A, 122, 122A & 124 CENTER ST. PETITION OF MAURICIO HERNANDEZ – SEEKING A VARIANCE OF THE 2,700-SQ. FT. OF PROPERTY PER RESIDENTIAL UNIT UNDER SEC. 5-1-3 AND TO WAIVE SEVEN (7) OF THE NINE (9) REQUIRED ON-SITE PARKING SPACES UNDER SEC. 11-1-2 TO LEGALIZE THE CONVERSION OF THE 4-FAMILY DWELLING INTO A 6-FAMILY DWELLING IN AN R-C ZONE FOR THE FOLLOWING REASONS:**

- 1) THE PETITIONER FAILED TO ESTABLISH AN EXCEPTIONAL DIFFICULTY OR UNUSUAL HARDSHIP RELATING TO THIS USE OR PARCEL OF LAND.**
- 2) INADEQUATE ON-SITE PARKING WILL ONLY ADD TO MORE STREET PARKING IN THIS MULTI-FAMILY AREA.**

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

**** THE MOTION TO DENY PASSED UNANIMOUSLY.**

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE BOARD

Chairman McLaine stated that the website should be updated to show the members and their proper titles. Additionally, the minutes, agendas, and decisions listed on the website need to be updated and organized.

DECISION SESSION

There was no decision session currently.

APPROVAL OF MINUTES

APPROVAL OF ZBA MINUTES FOR SEPTEMBER 8, 2020

PRESENT: ACTING CHAIRPERSON: MARIA ALVES. COMMISSIONERS: JOHN CAROLAN, EDWARD MCLAINE, MICHAEL NASTU AND ROBIN SHEPARD. ALTERNATE COMMISSIONER: IRA NACHEM AND MICHAEL JACQUES. STAFF: DENNIS BUCKLEY, ZONING CLERK, PAUL BOUCHER, ASSISTANT ZONING OFFICIAL, NICHOLAS SAMPIERI, ZONING INSPECTOR. OFFICE OF CITY ATTORNEY: RUSSELL LISKOV.

Minutes to be sent back for a total re-write for the following reasons:

- 1) Michael Nastu is listed as an alternate when he is a regular Commissioner.
- 2) The decisions are shown separately at the end which is not how the minutes are now formatted.

ADJOURNMENT

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

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

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 8:13 P.M.

Respectfully Submitted
Ian A. Soltes
Telesco Secretarial Services