



**CITY OF BRIDGEPORT  
ZONING BOARD OF APPEALS  
SPECIAL PUBLIC HEARING  
OCTOBER 18, 2023**

45 Lyon Terrace  
Bridgeport, CT 06604  
(203) 576-7217 Phone  
(203) 576-7213 Fax

**ATTENDANCE:** Ira Nachem, Chair; Robin Shepard, Vice Chair; Mary Gaits, Secretary; Tiheba Bain, Paul Miller

**OTHERS:** Paul Boucher, Zoning Official, Jackson Strong, Design Coordinator; Nick S, Atty. Russ Liskov, Atty. Mark Anastasi, Atty. Michael Jankovsky, Atty. Robert Berchem, Berchem Moses, LLC; Atty. Steve Studer, Berchem Moses, LLC.

**CALL TO ORDER**

Chairman Nachem called the meeting to order at 6:27 p.m. A quorum was present.

He introduced the Commissioners seated and reviewed the rules for those present. He explained that four out of the five Commissioners present must support the application in order for it to pass.

**1805 (fka 1773, 1843, 1849) Madison Ave. – Petition of Avon Commons, LLC – Appealing, under CT General Statutes, sec. 8-6, and sec. 11.140 of the Bridgeport Zoning Regulations, the Zoning Official’s decision to revoke the approval of the application for a Certificate of Zoning Compliance for the construction of a 4-story, 177-unit apartment building in the former OR-G zone.**

Commissioner Nachem then explained that the Zoning Board of Appeals was present to hear the matter of whether the Zoning Enforcement Officer was correct in his decision to revoke the approval of the application for a Certificate of Zoning Compliance for the construction of a 4-story, 177-unit apartment building in the former OR-G zone.

Mr. Paul Boucher, the Zoning official, came forward and greeted the Commissioners. He introduced Atty. Russ Liskov, Atty. Mark Anastasi, Atty. Michael Jakovsky, Atty. Robert Berchem, Berchem Moses, LLC; Atty. Steve Studer, Berchem Moses, LLC, who were also present.

Mr. Boucher then began the narration of a PowerPoint slide deck as follows:

# ZONING OFFICIAL'S PRESENTATION IN SUPPORT OF HIS DECISION

Declaring Plan Approvals for this Project  
Null and void *ab initio* and/or  
Revoked  
and/or Rescinded

## PRESENTATION TEAM MEMBERS

- **Principal Spokesperson** – Paul Boucher, Zoning Official  
(23 yr. with BPT Zoning Dept.)
- **Lead Counsel** – Atty. Steve Studer, *Berchem Moses*, Milford
- **Co-Counsel**s – Michael Jankovsky, BPT Assoc. City Atty.  
Robert Berchem, *Berchem Moses*, Milford  
Mark Anastasi, BPT City Attorney

## PROJECT ZONING APPROVAL TIMELINE (1 OF 2)

1. **12/22/21** Conceptual Review w/ Planning, Zoning & Economic Development
  
2. **12/30/21** Zoning Compliance Application submitted to the Zoning Dept. by hand and email for a 177 residential unit, 4-story building with 155 parking spaces in the OR-G Zone. Which included the following:
  - a. **Zoning Application**
  
  - b. **Improvement Location Survey** dated 9/22/21  
With revisions: 11/22/21 (proposed building)  
12/29/21 (revised building plan)
  
  - c. **Drawings:**
    - A-1 Garage Level Plan
    - A-2 1<sup>st</sup> floor plan
    - A-3 2<sup>nd</sup> floor plan
    - A-4 3<sup>rd</sup> floor plan
    - A-5 4<sup>th</sup> floor plan
    - A-6 roof plan
    - A-7 front & left-side elevation drawings
    - A-8 rear & right-side elevation drawings
  
3. **2/2/22** Plan added to City's online permitting system

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## PROJECT ZONING APPROVAL TIMELINE (2 OF 2)

4. **3/23/22** Invoice for Zoning Fee created
  
5. **10/11/22** Zoning Fee paid (\$2,015.00)
  
6. **10/17/22** Expiration date 10/17/23 auto-populated
  
7. **12/8/22** Approval revoked because the 3 parcels (1773, 1843 & 1849) need to be combined
  
8. **1/18/23** Zoning approval in the building permit plan was reversed.
  
9. **3/14/23** Recording of lot consolidation with the Town Clerk's office
  
10. **3/17/23** Email chain with the developer stating intent to use 1861 Madison Avenue as a driveway to access the parking area.
  
11. **4/13/23** With the 3 lots combined the building permit plan was re-approved by zoning.
  
12. **7/17/23** Temporary revocation of Zoning approval
  
13. **7/27/23** Permanent revocation of Zoning approval and denial of Application
  
14. **7/28/23** Revocation and reversal in the portal of the zoning plan

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Commissioner Nachem asked for clarification on the generation of the expiration date, which Mr. Boucher reviewed with him.

Commissioner Bain asked why there was a revocation of the Zoning approval. Mr. Boucher explained that the temporary revocation was issued as a warning and the permanent revocation was issued 10 days later. The City Attorney's Office had expressed concerns about the permitting process.

Atty. Steven Studer came forward, greeted the Commissioners and said that he was present on behalf of the City of Bridgeport. He noted that all of the details were included in the information packet that the Commissioners received. He noted that Atty. Jankovsky from the City Attorney's Office was present to answer detailed questions. He then reviewed the following information with the Commissioners.

## ROLE OF ZONING OFFICIAL

- **PRESENT Basis for Ruling** under Appeal – to include Relevant Facts, Filings/Records & Applicable Timelines.
- **RESPOND to Questions** concerning such matters.
- **REFER all substantive legal questions with respect to his decision** to Atty. Studer or other City attorneys.

Atty. Studer said that the question was whether or not the application process was properly followed and he noted that there were three parcels of property were involved. All the properties were zoned OR-G. Atty. Studer then reviewed the Substantive Basis for the Zoning Official's Ruling.

## SUBSTANTIVE BASIS for ZONING OFFICIAL's RULING

**REASONS for Zoning Official’s Decision are set forth in the documents previously provided to the Board, as follows:**

- Zoning Official’s Notice issued on or about July 27, 2023;
- City Attorney’s Correspondence to Zoning Office dated July 27, 2023.

**Conn. Gen. Stat. Sec. 8-2h(a) is Inapplicable to Rulings by a Zoning Official** – as he is NOT an “agency” within the scope of the statute.

**Thus, this project should never have been reviewed under the City’s 2010 Zoning Regulations. SEE** - discussion at Sec. III 3. of the City Attorney’s July 27<sup>th</sup> correspondence.

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Commissioner Nachem noted that the application had been submitted a few days before the 2010 Zoning regulations expired. Atty. Studer explained that the application was incomplete and remained so until March.

Atty. Studer then reviewed the Prime bases for Zoning official's Decision.

**PRIME BASES FOR ZONING OFFICIAL’S DECISION** (1 of 5)

\*At time of filing in December 2022, this Project’s Application for Zoning Compliance Approval was NOT “in conformance with” the City’s 2010 Zoning Regulations then in effect, in that it was incomplete:

1. The Fee for Zoning Compliance Application which was DUE WITH such Application was NOT submitted with it (and in fact was NOT paid until on or about October 12, 2022). SEE – Zoning Compliance Application @ “Instructions” and Zoning Regs. §14-8-3; 14-8-4;
2. The Letters from Utilities DUE WITH such Application were NOT submitted with it (and, indeed, were never submitted prior to the revocation and denial on July 27, 2023). SEE – Zoning Regs. §14-1-4b.

## PRIME BASES FOR ZONING OFFICIAL'S DECISION (2 of 5)

\*The Application for Zoning Compliance misrepresented the facts in that it failed to disclose that a fourth parcel (1861 Madison Avenue), although NOT part of the Application, was also part of the Project.

1. Sheet A-1, Garage Level Plan, dated August 23, 2021, revised December 28, 2021, shows off-street parking for the Project on 1861 Madison Avenue.

2. Parcel at 1861 Madison Avenue was NOT zoned OR-G, it was zoned RA. As such, it could not be combined with, or used as parking for, this Project without first obtaining a use variance from the Zoning Board of Appeals.

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## PRIME BASES FOR ZONING OFFICIAL'S DECISION (3 of 5)

3. Only the Zoning Board of Appeals can grant a variance. The Zoning Official has NO authority to vary the Zoning Regulations.

4. Failure to include all the parcels which are part of a proposed project in an Application for Zoning Compliance is not in conformance with either the substantive or the procedural provisions of the 2010 Zoning Regulations.

5. The need for a use variance means the Zoning Official has NO authority to approve the Application for Zoning Compliance because any application which "involves a variance of use" requires site plan approval by the Planning and Zoning Commission (see 14-7-1(b)).

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## PRIME BASES FOR ZONING OFFICIAL'S DECISION (4 of 5)

\*Approximately 16 months after applying (and failing to disclose a fourth parcel) the Applicant submitted a plan in April, 2023 to include 1861 Madison Avenue as part of the Project. The intent was initially to use 1861 Madison Avenue to provide both off-street parking and on-site circulation.

\*Eventually, it was proposed only to provide on-site circulation. Either way, the inclusion of a fourth parcel is a material change which is inconsistent with the 2010 Zoning Regulations which prohibit material modifications of an application after payment of the application fee (Section 14-8-4). Because this is, *de facto*, a new application, it must be reviewed under the current 2022 Zoning Regulations, and may not be reviewed under the former 2010 Zoning Regulations.

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## PRIME BASES FOR ZONING OFFICIAL'S DECISION (5 of 5)

\* (Even if C.G.S. § 8-2 h is applicable to rulings by a Zoning Official) The Zoning Official has NO AUTHORITY to conduct administrative site plan review of this Project under the 2010 Zoning Regulations. See Section 14-2-2:

1. Administrative site plan review is limited to certain minor use categories which do NOT involve a use variance, a special permit, coastal site plan review or subdivision approval.

2. Examples of uses for which the 2010 Zoning Regulations allow administrative site plan review are: one- and two-family dwellings, community gardens, home offices, and various temporary or seasonal zoning permits.

3. The 2010 Zoning regulations DO NOT grant the Zoning Official authority to grant administrative site plan approval for a 4 story, 177-unit apartment building with 155 off-street parking spaces. Such an intense use must receive site plan review and approval by the Planning and Zoning Commission. See Section 14-2.

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The application stated that the three parcels, (1773,1843 and 1849) needed to be combined, but did not include 1851 Madison Avenue parcel. The fourth parcel was included sixteen months after the original application was submitted. Atty. Studer said that this consisted a material change to the application.

Atty. Studer said that the application should have been rejected at the time of filing. The Application also failed to substantively conform to other 2010 Zoning Regulations.

## **THE APPLICATION SHOULD HAVE BEEN REJECTED AT THE TIME OF FILING (1 of 2)**

- The Application was Incomplete and should have been rejected by the Zoning Official.
- The Application is not in conformance with the 2010 Zoning Regulations, both Substantively and Procedurally, and should have been rejected by the Zoning Official.
- The Application was ineligible for Administrative Site Plan Review by the Zoning Official and should have been rejected by the Zoning Official.
- The Applicants could then have refiled a Complete Application.

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## **THE APPLICATION SHOULD HAVE BEEN REJECTED AT THE TIME OF FILING (2 of 2)**

- Such successor Application would have been reviewed in accordance with the 2022 Zoning Regs. then in effect.
- Or, alternatively, instead of an Application for Zoning Compliance, the Applicant should have applied both for site plan review by the Planning and Zoning Commission and for a use variance from the Zoning Board of Appeals prior to the effective date of the 2022 Zoning Regulations, but Applicant elected not to.
- Recognizing the Zoning Office's failure to properly apply the 2010 Zoning Regs. to this Application – the Zoning Official issued his Decision in order to comply with the law.

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## The Application also Failed to Substantively Conform to other 2010 Zoning Regulations

- The Application Failed to include and disclose that off-street parking and site circulation for the Project would be provided on a fourth parcel (1861 Madison Avenue), a site that was NOT part of the filed application.
- The Application Failed to include an obtained Use Variance for the fourth Parcel – both a procedural (Application was NOT accompanied by All Required Approvals) and substantive (parking and traffic circulation are NOT Permitted Uses in an R-A Zone and thus would have required a Use Variance) non-compliance with the 2010 Regs.

**SEE** – 2010 Zoning Regs. §14-1-4

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### SUMMARY OF BASIS FOR ZONING OFFICIALS RULING UNDER APPEAL

- **INITIAL FINDINGS** of Project Zoning Compliance by Zoning Office – based upon **Incomplete, and Misleading** filings & information which (whether intentionally or otherwise) confused and obfuscated zoning review.
- **FURTHER REVIEW** – raised concerns regarding correctness of initial zoning compliance approvals.
- **LEGAL REVIEW** – with City attorneys confirmed that zoning compliance approvals for the project were issued contrary to the plain language of the City's zoning regulations and/or failed to comply with State statutes; and thus were improper.
- **BASED UPON SUCH REVIEW** – all such zoning compliance approvals were declared by the Zoning Official as null and void *ab initio*, and/or Revoked and/or Rescinded.

**SEE** (1) City Attorney correspondence dated July 17, 2023  
(2) Order issued Zoning Official dated July 17, 2023

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## CLAIMS of EQUITABLE / MUNICIPAL ESTOPPEL are NOT Properly Before the BOARD

\*The powers of a ZBA are limited to those granted by, and enumerated in, the Conn. Gen. Statutes, in this matter, CGS §8-6. The role of the ZBA is to determine if the Zoning Official properly interpreted and applied the Zoning Regulations.

\*Power to decide issues of Collateral Estoppel is NOT granted to a ZBA. *Black v. Zoning Bd. Of Appeals*, 1999 WL 395367, at \*4 (Conn. Super.) and *Burns v. Board of Zoning Appeals of Town of Stratford*, 1993 WL 394478, at 9 (Conn. Super., Levin, J.).

\*A ZBA lacks equity jurisdiction and would be unable to decide an issue such as equitable estoppel. *MacDonald v. Zoning Board of Appeals*, Superior Court, judicial district of New London, Docket No. CV 02 0561714 (February 25, 2003, Purtil, J.T.R.).

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## EQUITABLE / MUNICIPAL ESTOPPEL are NOT Properly Before the BOARD (continued)

\* CT Supreme Court has ruled that “equitable claims, such as estoppel, should be decided by a court of law rather than a zoning board of appeals compose of laypersons. *Collins Group, Inc. v. Zoning Board of Appeals*, supra, 78 Conn. App. at 581, 827 A.2d 764.” *Bianco v. Darien*, 157 Conn. 548, 554-55, 254 A. 2d 98 (1969).

\* While it is clear that this agency lacks jurisdiction to hear and decide a claim of estoppel, the City is confident that in a proper forum, before a court, the Petitioner’s estoppel claim will fail on the merits. Accordingly, the City reserves its substantive arguments regarding estoppel for the proper forum at the appropriate time.

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Commissioner Bain asked who would receive the application in the Zoning Department. Atty. Studer said that it was one thing to receive the application but the Zoning Official has no discretion regarding a variance.

Commissioner Bain asked for clarification regarding the reason that they were hearing this issue. She said there had been a change in the zoning regulations and that the applicant wished to add a parcel to the project. Atty. Studer said that the issue was whether the Zoning Enforcement Officer was correct in his decision to revoke the approval of the application for a Certificate of Zoning Compliance for the construction of a 4-story, 177-unit apartment building in the former OR-G zone.

Atty. Steven Bellis came forward and said that he had been listening for an hour, He said that his client purchased the property after the application was submitted. Atty. Bellis said that the Mayor had told the City Attorney's Office to help the residents who opposed the 177 units of housing being constructed.

He said that his client paid \$3.7 Million dollars for the property and obtained a \$14 million dollar loan.

Atty. Bellis said that there had been an approval letter issued and a building permit was issued. Then the building permit was pulled.

Atty. Bellis said that Primrose Developers and Atty. Rizio were hired to present the application. both the attorney and the developer have filed many applications with the City. He then reviewed a packet of information that was in the file.

Atty. Bellis said that his client had gotten a thirty page letter revoking the permit without a hearing. He said that he believes that the ZBA has the power to approve the application.

Commissioner Nachem asked about the two open applications for certificates of compliance. Atty. Bellis had Mr. Guedes of Primrose Companies, Inc. come forward to answer of the question.

Mr. John Guedes, came forward and said that he was president of the Primrose Companies located in Bridgeport. Mr. Guedes said that as far as he knows in all his years with development, the Zoning official is the only one that can issue a certificate of compliance. He said during the development of this project, he was intimately involved and believed that everything was in compliance. He pointed out that there were no parking requirements for the 177 units. He said that the parking was not part of the original plans.

Commissioner Nachem asked Mr. Guedes how many project he had developed in Bridgeport. Mr. Geddes said that he had developed hundreds of project in the City. Mr. Geddes said that he

had introduced Mr. Amit Lakhotia who is the manager for the projects. Mr. Guedes said that he had not seen any issues with the process.

Commissioner Bain asked whether the project would be harmed if the fourth parcel was not included. Mr. Geddes said that parking was not a requirement and there was parking included in the original plans. The old regulations were designed to be more residential and the new ones focused on being more commercial.

### **RECESS**

Commissioner Nachem called for a recess at 8:02 p.m. He reconvened the meeting at 8:09 p.m.

Mr. Amit Lakhotia came forward and said that his office was in Westport, CT. Mr. Lakotia hired Atty. Sandman to represent him. He said that he had purchased the land on March 29, 2022 and gave the details. They were also granted demolition permits.

Commissioner Nachem said that there were two open permits for Zoning Compliance. Mr. Boucher said that one of the permits were for the entire project and the second one was for the foundation.

Mr. Lakhotia said that he was not involved in the previous permitting process at all.

Atty. Bellis said that when the City issues a building permit, that is referred to as an invested right. When this happens, the applicant gets construction loans based on the permit. The developer is now faced with a substantial loss. He said that there was no real reason to revoke the permits. If the ZBA approves the permits, then the developers can move forward. If they deny the permits, then they will go to court.

Atty. Studer then came forward for rebuttal. He said that the ZBA's role was to determine if the application process was properly followed. He said that estoppel was not something that should properly be before the ZBA. It is a court matter.

Atty. Studer said that there needed to be fairness to the residents and the City. For Mr. Boucher to approve the project without a variance would be improper.

Atty. Bellis came forward and said that he wanted to make sure the comments were germane to the estoppel and not about noise or parking.

Commissioner Nachem said that he would like to open the floor to comments but reminded everyone that he would limit the speaking time to four minutes.

Council Member Aikeem Boyd of Garfield Avenue, came forward and greeted the Board. He said that it was 8:30 and there were still residents waiting to speak because they care about the

issue. He said that the proposed project did not meet the regulations and reminded everyone that the application had been filed right before the new regulations went into effect. He added that the project as proposed was too large for the parcel. He urged the ZBA to uphold Mr. Boucher's decision because it would be acceptable to the people living in the area.

Mr. Chris Caruso came forward and apologize for his earlier outburst during the recess. He then introduced himself and said that he lived at 208 Beechmont Avenue. The attorneys who presented their applications had all the time they wanted. The resident that were present had come because this decision will affect them financially, emotionally and will impact the traffic by their homes. It is not right to limit the public, who will be living with the project, and repeatedly tell the public not to repeat the same points. The Planning and Zoning Commission Chair, Mr. Riley was rebuked by a Superior Court judge for repeatedly telling the speakers not to repeat the same points. It is the Board's responsibility to listen. It may be a long hearing but it is not fair to the residents who have been shut out of the process for month after month. The people who had already spoken were taxpayers and live in the neighborhood. The residents that are present also have to go to work in the morning to support their families. He said that he would be back again to address the Board Members.

Commissioner Nachem said the Board Members are volunteers and they also have to go to work in the morning, also. Each speaker will have four minutes and then they can come back.

Council Member Jeannette Herron thanked the Board Members for their service. She said that everyone here was a resident of Bridgeport and most were from the North End. When the original application was presented, the public had no voice. Council Member Herron said that they had met with Mr. Guedes and knew about the garage. It is time to start respecting the neighborhood and the residents and not issues variances. She said that she had asked about this and had been told that there was nothing that they could do. The residents care about what will happen.

Council Member Michelle Lyons of the 134th District came forward and greeted the Commissioners. Council Member Michelle Lyons said that ten years ago, this issue of zoning changes had come up and she objected back then. The job of the ZBA was to determine what is appropriate. It is a residential area. The ZBA should be the ones to determine the legitimacy of the project and they should consider it now and make a determination. The fourth parcel can't be used for parking because it is a residential area. She suggested that the developer could adjust the project to help the neighbors.

Ms. Cheryl Allen came forward and said that she had lived in Bridgeport for 18 years. She said that the neighbors did not have a chance to have a hearing on the project at all. The parking will affect the community and have an impact. This is not right. She appreciates that the developer is present, but wrong is still wrong.

Mr. Matthew Hallock came forward and said that he lives in Fairfield. Mr. Hallock thanked the Commissioners for their volunteer work. He said that the ZBA has more power than they think

they do. It is important to do what is right for the City of Bridgeport. He then spoke about a ruling about Environmental Justice that was released earlier in the year. He said that the ZBA and the developer have to meet those standards.

A neighbor from directly across the street came forward and said that this was a clearly spot zoning. The developer should engage the community and listen to the residents.

Mr. Myron Glahala came forward and said he had lived in the neighborhood for a long time. He has seems good things and bad things. There have been times when the police have been called about issues and the officers have to park in his driveway because there is not enough parking.

Ms. Gillian Azada Manada came forward and said that the developer was parking in front of her house. She and her husband came to Bridgeport two years ago and this is not the right location for a 177 unit development. She said she was a social worker and that this was not a proper decision. She said that she was present to represent the neighborhood and those who could not be present at the meeting. They see many other areas that the development could be built.

Commissioner Nachem said that the issue was whether the Zoning Officer made his decision that is in compliance with the zoning regulations.

Mr. Caruso shouted out that the residents had been sitting there for hours.

Mr. Jim Shoker of Stratfield Place came forward and said that there had been no information given to the residents until it appeared in the Connecticut Post. He said that the question appeared to be if the issue was a about one person's decision.

Ms. Dorcas White, a neighbor came forward and presented the Commissioners with a binder. She said that in 1991 she moved to the area. She said that the sump pump was working until 2002. Later in 2005, the sump pump caught on fire in the water. She gave the details of how she had to bail out the sump pump well all night long. She wrote to Mayor Fabrizi in 2005 about the water issues. Mayor Fabrizi replied that the street would remain as a one way street and Testo's catering would stay there.

Ms. Susanne Trevoid came forward and said that she was from the North End. She felt that Ms. White should have had her full four minutes. She said that what was submitted was submitted incorrectly. Because it was submitted incorrectly, it's wrong and they should not be allowed to resume the work. Now, the community has spoken and they are against it. People have gains and losses. She said that Ms. White had problems when Testo's was there and that means that the neighbors will have problems with a larger building. Everyone pays taxes for their homes and everyone wants to see the area to continue to flourish. It's important to be mindful of what is happening and have consideration for the neighbors. It is important to care for one another.

Commissioner Gaits said that she had given Ms. White the full four minutes.

Commissioner Nachem asked if there was anyone present who had not spoken yet who wished to do so. He said that they would now start the second round of comments.

Mr. Chris Caruso of Beechmont Avenue came forward to address the Board a second time.

Mr. Caruso said that a legal opinion was not law. The Mayor had called on the City Attorney to investigate this project and review all the documents. It was not political because the Mayor asked for that investigation. Mr. Caruso said that he could honestly say that once the investigation started, there was no communication from the Mayor to the City Attorney's Office. Remarks that this was political are downright wrong.

The City Attorney's legal opinion states very clearly that there were missing items within the application. He said that he was not suggesting that this was fraud, but there was an accumulation of misrepresentations based on the 2010 Zoning Regulations

Mr. Caruso asked for the record why a zoning official meet with a developers about this project without the public being aware of it. There was no review and nothing took place to alert the public that this had happened. He said that without the legal opinion, the public would not have known about the development. Mr. Caruso said that he would like to see an over the counter approval of the same magnitude approved that way. The owner claimed that he had fully approved project. The reason that this happened was because the original owner was a major member of the Democratic Party.

Council Member Lyons came back to speak to the Board and said that the City of Bridgeport and the City Attorney has come before ZBA to explain projects.

Council Member Herron came back to speak to the Board and said that Mr. Boucher did the right thing and corrected the wrongs that were done in the past. The City cannot continue to do these types of things.

Commissioner Nachem asked if there was anyone present who wished to speak.

Mr. Chris Caruso came back to speak to the Board and said that the attorney for the petitioner had said this was all politics. He reminded everyone that Mr. Testo, the former owner of the property was the Chairman of the Democratic Town Committee and suggested that when Mr. Testo submitted the project, they didn't want a hearing because they knew it would be a problem. He said that he had been in politics for a long time. It was not political. A project of this magnitude was just approved. There was no public scrutiny or hearing. The people have a right to be heard, four minutes, half hour or an hour. This doesn't happened in Shelton because they put a moratorium on apartment buildings.

Ms. White said that in 2005 she had given the documents to the Mayor, In 2006, five of the neighbors had water coming into their basements. There was a proposed traffic study for the Avon Commons requested before they had sold the property. She said that she did not

understand the issue and was sorry that the Commissioners could not answer the questions. Russo Terrace has residents who have lived there for many, many years and from many different

Ms. Lori McFadden of 90 Russo Terrace came forward and said that when Testo's added on to their building, the water problems started. People say they have to invest, but they should invest in the community. The residents lived there and pay taxes there.

Mr. John Morton thanked the Board for listening. He said that these were all just working class people.

Mr. Chris Caruso came forward and said that State Representative Marcus Brown had been at the meeting but had to leave. State Representative Brown texted him and read the following into the record:

Good evening Chairman and Members of the ZBA. My name is Marcus Brown and I am a State Representative of the 132nd District. My address is 1705 Capitol Avenue in Bridgeport. I come before you today to oppose this petition. I do this with the full understanding that we need more housing – affordable housing for our residents. I also do this with the full understanding of the potential revenue this complex would bring to the Grand List. I'm opposed to this projects for the similar reasons that I stood in this very spot opposing an unnecessary storage facility in a residential North End. The residents of the North End are sick and tired of having to constantly fight off wealthy developers who seek to build in their backyards. Many of the faces you see here tonight are voices that begging to be heard. The voices [inaudible] based on the City [inaudible] of the developer [inaudible]. Tonight is your only opportunity to be heard. I encourage you to listen. In addition, not all of the acquired properties [inaudible] Testo's at 1773 Madison Avenue [inaudible] 1843 and 1849 Madison Avenue included in the original sales to the developer and now to be [inaudible] combined into one parcel. And a fourth location, 1861 Madison Avenue that was sold to the developer for the same project was never made [inaudible] necessary [inaudible]. I urge you use your common sense and oppose this and support the revocation.

Mr. Caruso said that petitioner's attorney said that this was unfair to the applicant. He asked whether it was unfair to the neighbors. He said that Mr. Guedes was tired, but so were others. He said that he did not think that they could do this in Easton or other surrounding towns. He said that if an application was submitted to a bank and the bank decided that there was a misrepresentation, it would be denied.

Commissioner Nachem then read two letters of opposition into the record.



LETTER OF  
OPPOSITION

#1

**Blackwell, Gloria**

**From:** Stella Giglio <gdogzone6@icloud.com>  
**Sent:** Monday, October 9, 2023 4:57 PM  
**To:** Blackwell, Gloria  
**Subject:** 1805 Madison Ave

RECVD IN THE BPT. ZONING  
DEPT. ON 10/11/23

To whom it may concern,  
I am writing this email to express my opposition to building a 177 apartment building at 1805 Madison Ave. 4 story high will bring too much congestion to the area as well as take away from a residential/ family neighborhood.  
At least the building can be half of what is planned at this time or even better a one story with plenty of parking in the property so roads do not get blocked.  
My name is Frank Marini and i live across from the property. My email is marinifrank719@gmail.com

Thank you for listening and hope we can at least come to an agreement.

Sent from my iPhone

LETTER OF  
OPPOSITION

#2

OCT 18 '23 AM 8:37

Honorable Commissioners:

RECVD IN THE BPT. ZONING  
DEPT. ON 10/18/23

Thank you for the opportunity allowing me to be heard on the matter regarding the development of the property known as 1805 (fka 1773, 1841, 1849) Madison Avenue. I am unable to attend the hearing in person, scheduled for October 18, 2023, and October 19, 2023.

My name is Yolanda Storilassi and I own the home in which I reside at 577 Savoy Street, Bridgeport. A development has been proposed for the land directly across the street from my property. I am vehemently opposed to the prospective development, currently scheduled for a hearing before the Zoning Board of Appeals.

There are a multitude of reasons why I oppose the development, in part because it appears to be an overuse of the property and out of character for the neighborhood. The density of the proposal would overwhelm the infrastructure. Anticipated traffic to the area, which the development most certainly would generate, would contribute to the decline of the neighborhood, as well as increasing the danger for pedestrian and vehicular traffic. This is a residential neighborhood, and the proposed development should not be allowed to move forward.

Thank you for your time and consideration.

Respectfully,

*Yolanda Storilassi*  
Yolanda Storilassi

Ms. White came forward and said that she appreciated the Commissioners position. She said that there would be a number of cement tanks placed in the ground as catch basins. These will shift the water towards the houses. She asked them not to approve the request.

Commissioner Nachem said that he was closing public comments and tomorrow the Committee will allow the Commissioners to discuss the Attorney's presentations and the public's comments before making a decision.

### **ADJOURNMENT**

**\*\* COMMISSIONER BAIN MOVED TO ADJOURN.**

**\*\* COMMISSIONER SHEPARD SECONDED.**

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

The meeting adjourned at 9:42 p.m.

Respectfully submitted,

Telesco Secretarial Services