

**CITY OF BRIDGEPORT
PLANNING & ZONING COMMISSION
PUBLIC HEARING
MARCH 29, 2021**

ATTENDANCE: Melville Riley, Chairman; Robert Morton; Reginald Walker; Robert Filotei; Carlos Moreno; Arturo Gravina-Hernandez; Cesar Augusto Cordero; Kyle Labuff

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

OTHER: Nick; Bob; Alyssa Tortolani; Anthony; Christopher Russo; Jack Hennessy; Keith Hague; Luke Mauro; Council member Maria Pereira; Marie Resto; Mike Tochluk; ndeluca; Raymond Ganim; Rosalina; Tom Ryder; Wanda Judkins; Wells Stanwick; Kerry Olson; Kevil Sully; Atty. Kerry Olson; former State Representative Chris Caruso

CALL TO ORDER

Chairman Riley called the meeting to order at 6:30 P.M. There was a quorum present.

Chairman Riley read the following statement: This meeting of the Planning & Zoning Commission 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 Planning & Zoning Commission agenda has been online complying with the statutes normal earliest publication date in the Connecticut Post.

Atty. Patricia Sullivan submitted a letter requesting item C-1 be continued to the meeting of April 26th.

Atty. Russo and Rizio submitted a letter requesting item D-1 be deferred to the meeting of April 26th.

Atty. Russo and Rizio submitted a letter requesting item D-2 be deferred to the meeting of April 26th.

Atty. Bruce McDermott submitted an e-mail requesting the item 21-13 be deferred to the meeting of April 26th.

CONTINUED & DEFERRED BUSINESS

C-1 (21-03)

225 BOSTON AVE. – PETITION OF HAN CAPITAL – SEEKING TO AMEND TABLE 2.A OF THE ZONE DEVELOPMENT STANDARDS OF THE ZONING REGULATIONS TO PERMIT SELF-STORAGE FACILITIES IN OR-G ZONES.

**** COMMISSIONER GRAVINA-HERNANDEZ MOTIONED TO CONTINUE ITEM C-1 UNTIL THE MEETING OF APRIL 26, 2021.**

**** COMMISSIONER MORTON SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

The item will be continued until the meeting of April 26, 2021.

D-1 (21-02)

70 HAWLEY AVE. & 95 EZRA ST. – PETITION OF HAWLEY AVENUE ASSOCIATES, LLC – SEEKING A SPECIAL PERMIT AND A SITE PLAN REVIEW TO LEGALIZE A VEHICLE REPAIR FACILITY IN THE EXISTING COMMERCIAL BUILDING IN AN OR-G ZONE.

**** COMMISSIONER LABUFF MOTIONED TO CONTINUE ITEM D-1 UNTIL THE MEETING OF APRIL 26, 2021.**

**** COMMISSIONER MORTON SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

D-2 (21-05)

155 POND ST. (REAR) – PETITION OF GIACOBBE CONSTRUCTION, LLC – SEEKING A SPECIAL PERMIT, SITE PLAN REVIEW AND A ZONE CHANGE FROM A 1-FAMILY RESIDENTIAL ZONE (R-A) TO A MULTI-FAMILY RESIDENTIAL (R-C) BEGINNING AT A POINT IN THE NORTHWESTERN PROPERTY CORNER ON THE EASTERN SIDE OF INFIELD STREET; THENCE N 62°20'58" E A DISTANCE OF 100.02' TO A POINT; THENCE N 61°07'09" E A DISTANCE OF 187.65' TO A POINT; THENCE N 62°43'55" E A DISTANCE OF 25.90' TO A POINT; THENCE S 30°30'30" W A DISTANCE OF 65.43' TO A POINT; THENCE S 02°00'06" W A DISTANCE OF 47.13' TO A POINT; THENCE S 86°19'54" E A DISTANCE OF 131.38' TO A POINT; THENCE S 12°05'56" W A DISTANCE OF 58.03' TO A POINT; THENCE S 20°37'17" W A DISTANCE OF 120.34' TO A POINT; THENCE N 78°10'58" W A DISTANCE OF 9.00' TO A POINT; THENCE S 27°38'02" W A DISTANCE OF 48.56' TO A POINT; THENCE N 79°54'37" W A DISTANCE OF 113.20' TO A POINT; THENCE N 78°52'17" W A DISTANCE OF 111.00' TO A POINT; THENCE N 26°30'02" W A DISTANCE OF 147.78' TO THE POINT OF BEGINNING, HAVING AN AREA OF 67,563 SQUARE FEET, MORE OR LESS, OR 1.551 ACRES, MORE OR LESS TO PERMIT THE CONSTRUCTION OF A 3-STORY, 24-UNIT RESIDENTIAL APARTMENT BUILDING WITH 39 ON-SITE PARKING SPACES IN THE (PROPOSED) R-C ZONE.

**** COMMISSIONER MORTON MOTIONED TO DEFER ITEM D-2 UNTIL THE MEETING OF APRIL 26, 2021.**

**** COMMISSIONER WALKER SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

(21-13)

600 (598) IRANISTAN AVE. – PETITION OF NEW POWER BRIDGEPORT, LLC – SEEKING A SITE PLAN REVIEW AND A COASTAL SITE PLAN REVIEW TO PERMIT THE CONSTRUCTION OF A FUEL CELL DISTRIBUTION FACILITY IN AN MU-LI ZONE AND COASTAL AREA.

**** COMMISSIONER LABUFF MOTIONED TO DEFER ITEM 21-12 UNTIL THE MEETING OF APRIL 26, 2021.**

**** COMMISSIONER CORDERO SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

NEW BUSINESS

(21-12)

4531 MAIN ST. – PETITION OF BROOKSIDE (E&A) LLC – SEEKING A SPECIAL PERMIT AND A SITE PLAN REVIEW TO PERMIT THE CONSTRUCTION OF A FAST-FOOD RESTAURANT WITH A DRIVE-THRU FACILITY IN AN OR-R ZONE.

Mr. Kevin Sully came forward to present this item. He is an engineer with Sully Engineering. Copies of certified mail receipts have been submitted. A formal written response to claimant comments has been submitted as well. Mr. Sully reviewed the site layout and plans for those present. The site is just under fourteen acres and has appx. 170,000 square feet. It is currently zoned office retail/regional. The proposed development is an outparcel out front for a coffee shop with a drive through. The majority of the site is located in the floodplain elevation by FEMA. There will be three driveways that access the center. Starbucks™ is interested in opening a location at the proposed site. He proceeded to review the details of the proposed store for the Commission.

Commissioner Filotei asked if this was a company-owned store.

Mr. Sully answered that it was company-owned.

Commissioner Filotei asked about the traffic plan and what the queue line would be like for the drive through. He noted that there were 8 cars in the plan with the rest of the line curling onto the street. He noted there were a lot of problems with traffic on Main Street.

Mr. Sully said that there were 8 queue spaces in the plans. He pointed out several details on the plan that would try to keep the queue from going back out to Main Street. There is over 25 cars worth of stacking before reaching the intersection with Main Street. There is additional stacking along the front.

Commissioner Filotei said this could become a parking nightmare if not done properly and there may not be enough stacking room. There is no doubt in his mind that there will be a minimum of 50 cars lined up each morning for coffee.

Atty. Terry Olson spoke up and came forwards to present. She said she had connection troubles which was why she couldn't speak earlier when Mr. Sully presented. She stated there were other representatives of the applicant in the meeting. She stated that there should have been an authorization from her representation and a summary memorandum submitted into the record. Mr. Sully confirmed that both had been mentioned to the Commission. She wished to address the provided summary memorandum. She said she had explained problems with the concept plan for the layout. She pointed out that this is an existing shopping center and all they're proposing to do is add a Starbucks™ café within the confines of the existing parking center. They are not adding any on-site parking at all and are eliminating pre-existing front parking spaces in order to create the crosswalks to allow people to enter the front of the building. They do meet all the technical requirements of the regulations.

Mr. Coleman has focused solely on section 12-5 and the urban design guidelines. His proposition requires the building to be at the street edge. There is no regulation that requires the building to be at the street edge nor is there a regulation that requires them to remove existing parking. She made it clear that they met the terms of the regulation and Mr. Coleman's proposition that, from a planning perspective, he'd prefer it to be a street edge or to have the parking removed is not grounds to deny the application. She said that this was the superior location for this building when all objectives were

considered. When compared to all the restrictions on the property she felt certain that they could appreciate would undermine the planning concepts. This location is the prime location that meets all objectives for safety, the parking area, the drive-thru, pedestrian-friendly. Mr. Coleman's proposition does not consider the various issues and, overall, undermines the planning objective.

It was asked if there was any way to increase the stack as there were concerns that 25 cars would not be enough. It was noted that other locations can have more than 25 cars stacked in the morning. There cannot be any stacking on Main Street.

Mr. Sully stated that they could hire additional employees to direct traffic in the lot towards the stores and to come back around. He pointed out how Chick-fil-a™ does something similar during peak periods.

Atty. Olson said that she was ready to provide a plan for those peak issues. They exceed the regulations and would be open to a condition that they revise the site plan to show the excess stacking.

It was suggested that they continue for now and submit a supplemental stacking plan to get through the special permit part of the application. They are not comfortable with the current stacking plans.

Atty. Olson noted that there were other concerns that they desired to address in the meeting. Atty. Liskov replied that they should still ask for a continuation and gather new evidence for next month and if any other members of the board have any concerns other than the stacking issue, they should tell the applicant what their concerns are so they can be addressed.

Commissioner Filotei said that they should look at people who need to make a left-hand turn at the light at two of the entrances. He desires to avoid backup as a result. The Commission had concerns about the Stacking Plan, the exit and entrance, and about the numbers of coffee served in the morning and requested further information.

Atty. Olson asked to clarify if there was a request for a no-left-turn off Main Street or a no left turn out leaving the lot. Right-turn only heading out onto main. Discussion followed on the details of the proposed sign. She asked if there were any written responses to their memoranda that someone share them with her in advance.

**** COMMISSIONER GRAVINA-HERNANDEZ MOTIONED TO CONTINUE ITEM 21-12 UNTIL THE MEETING OF APRIL 26th.**

**** COMMISSIONER LABUFF SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

(21-14)

145 ANCHORAGE DR. – PETITION OF LANDTECH – SEEKING A COASTAL SITE PLAN REVIEW TO PERMIT THE REMOVAL OF BOULDERS AND MATERIALS INSTALLED WITHOUT PERMITS TO ALLOW FOR THE CONSTRUCTION OF A COMPLIANT VEGETATED SLOPE AND PROTECTIVE BOULDERS IN AN R-AA ZONE AND COASTAL AREA

Mr. Tom Ryder came forwards to speak. He is a biologist with Landtech. He provided an overview of the site for the Commission. The owner purchased the property in 2017. When the property was purchased

there was an existing wall that had been installed by a previous owner. In 2019 the D.E.E.P. had gone through a permitting process and determined that the wall needed to be removed. The wall is scheduled to be removed and replaced with a stabilization plan. They will be removing the wall in an area and adding in a slope in its place. Further discussion followed on the details.

There were no questions from the Commission.

No one came forward to speak in favor of this application.

No one came forward to speak against this application.

**** COMMISSIONER FILOTEI MOTIONED TO APPROVE APPLICATION 21-14 AS SUBMITTED FOR THE FOLLOWING REASONS:**

- 1. AS TO THE COASTAL SITE PLAN REVIEW, THE PROJECT WILL HAVE NO UNACCEPTABLE IMPACT ON THE COASTAL AREA.**
- 2. THE RECONSTRUCTION OF THE BULKHEAD COMPLIES WITH D.E.E.P. REQUIREMENTS.**

**** COMMISSIONER CORDERO SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

A letter in support of the application was read into the record stating that it was following the Connecticut Coastal Management Act.

(21-15)

51 (AKA 35) BOSTON AVE. – PETITION OF CHARLES KWON – SEEKING A SPECIAL PERMIT AND A SITE PLAN REVIEW TO PERMIT THE ESTABLISHMENT OF A FAST-FOOD RESTAURANT IN A PORTION OF THE EXISTING COMMERCIAL BUILDING IN AN OR-G ZONE.

Mr. Mike Tochluk came forward to speak on this item. He is an operating partner and shareholder for Wing Stop®. There are 24 seats on the plan. 80-90% of planned business will be take out with 50% being delivery as well. There will be no drive through or modifications to the exterior. It is an interior renovation.

It was noted that they needed an automatic lease.

Mr. Tochluk confirmed that he had that.

Chairman Riley asked if there would be no drive through.

Mr. Tochluk confirmed this.

Chairman Riley asked what the proposed hours of operation were.

Mr. Tochluk said 11: 00 A.M. to Midnight; seven days a week.

Chairman Riley noted that the parking situation was tight.

Mr. Tochluk said that there were 17-18 spaces total and, since there was no drive-thru there'd be no queue line.

Chairman Riley confirmed that they were selling only chicken wings.

Mr. Tochluk confirmed that wings were their primary sale item and listed their menu. There will not be a grill installed.

They were asked what they'd do with the other half of the building.

Mr. Tochluk said that they were looking to sublease it out and were not looking to add any more restaurants.

It was asked if the nearby Dutchess ® driveway could be accessed from the rear of the building.

Mr. Tochluk said he thought that was the case.

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

Council Member Maria Pereria came forward to speak in opposition. She said she was concerned when she saw the use of the property. She recounted the layout for the Commission and said that she was concerned with the population density and the number of parking spaces (which she counted at 14). Factoring in employees this leaves 8-9 for customers. There is already a large number of accidents at the intersection. The additional traffic could lead to serious safety issues. She was uncertain if a traffic study had been provided addressing the concerns regarding safety.

Representative Jack Hennessy of 556 Gregory came forward to speak in opposition. He recommended voting against the application due to the lack of a traffic study.

Former State Representative Chris Caruso came forward to speak in opposition. He had come on to speak about the Starbucks™ proposal. He had been disturbed about the exchange that took place over Starbucks™. He pointed out that the road is one of the busiest in Connecticut. The proposal provided was minimal at best. If approved, it will only make an area that's already problematic because of a lack of parking that much worse. The laundromat across the street lacks the parking for people to go and wash their clothes. Based on the presentation they aren't even sure what other development will be in the location. The remaining half of the lot can be rented out to various stores. It could remain retail or be turned into something else. This will limit the parking even more. Due to the state of the road and the congestion this would be a disaster in its present form.

Mr. Caruso also said that the exchange between the two attorneys in Item 21-12 was inappropriate. The public had been closed out from speaking. He pointed out that Atty. Liskov is not a member of the Commission. Despite this he was giving comment and exchanges with the attorney for the application. That means that any member of the public who had concerns was shut out this evening. Because now that attorney with that application can go back and make changes to the proposal under the assumption that the Commission had certain concerns and so in turn those concerns will be met and when the

public speaks, possibly in opposition to it, which he may not even be, they would be shut out from that process. A heated exchange of words followed. Mr. Caruso said that Atty. Liskov had been out of order when he shut off the public discussion period.

At this point, the mute button was used.

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

Mr. Tochluk said that he understood that the corner there was busy and a high-traffic area. He pointed out that there are other locations with similar problems and minimal parking. Wing Stop[®] is meant to be a small business. The landlord will not allow any other restaurants in the space. It needs to be dry retail. There is also parking along the back of the building. They had planned on using this parking. It was also pointed out that the plan called for only 24 seats/6 tables.

It was noted that there was no minimum parking requirement.

There were no further questions currently. Also, it was suggested that they have a fence between Dutchess[®] and this property.

**** COMMISSIONER LABUFF MOTIONED TO APPROVE APPLICATION 21-15 WITH THE FOLLOWING CONDITIONS:**

1. **A CHAIN LINK FENCE SHALL BE ERECTED ON THE LEFT REAR CORNER OF THE BUILDING, PENDING FIRE MARSHAL'S REVIEW, TO ENSURE MOTORIST SAFETY THAT ARE USING THE NEIGHBORING RESTAURANT'S DRIVE-THRU WINDOW LANE.**

FOR THE FOLLOWING REASONS

1. **THE PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**
2. **THE PROJECT AS APPROVED COMPLIES WITH THE SPECIAL PERMIT STANDARDS OF SEC. 14-4-4 AS WELL AS THE SITE PLAN REVIEW STANDARDS OF SEC. 14-2-5.**

**** COMMISSIONER GRAVINA-HERNANDEZ SECONDED THE MOTION.**

**** THE MOTION PASSED WITH 7 (RILEY; MORTON; WALKER; MORENO; GRAVINA-HERNANDEZ; CORDERO; LABUFF) IN FAVOR ANF 1 (FILOTEI) OPPOSED.**

CONSENT AGENDA

There was nothing on the consent agenda at this time.

OTHER BUSINESS

(OB-1)

872 BREWSTER ST. (AKA 215 ALFRED ST) – PETITION CANFIELD PARTNERS, LLC – REQUESTING A “SLIGHT AMENDMENT” TO MODIFICATION OF THE 11/25/19 PZC APPROVAL TO CONVERT A PORTION OF THE AMENITY AREA INTO TWO (2) GUEST SUITES.

A copy of the floor plan and the letter from Atty. Russo and Atty. Rizio had been included in the Commissions packet. The developer had asked about the possibility of establishing 2 bedrooms, each having their own bathroom. These would be available to people who lived in the condos and had need for out-of-town guests. They could not be used all the time as an ongoing service. There are already conditions on this application. The facility is seasonal. The bedroom must be reserved for a specific time and it cannot be long-term. Discussion followed on the details. It will not increase the square footage.

**** COMMISSIONER LABUFF MOTIONED TO APPROVE APPLICATION OB-1 AS SUBMITTED.**

**** COMMISSIONER GRAVINA-HERNANDEZ SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

There were three requests for an extension of time.

One was for a second extension on Water Street. One was for a third extension on Boston Ave. One was for a first extension on 88 Broad street. They are all within the timeframes. They have been certified and sent out.

A brief discussion followed about plans for regulations regarding marijuana dispensaries when it becomes legal. In the Planning Department they have charged the consultant and were explicit about the regulation dealing with this. It has been drafted clearly and contains information relevant to the dispensaries. Since the product is not currently legal there is still time to decide and review plans.

It was also questioned if they wanted to broadcast this issue in a public hearing or package it in with a Zoning re-write.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE BOARD

APPROVAL OF MINUTES

MINUTES OF JANUARY 25, 2021 – PRESENT: ACTING CHAIR, MELVILLE RILEY. COMMISSIONERS: CESAR CORDERO, ROBERT FILOTEI, ARTURO GRAVINA-HERNANDEZ, KYLE LABUFF, CARLOS MORENO, ROBERT MORTON AND REGINALD WALKER; STAFF: DENNIS BUCKLEY, ZONING OFFICIAL AND NICHOLAS SAMPIERI, ZONING INSPECTOR; OFFICE OF THE CITY ATTORNEY: RUSSELL LISKOV

**** COMMISSIONER LABUFF MOTIONED TO ACCEPT THE MINUTES OF JANUARY 25, 2021 AS SUBMITTED.**

**** COMMISSIONER MORTON SECONDED THE MOTION.**

**** THE MOTION TO ACCEPT THE MINUTES OF JANUARY 25, 2021 AS SUBMITTED PASSED UNANIMOUSLY.**

MINUTES OF FEBRUARY 22, 2021 – PRESENT: ACTING CHAIR, MELVILLE RILEY. COMMISSIONERS: CESAR CORDERO, ROBERT FILOTEI, ARTURO GRAVINA-HERNANDEZ, CARLOS MORENO, ROBERT

MORTON AND REGINALD WALKER; STAFF: DENNIS BUCKLEY, ZONING OFFICIAL AND NICHOLAS SAMPIERI, ZONING INSPECTOR; OFFICE OF THE CITY ATTORNEY: RUSSELL LISKOV

**** COMMISSIONER CORDERO MOTIONED TO ACCEPT THE MINUTES OF FEBRUARY 22, 2021 AS SUBMITTED.**

**** COMMISSIONER LABUFF SECONDED THE MOTION.**

**** THE MOTION TO ACCEPT THE MINUTES OF FEBRUARY 22, 2021 AS SUBMITTED PASSED UNANIMOUSLY.**

ADJOURNMENT

**** COMMISSIONER WALKER MOTIONED TO ADJOURN.**

**** COMMISSIONER MORTON SECONDED THE MOTION.**

**** THE MOTION TO ADJOURN PASSED UNANIMOUSLY.**

The meeting adjourned at 8:15 P.M.

Respectfully submitted

Ian A. Soltes

Telesco Secretarial Services.

