



**CITY OF BRIDGEPORT
PLANNING AND ZONING COMMISSION
REGULAR MEETING
AUGUST 31, 2020**

45 Lyon Terrace,
Room 210
Bridgeport, CT 06604
(203) 576-7217 Phone
(203) 576-7213 Fax

ATTENDANCE: Mel Riley, Acting Chair; Cesar Augusto Cordero, Robert J. Filotei, Arturo R. Gravina-Hernandez, Kyle LaBuff, Carlos Moreno, Robert Morton, Acting Secretary (6:18 p.m.); Reg Walker (6:39 p.m.)

STAFF: Dennis Buckley, Planning and Zoning; Nicholas Sampieri, Zoning Inspector; Atty. Russell Liskov, City Attorney's Office

This meeting was conducted by Zoom/Teleconference.
The public was able to listen to this meeting by calling a conference line.

CALL TO ORDER.

Commissioner Riley called the meeting to order at 6:10 p.m. He read the following statement into the record.

This meeting of the Planning and 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 P&Z agenda has been online complying with the statutes normal earliest publication date in the Connecticut Post.

This agenda was placed on the City website and complied with that requirement. This meeting is being recorded to comply with the Open Meeting Requirements and will be available on the City web page following the meeting.

For those that are participating in the meeting tonight, petitioners, staff members and public, please state your name every time you speak.

Commissioner Riley stated that the Zoning staff had decided to see that the signage was properly posted at the applicant's locations.

Commissioner Riley called the roll. A quorum was present.

CONTINUED ITEM

C-1 (20-09) Text Amendment (4200 Park Ave.) - Petition of Jewish Home for the Elderly of Fairfield County, to amend the zone development standards of the City to allow an accessible parking structure which services congregate housing facilities a maximum allowable height of 45 feet.

Atty. Rizio introduced himself and requested that the item be deferred due to on-going discussions with the neighbors. Commissioner Riley said that the next meeting was scheduled for September 29th. Atty. Rizio said that his client would waive the statutory requirements to open or close the public hearing.

DEFERRED ITEM

D-1 (20-14) 4200 Park Ave. – Petition of The Jewish Home for the Elderly – Seeking a special permit and site plan review to permit the construction of a 3-story parking garage containing 143-spaces in an R-C zone.

Atty. Rizio introduced himself and requested that the item be deferred due to on-going discussions with the neighbors. Commissioner Riley said that the next meeting was September 29th. Atty. Rizio said that his client would waive the statutory requirements to open or close the public hearing.

NEW BUSINESS

(20-17) 827 Trumbull Ave. – Petition of Northeastern Conference of Seventh Day Adventist, D/B/A Calvary SDA Church – Seeking a special permit and site plan review to permit the expansion of the existing house of worship and grammar school facility in an R-A zone. (Request to be deferred to 09/29/20)

Mr. Buckley said that he had received a letter from the applicant requested deferment and waive the statutory requirements to open or close the public hearing.

(20-18) Text Amendment (1862 East Main St.) – Petition of 1862 East Main, LLC – Seeking to amend Sec. 4-11 of the Zoning Regulations of the City of Bridgeport to allow the Planning & Zoning Commission to select appropriate structures for an adaptive re-use in addition to historical and architecturally unique buildings.

Atty. Rizio came forward and introduced himself.

Commissioner Morton joined the meeting at 6:18 p.m.

This amendment is in regard to regulations involving adaptive reuse. Atty. Rizio pointed out that there were numerous buildings in Bridgeport that could be adaptive reused, but a number of issues prevent this since many of the buildings are non-conforming. Currently, the regulations require a building would have to be on the Historic Register or obtain a

use change. He gave several examples of buildings that could be adaptively reused, but were not listed on the Historic Register.

The first change would allow the Planning and Zoning Commission to approve the proposed adaptive reuse if they feel it is appropriate. Atty. Rizio said that he had been working on this proposed change with Ms. Haig and Mr. Coleman of the Office of Planning and Economic Development (OPED).

The second change was adding the ability of the Planning and Zoning Commission to deem whether a building was worth preserving. It would also allow a building to be reused without changing the neighborhood's zoning.

Atty. Rizio then referred to a letter of support dated July 24, 2020 into the record from Ms. Haig to Mr. Buckley. The letter stated that Ms. Haig had reviewed the appropriate text amendment regarding broadening the existing structures deemed worthy of preservation and expanding the permitted uses. It would broaden the currently narrow adaptive use section to allow a greater range of buildings to become active again without the threat of demolition or vacancy owing to economic obsolescence. The on going effort to comprehensively rewrite the Zoning Regulations will not conflict with this amendment. In fact, the rewrite is likely to consider a broader adaptive reuse as a helpful development tool. She pointed out that during the interim period, any consideration of the adaptive reuse regulations in the interim amended text would have to come before the Commission who would retain broad and sole discretion. She stated that she was in support of the text amendment proposed for the expanded adaptive reuse regulations.

Atty. Rizio said that there would not be any unintended consequences and said that he would be happy to answer questions.

Commissioner Riley said that he felt that this would be spot zoning. Atty. Rizio said that the Commission would have the more authority that they have currently over buildings that were not on the Historic Register.

Commissioner Gravina-Hernandez asked about one of the buildings constructed in 1957 that was also on the agenda. The discussion moved to how the text amendment would change the application. Atty. Rizio said that the building would not have to be on the Historic Register.

Commissioner Riley said that he felt that this type of issue would go to the Zoning Board of Appeals. There are other solutions.

Atty. Rizio said that he would revisit the language with OPED staff to create language that would make the Commissioners more comfortable.

Mr. Coleman said that he could not comment until the hearing moved into the public comment portion. Mr. Coleman said that Commissioner Walker was on his speaker

phone and that Commissioner Walker could not access the meeting on his computer.

Commissioner Walker joined the meeting at 6:39 p.m.

Commissioner Riley asked if there was anyone who wished to speak in favor of this item.

Mr. Coleman said that buildings that were built in the 1970's were eligible for Historic Tax Credits. The text amendment would be focused less on historic registered buildings and include other buildings that could be adaptively reused. He said that OPED was supportive of the text amendment. Mr. Coleman said that this would move the presentation from economic hardship to solely land use.

Commissioner Riley asked if there was anyone else who wished to speak in favor of this item. Hearing none, he asked if there was anyone who wished to speak against the item.

Council Member Pereira introduced herself. She said that she was opposed to text amendment because it was being proposed solely because of the application for 1862 East Main Street, which has already been denied by the Commission in the past.

The City is already rewriting their Zoning Regulations. Council Member Pereira said that it reeks of a similarly proposed text amendment regarding the liquor stores. This was being presented by Atty. Rizio solely for his client regarding 1862 E. Main Street.

Council Member Pereira said that the memorandum text was different than what was included in the file. It is not that the Zoning Commission would preserve buildings, but that the Zoning Commission would deem buildings appropriate.

Ms. Helen Olga Losak then spoke in opposition. She said that she remembered the building being occupied by the original owner. The text amendment will affect the quality of life in the neighborhood. Changing the use will affect the small businesses in the neighborhood. They do not want a light industrial use in the neighborhood that is a retail zone.

Mr. Buckley then said that there was a letter from [inaudible] stating that the change of the use would not be significant.

Atty. Rizio said that OPED was just providing the Planning and Zoning Commission with one more tool rather than having the applicants go to ZBA for a use variance. He asked why the owner would have to tear down half of a building to provide more parking.

The application for 1862 East Main Street was irrelevant. In Bridgeport, the Commissioners are dealing with pre-existing conditions and the previous regulations were different. The Commissioners were being asked to consider the buildings that were built in the last 50 years that are now non-conforming. This text amendment would give the Commission the discretion to decide which buildings to preserve.

Commissioner Riley pointed out that the Commission members will change in the future. He added that he would like to know what the other towns were doing like New Haven. Atty. Rizio said that he had written the regulations for Trumbull and noted that they had been successfully used in Bridgeport. Commissioner Riley said that he would like Atty. Rizio and Mr. Coleman to look at what other towns are doing.

Atty. Rizio said that he would like to have the item deferred to the September agenda.

(20-19) 1862 East Main St. – Petition of 1862 East Main, LLC – Seeking an adaptive re-use of an existing commercial building into a self-storage facility in an OR zone.

Atty. Rizio requested deferment of the item to the September agenda.

(20-20) 1000 South Ave. & Barnum Dyke – Petition of Race Consulting & Engineering – Seeking a site plan review & coastal site plan review to permit the repair of the existing bulkhead in an I-L zone and coastal area.

Mr. Matt Rakowski introduced himself and said that he was representing Sikorsky Aircraft. He displayed the green mailing receipts and explained that he was present to speak about the existing bulkhead which extends approximately 1,600 linear feet along the south bank of Cedar Creek. It was constructed in 1980 and is starting to show signs of deterioration along the coating and the tie rods holes are developing deterioration. Voids are developing behind the bulkhead. The applicant is seeking to repair the bulkhead to extend the longevity of the bulkhead and return it to its structural integrity. Mr. Rakowski displayed schematic drawings and aerial photographs of the site. There would also be security fencing replaced.

Commissioner Morton asked if there was a letter from Mr. Gaucher. Mr. Buckley explained that he had not received a reply from Mr. Gaucher. The City Engineer is interested in the soil erosion.

Atty. Liskov said that he believed that the Commissioners have the right to make a decision and reminded everyone that Mr. Gaucher acted in an advisory role. Commissioner Morton said that he would not like to set a precedence of moving ahead without Mr. Gaucher's input. The Commission decided to continue the application.

(20-21) 1500 Reservoir Ave. – Petition of Annjerry Garcia – Seeking an approval of location to permit the establishment of a package store use and the issuance of a package store liquor permit in the existing commercial building in an R-A zone.

Atty. Opadowhala came forward and displayed the green mailing receipts. [The audio was very blurry.]

Atty. Opadowhala said that there was no school, daycare or church anywhere near the

proposed site. Commissioner Riley asked about the Special Permit Zoning Standards. Atty. Opadowhala said that he believed that the application was in compliance with the standards.

Atty. Opadowhala said that he believed the applicant would be entitled to have this as of right. He mentioned a letter of opposition that raised two objections involving the 750 foot rule.

Commissioner Garcia asked about a nearby daycare. Atty. Opadowhala said that the daycare was beyond the 750 foot radius.

Commissioner Walker asked what the Reservoir Avenue NRZ had to say about the application. Atty. Opadowhala said that the NRZ did not cite any specific items, only that they were opposed to it. Commissioner Gravina said that there was a liquor store within the 750 foot radius. The attorney disagreed.

Commissioner Walker said that he did not think that the application addressed the Special Permit Zoning Standards.

Mr. Buckley said that Ms. Judith Edwards from the NRZ was present to speak and she had sent in a letter of opposition.

Commissioner Riley asked if there was anyone in favor of the application. Hearing none, he asked if there was anyone present who wished to speak in opposition.

Ms. Judith Edwards, the president of the Reservoir Avenue NRZ, said that the NRZ had not been aware of the application until recently and they would like the applicant to come and meet with the NRZ. There are two package stores by the public housing and Wilbur Cross School is right now the street.

Council Member Eneida Martinez said that she had been trying to let everyone know she was in favor of the item. The property was abandoned for a long time. A new property owner has purchased the place and was revitalizing the area. The new business will be state of the art and will have off street parking. The daycare center is in the center of Trumbull Garden. The school is up the street.

Council Member McBride-Lee said that she was the Council Representative for the area and felt it was a health issue. While the school is not right there, the students have to get on and off the bus there. People will be hanging out near the liquor store. The customers are not going to the store to buy Champaign or wine. The Trumbull Garden children don't have a park or a place to go, but now they want to put another liquor store in. She asked where all the people were that claim they care for the children. This is not a good idea for the community.

Council Member Rosaline Roman-Christy said that she was the Council Member for the

District. She said that she was surprised that the building was built in the zone and was totally against the petition for the liquor. This will disrupt the quality of life for the neighborhood. The school buses stop at each corner and the students also walk to and from school. There is violence that happens on that corner.

Mr. Stephen Nelson, the president of the Second Stone Ridge Condo, which has 350 families in the project spoke next. This would be a third liquor store right in that area. He described where the other two existing liquor stores were located. There was an agreement with the Mayor for a library on some open City owned lands. They have been fighting for five years to have the library put there and this was a curve ball to all parties involved. Trumbull Gardens is right across the street and this will not help them clean up the Housing Authority property.

Mr. Nelson said that he had just found out over the week-end that this application was on the agenda. Second Stone Ridge pays over \$200,000 in taxes and he was sure that Third Stone Ridge pays the same. They deserve to be notified. Putting liquor stores by Trumbull Gardens is not right.

Commissioner Riley asked if the nearby bodegas sold liquor. Mr. Nelson said that the bodegas sell beer, but not hard liquor.

Council Member Pereira said that she was on the School Board when the issues about the liquor store distances was being discussed. Liquor stores are not positive influences. She asked if the Planning and Zoning Commission was trying to make everyone an alcoholic. She said that there is a liquor store in her neighborhood and the nip bottles are scattered everywhere.

Atty. Opadowhala replied that the other liquor stores were not within the 750 foot radius. The other two liquor stores do not have parking and the applicant has 24 off street parking spaces for the customers.

[Inaudible]

Regarding disrupting the quality of life, Atty. Opadowhala said that the liquor will be enclosed by plastic cases and the staff will have to get the containers for the customers. This will be handled in a responsible way. There will not be bottles of tequila by the front door. [Inaudible]

Atty. Opadowhala said that all the neighbors were notified and the signage was posted for everyone to see. He repeated that there would be enclosed shelving and have adequate parking. Regarding the NRZ, the NRZs are to help with the development of the neighborhood and this will add to the neighborhood.

Commissioner Riley closed the public hearing on Agenda Item 20-21 and the Public Hearing portion of the meeting at this time.

OTHER MATTERS THAT MAY PROPERLY COME BEFORE THE BOARD

CA-1 RE: 135 WASHINGTON AVENUE – Seeking a 1-year extension of time for a special permit which expired August 5, 2020 for the conversion of the existing mixed-use building into a 5-unit apartment dwelling.

**** COMMISSIONER FILOTEI MOVED TO APPROVE AGENDA ITEM CA-1 FOR RE: 135 WASHINGTON AVENUE – SEEKING A 1-YEAR EXTENSION OF TIME FOR A SPECIAL PERMIT WHICH EXPIRED AUGUST 5, 2020 FOR THE CONVERSION OF THE EXISTING MIXED-USE BUILDING INTO A 5-UNIT APARTMENT DWELLING.**

**** COMMISSIONER WALKER SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The new expiration date of the special permit has been established as August 5, 2021

CA-2 RE: 3115, 3129, 3135 FAIRFIELD AVENUE & 704 COURTLAND AVENUE – Seeking a fifth 1-year extension of time of an approved coastal site plan review to permit the construction of a 4-story, 43-unit apartment building originally approved by the Planning & Zoning Commission on November 24, 2014.

Mr. Buckley said that there was a matter that the long time Commissioners who were involved in 3115 Black Rock Avenue might remember regarding an apartment building with parking at the site. The project was initially approved. Mr. Buckley explained that the owner became ill and the property was later sold. The new owner had filed the plans with Zoning and then the plans were forwarded to Engineering and the Fire Marshal. The new owner suffered a massive stroke and the project stalled before they were sent to the Building Department for approval. The plans were never reviewed for a building permit. Because of the delays, Mr. Buckley said that he does not have the authority to give the Building Department the go ahead to approve the building permit.

**** COMMISSIONER FILOTEI MOVED TO APPROVE AGENDA ITEM CA-2 RE: 3115, 3129, 3135 FAIRFIELD AVENUE & 704 COURTLAND AVENUE – SEEKING A FIFTH 1-YEAR EXTENSION OF TIME OF AN APPROVED COASTAL SITE PLAN REVIEW TO PERMIT THE CONSTRUCTION OF A 4-STORY, 43-UNIT APARTMENT BUILDING ORIGINALLY APPROVED BY THE PLANNING & ZONING COMMISSION ON NOVEMBER 24, 2014 DUE TO UNUSUAL CIRCUMSTANCES ON THE PART OF THE OWNER AND CONTRACT PURCHASER, BOTH HAVING SEVERE MEDICAL ISSUES.**

**** COMMISSIONER WALKER SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The new expiration date of the coastal site plan review has been established as September 7, 2021.

DECISION SESSION

C-1 (20-09) Text Amendment (4200 Park Ave.) - Petition of Jewish Home for the Elderly of Fairfield County, to amend the zone development standards of the City to allow an accessible parking structure which services congregate housing facilities a maximum allowable height of 45 feet’’

**** COMMISSIONER CORDERO MOVED TO DEFER AGENDA ITEM C-1 (20-09) TEXT AMENDMENT (4200 PARK AVE.) - PETITION OF JEWISH HOME FOR THE ELDERLY OF FAIRFIELD COUNTY, TO AMEND THE ZONE DEVELOPMENT STANDARDS OF THE CITY TO ALLOW AN ACCESSIBLE PARKING STRUCTURE WHICH SERVICES CONGREGATE HOUSING FACILITIES A MAXIMUM ALLOWABLE HEIGHT OF 45 FEET TO THE SEPTEMBER 29, 2020 MEETING.**

**** COMMISSIONER MORENO SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

D-1 (20-14) 4200 Park Ave. – Petition of The Jewish Home for the Elderly – Seeking a special permit and site plan review to permit the construction of a 3-story parking garage containing 143-spaces in an R-C zone.

****COMMISSIONER LABUFF MOVED TO DEFER AGENDA ITEM D-1 (20-14) 4200 PARK AVE. – PETITION OF THE JEWISH HOME FOR THE ELDERLY – SEEKING A SPECIAL PERMIT AND SITE PLAN REVIEW TO PERMIT THE CONSTRUCTION OF A 3-STORY PARKING GARAGE CONTAINING 143-SPACES IN AN R-C ZONE TO THE SEPTEMBER 29, 2020 MEETING.**

**** COMMISSIONER FILOTEI SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

(20-17) 827 Trumbull Ave. – Petition of Northeastern Conference of Seventh Day Adventist, D/B/A Calvary SDA Church – Seeking a special permit and site plan review to permit the expansion of the existing house of worship and grammar school facility in an R-A zone. (Request to be deferred to 09/29/20)

****COMMISSIONER LABUFF MOVED TO DEFER AGENDA ITEM (20-17) 827 TRUMBULL AVE. – PETITION OF NORTHEASTERN CONFERENCE OF SEVENTH DAY ADVENTIST, D/B/A CALVARY SDA CHURCH – SEEKING A SPECIAL PERMIT AND SITE PLAN REVIEW TO PERMIT THE EXPANSION OF THE EXISTING HOUSE OF WORSHIP AND GRAMMAR SCHOOL FACILITY IN AN R-A ZONE. (REQUEST TO BE DEFERRED TO 09/29/20) TO THE SEPTEMBER 29, 2020 MEETING.**

**** COMMISSIONER MORENO SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

(20-18) Text Amendment (1862 East Main St.) – Petition of 1862 East Main, LLC – Seeking to amend Sec. 4-11 of the Zoning Regulations of the City of Bridgeport to allow the Planning & Zoning Commission to select appropriate structures for an adaptive re-use in addition to historical and architecturally unique buildings.

**** COMMISSIONER WALKER MOVED TO CONTINUE AGENDA ITEM 20-18) TEXT AMENDMENT (1862 EAST MAIN ST.) – PETITION OF 1862 EAST MAIN, LLC – SEEKING TO AMEND SEC. 4-11 OF THE ZONING REGULATIONS OF THE CITY OF BRIDGEPORT TO ALLOW THE PLANNING & ZONING COMMISSION TO SELECT APPROPRIATE STRUCTURES FOR AN ADAPTIVE RE-USE IN ADDITION TO HISTORICAL AND ARCHITECTURALLY UNIQUE BUILDINGS TO THE SEPTEMBER 29, 2020 MEETING.**

**** COMMISSIONER MORTON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

(20-19) 1862 East Main St. – Petition of 1862 East Main, LLC – Seeking an adaptive re-use of an existing commercial building into a self-storage facility in an OR zone.

**** COMMISSIONER MORTON MOVED TO DEFER AGENDA ITEM (20-19) 1862 EAST MAIN ST. – PETITION OF 1862 EAST MAIN, LLC – SEEKING AN ADAPTIVE RE-USE OF AN EXISTING COMMERCIAL BUILDING INTO A SELF-STORAGE FACILITY IN AN OR ZONE TO SEPTEMBER 29, 2020.**

**** COMMISSIONER WALKER SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

(20-20) 1000 South Ave. & Barnum Dyke – Petition of Race Consulting & Engineering – Seeking a site plan review & coastal site plan review to permit the repair of the existing bulkhead in an I-L zone and coastal area.

**** COMMISSIONER WALKER MOVED TO CONTINUE AGENDA ITEM (20-20) 1000 SOUTH AVE. & BARNUM DYKE – PETITION OF RACE CONSULTING & ENGINEERING – SEEKING A SITE PLAN REVIEW & COASTAL SITE PLAN REVIEW TO PERMIT THE REPAIR OF THE EXISTING BULKHEAD IN AN I-L ZONE AND COASTAL AREA TO THE SEPTEMBER 29, 2020 MEETING.**

**** COMMISSIONER MORTON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

(20-21) 1500 Reservoir Ave. – Petition of Annjerry Garcia – Seeking an approval of location to permit the establishment of a package store use and the issuance of a

package store liquor permit in the existing commercial building in an R-A zone. (20-21) 1500 Reservoir Ave. – Petition of Annjerry Garcia – Seeking an approval of location to permit the establishment of a package store use and the issuance of a package store liquor permit in the existing commercial building in an R-A zone.

**** COMMISSIONER MORTON MOVED TO DENY AGENDA ITEM (20-21) 1500 RESERVOIR AVE. – PETITION OF ANNJERRY GARCIA – SEEKING AN APPROVAL OF LOCATION TO PERMIT THE ESTABLISHMENT OF A PACKAGE STORE USE AND THE ISSUANCE OF A PACKAGE STORE LIQUOR PERMIT IN THE EXISTING COMMERCIAL BUILDING IN AN R-A ZONE FOR THE FOLLOWING REASONS:**

- 1. THIS NEIGHBORHOOD IS NOT SUITABLE FOR A LIQUOR STORE LOCATION.**
- 2. A LIQUOR STORE IS NOT THE HIGHEST AND BEST USE FOR THIS LOCATION.**
- 3. THE APPLICATION DID NOT MEET THE APPROVAL OF LOCATION REQUIREMENTS (OR THE SPECIAL PERMIT STANDARDS OF SEC. 14-4-4 OF THE ZONING REGULATIONS.)**

**** COMMISSIONER FILOTEI SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

APPROVAL OF MINUTES

- **Minutes of June 29, 2020** – Present: Acting Chair, Melville Riley. Commissioners: Cesar Cordero, Robert Filotei, Arturo Gravina-Hernandez, Kyle Labuff, Carlos Moreno and Robert Morton; Staff: Dennis Buckley, Zoning Official and Nicholas Sampieri, Zoning Inspector; Office of the City Attorney: Russell Liskov

**** COMMISSIONER FILOTEI MOVED TO APPROVE THE MINUTES OF THE JUNE 29, 2020 MEETING.**

**** COMMISSIONER MORENO SECONDED.**

**** THE MOTION TO APPROVE THE MINUTES OF THE JUNE 29, 2020 MEETING AS SUBMITTED PASSED UNANIMOUSLY,**

ADJOURNMENT

**** COMMISSIONER MORTON MOVED TO ADJOURN.**

**** COMMISSIONER WALKER SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:53 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services