ZONING BOARD OF APPEALS
JANUARY 13, 2015
REGULAR MEETING MINUTES
CITY OF BRIDGEPORT

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ATTENDANCE: Linda Grace, Acting Chair; Jack Calcutt, Acting Secretary; John Carolan, Robin Shepard, Maria Alves

STAFF: Dennis Buckley, Zoning Official; Atty. Ed Schmidt, Associate City Attorney

CALL TO ORDER.

Commissioner Grace called the meeting to order at 6:15 p.m. A quorum was present. She then introduced the Commissioners seated.

Commissioner Grace then announced that Agenda Item # 4 had been deferred to next month.

CONTINUED BUSINESS.

ITEM C-1 RE: 123 & 139 RIDGE AVENUE, 576 & 584 GREGORY STREET, 189 WALNUT STREET – Petition of Bridgeport Neighborhood Trust & POKO - Seeking variances of the residential density requirement of 2,700 sq. ft. of property per residential unit and the minimum front and side setback requirements of Sec. 5-1-3, and also seeking to waive 25 of the required on-site parking spaces of Sec. 11-1-2 to permit the consolidation of 5 parcels into 1 and the construction of eight 3-family dwellings in an R-C zone.

Ms. Liz Torres, the Executive Director of the Bpt. Neighborhood Trust came forward and submitted copies of the mailings receipts. She said that she had done a presentation last month about three projects for replacing Marina Village and this project will show the changes to the site plan on Ridge Avenue. Ms. Torres then distributed copies of a photo of the existing site to the Commissioners. She then displayed the revised site plans and explained why they could not decrease the number of units for the project. There are 24 units, but only 15 parking spaces. These spaces will be assigned to residents.

Commissioner Grace pointed out that parking was a major concern for the Commission. Ms. Torres explained that the residents would have incomes between $8,000 to $15,000,

so most people will not have cars. The area has a great deal of public transportation. The discussion moved to the number of buildings and the number of units in each building.

Commissioner Calcutt asked how far the site was from Seaside Park. Ms. Torres said that it was about a ten minute walk. Commissioner Calcutt asked where the nearest public transportation station was. Ms Torres indicated where it was on the street map.

Commissioner Grace asked if there was anyone present to speak in favor of the application.

Mr. David Kooris, the Office of Planning and Economic Development Director, came forward to speak in favor and said that the department has been working closely with the Bpt. Neighborhood Trust and POKO. He said that the number of units cannot be reduced past 45 units for the funding requirements. He also spoke about the changes in the parking and how this would affect the Marina Village configuration. He said that he was confident that relocations would be ready for the Marina Village residents.

Commissioner Grace asked if there was anyone present who wished to speak in opposition.

Ms. Joy van Hered came forward to speak about the community garden and pointed out hat the property had been donated to the City for a garden. Community gardens make the area safer and gives the children a place to play. She also mentioned that the playground allows the children to play. Another resident came forward and displayed color photos of the children playing in the garden and playground area. There have been many developments over the years and this garden has been established since the 1980's. She said that she had other statements from other gardeners who were not able to attend the meeting. Several of the comments praised the garden and pointed out that gardening keeps people healthy.

Commissioner Grace said that she had received a letter from Council Member Halstead about the community gardens.

Ms. Rowena Shepherd, another resident came forward and said that she lives nearby and often sees children playing in the area. When she is working in the garden, people who are passing by often compliment her on the garden. She also spoke about how important this was for children.

Council Member Robert Halstead came forward to speak about the community garden and that it was part of the community social pattern. Contrary to some opinions, it is not blighted and neglected. The water table is about 3 feet under the surface. He mentioned the slabs that cap the coal ash and other contaminants from past uses. He said that this would be a loss for education and the community. The garden has been there for 30 years. Community involvement can't be done on the drawing board. It takes years to

develop and the soil can't be replaced because it takes years to develop the compost. He reiterated that it was important to have a place for the children to play and can't be replaced. Council Member Halstead said that he had been a resident of Bridgeport for his entire life and was speaking for the community.

Ms. Torres reminded everyone that at the last meeting, Council Member Taylor-Moye and Council Member Banta had spoken in favor of the project. She indicated that there was another playground with swings located within easy walking distance. She said that they had worked with the community and received their report.

C-2 (#2) RE: 2201 – 2175 FAIRFIELD AVENUE – Petition of 2201 Fairfield Avenue LLC - Seeking variances of minimum setback requirement of Sec. 6-1-3; the perimeter landscaping requirement of Sec. 11-1-13; the building site and window area requirements of Sec. 6-1-4, and also seeking a variance of Table 7 and the prohibition of a drive-thru window to permit the construction of a fast food restaurant in an OR zone.

Atty. Willinger came forward and introduced himself. He said that he was present to represent the petitioner, 2201 Fairfield Avenue, LLC. He explained that at the end of the representation, Mr. James Weiss from the Black Rock NRZ had asked for a meeting to review the details. In order to have this meeting, the application was continued. That meeting has taken place.

Atty. Willinger then reviewed the details that had been presented and said that the Commission had concerns about the pedestrian access. A meeting was held with the City Traffic Engineer and the report was issued on January 12. He directed everyone's attention to paragraph 6 on the report. Atty. Willinger said that all the Engineer's concerns were addressed and other than having the State's permit for the curb cuts, he is satisfied.

Atty. Willinger then reviewed the details of the landscaping and the installation of pedestrian sidewalks along the parking lot. He also indicated where the landscaping had been moved. The only exit onto Fairfield Avenue will be Right Turn Only. The traffic flow has been tightened up and two way traffic flow eliminated. The dumpster was moved, as requested to the back corner of the parcel. Atty. Willinger commended the Board Members for their concern regarding the pedestrian access. Commissioner Calcutt asked about pedestrian access from Fairfield Avenue. Atty. Willinger indicated where it was on the site map. He commented that they did not expect much pedestrian traffic from Fairfield Avenue. Discussion followed about the details.

Commissioner Grace asked if there was anyone present who wished to speak in favor of the application.

Mr. James Weiss of 23 Harborview, came forward and said that he was the Chair of the Black Rock NRZ Land Use Committee. He said that at the last meeting he wished to speak with the owner/operator of the facility to discuss the issues. This has been done.

Commissioner Grace asked if there was anyone present who wished to speak in opposition. Hearing none, Commissioner Grace closed the public hearing on 2201 Fairfield Avenue.

DEFERRED BUSINESS.

ITEM D-1 (#3) RE: 509 BIRMINGHAM STREET – Petition of Gary Doski - Seeking a variance of the minimum floor area requirement of Sec. 12-1a to allow the establishment of an accessory apartment use in the existing single-family dwelling in an R-A zone.

Mr. Gary Doski came forward and turned in the green mailing receipts. The project is to construct an in-law apartment in the basement. Commissioner Grace asked about construction. Mr. Doski said that the resident had put in a dormer last year.

Commissioner Grace asked about the wet bar. Mr. Doski said that there wasn't a kitchen but the only other description they could find was a wet bar. Commissioner Grace asked about an outside entrance. Mr. Buckley reviewed the details. The front will only have one main entry. There is no access from the main house to the apartment. Mr. Doski explained that the interior basement walls are almost 20 inches thick so adding a staircase would drastically reduce the living space. Mr. Doski is the contractor. The owner is a trucker and his parents would occupy the basement and his brother.

Commissioner Grace asked if there was anyone present who wished to speak in favor of the application.

Mr. Zeljao Mican came forward and explained that when his brother purchased the house, it was a mess. He said that his brother would like to have his parents living in the house.

Commissioner Grace asked if there was anyone present who wished to speak in opposition to the application.

Mr. Daniel Paoletto and said that it was a single family neighborhood. He said that there was no hardship there. There are 10 or 15 people living in the building already. He said that he could not believe this was happening. There is no driveway, and there are vehicles parking on the property with out of state plates along with a tractor trailer. He came forward and submitted photos of a wall that was constructed out of junk lumber. Mr. Paoletto said he is trying to sell his house and the potential buyers don't like the fence.

Commissioner Grace noted that Mr. Paoletto had submitted a letter about the issue. Mr. Paoletto said that it was his letter and repeated his concerns that this was a multi-family unit in a single family home.

Ms. Sophia Goncalves came forward and said that she lived three houses away from the property and that the neighborhood has been single family for years.

Ms. Mary Kartnoff came forward and said that she was a neighbor and that she didn't want to see the neighborhood go down.

Mr. Doski came forward and said that there was only one family there, a man and his wife with two children. He said that they were working on the parking. The fence was constructed from antique beams from an old building that was demolished. The house next door was just sold. The shed was there when the parcel was purchased.

Commissioner Grace suggested that the application be continued so a meeting could be held with the staff regarding the concerns.

D-2 (#4) RE: 1481 (aka 1475) NOBLE AVENUE – Petition of Neighborworks New Horizon - Seeking a modification of the approved plan of development on a petition which was approved on 08/01/10 to permit the construction of a 16-unit apartment complex with conditions in an R-C zone.

Atty. Rizio came forward and submitted the green mailing cards. He said that the request was for a slight modification to the 2010 approval. The project has been sold to Mutual Housing and the population of the residents will change. This is now an affordable housing project. Approximately 50% of the residents will have vehicles. Atty. Rizio said that he had done a presentation recently for an age restricted property and the parking restriction. In this instance, the project is moving from an age restriction project to an affordable housing project. He then gave an overview of the details. There will be CHFA Financing and the other requirements.

Ms. Selina Masquera came forward to give an overview of the project and explain why the parking change would be needed. Atty. Rizio explained that the original applicant had an agreement whereby the residents would need to pay rent for some of the parking spaces. If this request is approved, the rental spaces would not be needed. Atty. Schmidt then came forward and recommended that the Board approve this request.

Commissioner Grace asked if there were requirements for disabled residents. Ms. Masquera said that the only requirement was for affordable income and age. There were no requirements for those with disabilities.

Commissioner Grace pointed out that Noble Avenue was a busy street. The discussion moved to the on street parking issues.

Commissioner Grace asked if there was anyone present who wished to speak in favor of the application.

Mr. Bill Coleman came forward to state that OPED was in favor of this project. He reviewed the details of the application and requested that the Board consider approving the application.

Commissioner Grace asked if there was anyone present who wished to speak in opposition. Hearing none, Commissioner Grace closed the public hearing on 1481 Noble Avenue.

NEW BUSINESS.

ITEM #1 RE: 3389 FAIRFIELD AVENUE – Petition of Aspetuck Brew Lab, LLC - Seeking a use variance under Sec. 6-1-2 and also seeking variances of the minimum landscaping requirement of Sec. 6-1-3 and seven (7) of the required 27 off-street parking spaces under Sec. 11-1-2 to permit the establishment of a small craft brewery and the issuance of a beer manufacturing and brew pub license in the existing commercial building in an OR zone.

Atty. Rizio came forward and submitted the green mailing receipts. He explained that the brew lab was not manufacturing and there would not be any food sold. The beer is created in the lab and ferments for about two weeks. The public can come in and sample the beers to purchase. The zoning regulations do not allow for this type of use, which is why the application is being presented.

The building used to have a hair salon and this will decrease the parking demand. Currently the parking is about 10 spaces short. There will only be two employees. It will also have compatible use in the area after 5 p.m. The spaces on site become available for use after 5 p.m.

The landscaping requirement was waived in 2004, but this is a change of use. If more landscaping is added, it will only decrease the parking. This will reduce the non-conformity.

Atty. Rizio then distributed copies of a petition to the Commissioners.

He explained that only 20% of the batch would be direct customer sales, and the other 30% will be directly to bars. There will be no adult entrainment. They are under the supervision of Liquor Control.

Commissioner Grace asked if there was anyone present who wished to speak in favor of the application.

Mr. James White, Black Rock NRZ, came forward to ask Atty. Rizio and his clients to meet with the NRZ. Atty. Rizio said that his client would like to go forward and would reach out the NRZ.

Mr. Bill Coleman came forward to speak about this application and said that this type of brewing was a new interest for young people. He said that regarding the hours, the hours of operation would be after the other businesses close.

Commissioner Grace asked if there was anyone present who wished to speak in opposition. Hearing none, Commissioner Grace closed the public hearing on 3389 Fairfield Avenue.

ITEM #2 RE: 32 – 34 BRITTIN AVENUE – Petition of Margaret K. Montanaro - Seeking a use variance of Sec. 5-1-2, and also seeking to waive three (3) of the required five (5) off-street parking spaces under Sec. 11-1-2, and the minimum landscaping requirements and the maximum site coverage requirements of Sec. 5-1-3 to legalize the 3rd floor residential unit in a 2-family dwelling in an R-B zone.

Ms. Montanaro came forward and said that she had posted the sign with duct tape on the 5th or 6th. None of the Commissioners had seen the sign. Ms. Montanaro then submitted the green receipts from the mailing.

Commissioner Grace explained that the regulations require that the sign be posted and usually the applicants take a photo of it. The Board decided to allow the application to proceed.

Mr. Michael Gilroy came forward to give an overview of the application. She explained that she had lived in the building for 10 years. She purchased the building in 1986 and installed a kitchen on the third floor. The kitchen was installed in 1988 without permits. She said that she was present to legalize the third floor.

Commissioner Grace asked how many parking spaces were on the property. Mr. Gilroy said that the driveway was 22 feet wide, so the tenants park next to the building.

Commissioner Grace asked if there was anyone present who wished to speak in favor of the application. No one came forward. Commissioner Grace asked if there was anyone present who wished to speak in opposition. Hearing none, Commissioner Grace closed the public hearing on 32 Brittin Avenue.

ITEM #3 RE: 567 SEAVIEW AVENUE – Petition of the Bridgeport & Port Jefferson Steamboat Co. Inc. - Seeking a variance of the minimum space requirement of 9' x 20' under Sec. 11-1-10 to allow for under sized 9' x 18' parking spaces for a proposed project that will need additional approvals in an MU-LI zone and coastal area.

Atty. Rizio came forward and said that he was present to represent the client. He distributed copies of updated plans. He said that the applicant is requesting a waiver for the parking spaces to be 9'x 18' rather than 9' x 18'. In parking garages, the length of the spaces was 9' x 18' . He distributed copies of study that evaluated the length of spaces in the parking garages. After discussing this with Mr. Korish and Mr. Coleman, it was agreed that this would be done on a case by case basis.

The Cecil Group compiled a report on parking for the Commission. He reviewed the details of the report with the Board members.

The ferry will involve both short term and long term parking. He displayed diagrams showing where the sidewalk and landscaping would be if the zoning regulations are waived. In the coastal area, the key goal is to reduce the impervious surface.

This is consistent with what the Planning and Zoning would like since it is more closely associated with the parking garage parking rather than a retail parking scenario. This will also improve traffic circulation on site. SUVs can fit into the 18 foot spaces. The project still needs a Coastal permit.

Commissioner Grace asked if there was anyone present who wished to speak in favor of the application.

Mr. Bill Coleman of OPED came forward and said that he was present in support of the application. He explained that numerous other major cities have one standard for the length of spaces and usually it is 18 feet.

Commissioner Grace asked if there was anyone present who wished to speak in opposition. Hearing none, Commissioner Grace closed the public hearing on 567 Seaview Avenue.

ITEM #4 RE: 206 JEWETT AVENUE – Petition of 206 Jewett Avenue, LLC - Seeking a variance of the prohibition of dividing a conforming lot into two (2) non-conforming lots under Sec. 4-12-5 and also seeking to erect a single-family dwelling in a lot having inadequate lot area and frontage in an R-A zone.

A request for deferment on this item was made at the beginning of the public hearing.

ITEM #5 RE: 2926 FAIRFIELD AVENUE – Petition of Old Black Rock Tavern, LLC, (d/b/a Tautog Tavern) Seeking a variance of Sec. 12-10b&c of the liquor control regulations to permit the establishment of an outside drinking and smoking area along the Fairfield Avenue frontage, as well as an exterior deck addition to the rear of the subject premises for the consumption of alcoholic beverages for smokers of the existing café in an OR zone.

Mr. Chris Andrews came forward and said that he was present to apply for a cafe permit for outside dining. The restaurant has been there for 4 years and to add a back deck. Many of the neighboring restaurants have sidewalk seating. He said that the restaurant would like to have a deck with a trellis above it. There are four separate doors.

Commissioner Grace asked about the smoking on the deck. Mr. Andrews said that the State ruling has pushed the smokers outside and this would help the patrons. Mr. Buckley said that there is a back entrance to the bar but a deck would have some accessibility issues. There are two other businesses that would have access

Commissioner Calcutt asked if there were cosmetic plans for the front and the back of the building. Mr. Andrews said that they hoped to have an awning with a trellis and plantings.

Commissioner Grace suggested that Mr. Andrews continue the application so that he can discuss the plans with Mr. Buckley. This was agreeable to all.

ITEM #6 RE: 4000 (aka 4030) PARK AVENUE – Petition of Sacred Heart University, Inc. - Seeking a modification of the approved plan of development on a petition granted by the Zoning Board of Appeals on 09/09/14 for the construction of an academic building and parking structure in an R-A zone.

Atty. Paul Fitzpatrick came forward to request a modification of the previously approved plan. He explained that there would be no change of the number of parking spaces, but that the underground parking area would be too expensive to do.

Mr. Dan Rance came forward to review the changes between the original site plan and the current plan. The parking garage will be under the building and some of the parking spaces will be moved back from the abutting property line. The traffic report has been submitted. He pointed out that the proposals were within the coverage requirements.

The building is within the requirements. The removal of a portion of the parking garage was due to cost, but it also has removed the garage from the site lines. There is already an existing surface lot along the north property line.

Commissioner Grace asked if there was anyone present who wished to speak in favor of the application.

Mr. Bill Coleman of OPED came forward to express his support for this project.

Commissioner Grace asked if there was anyone present who wished to speak in opposition. Hearing none, Commissioner Grace closed the public hearing on 4000 Park Avenue.

RECESS.

Commissioner Grace announced a recess at 9:00 p.m. She reconvened the meeting at 9:08 p.m.

DECISION SESSION.

ITEM C-1 RE: 123 & 139 RIDGE AVENUE, 576 & 584 GREGORY STREET, 189 WALNUT STREET – Petition of Bridgeport Neighborhood Trust & POKO - Seeking variances of the residential density requirement of 2,700 sq. ft. of property per residential unit and the minimum front and side setback requirements of Sec. 5-1-3, and also seeking to waive 25 of the required on-site parking spaces of Sec. 11-1-2 to permit the consolidation of 5 parcels into 1 and the construction of eight 3-family dwellings in an R-C zone.

The Commission discussed the fact that they had asked for the size of the buildings to be reduced. Atty. Schmidt pointed out that grant funding has guidelines and the rents have to result in profitability.

** COMMISSIONER SHEPARD MOVED TO GRANT AGENDA ITEM C-1 RE: 123 & 139 RIDGE AVENUE, 576 & 584 GREGORY STREET, 189 WALNUT STREET – PETITION OF BRIDGEPORT NEIGHBORHOOD TRUST & POKO - SEEKING VARIANCES OF THE RESIDENTIAL DENSITY REQUIREMENT OF 2,700 SQ. FT. OF PROPERTY PER RESIDENTIAL UNIT AND THE MINIMUM FRONT AND SIDE SETBACK REQUIREMENTS OF SEC. 5-1-3, AND ALSO SEEKING TO WAIVE 25 OF THE REQUIRED ON-SITE PARKING SPACES OF SEC. 11-1-2 TO PERMIT THE CONSOLIDATION OF 5 PARCELS INTO 1 AND THE CONSTRUCTION OF EIGHT 3-FAMILY DWELLINGS IN AN R-C ZONE WITH THE FOLLOWING CONDITIONS:

1. THE DEVELOPMENT OF THE SUBJECT PROPERTIES SHALL BE IN STRICT ACCORD WITH THE REVISED PLAN SUBMITTED TO AND APPROVED BY THE BOARD.

2. CONCRETE SIDEWALKS AND CURBING AND DRIVEWAY APRONS ARE TO BE REPLACED AND INSTALLED ACCORDING TO CITY STANDARDS.

3. THE PETITION SHALL COMPLY WITH ALL RECOMMENDATIONS OF THE CITY ENGINEER IN HIS LETTER DATED 11/21/14.

4. THE DUMPSTER AND TRASH BINS SHALL BE ENCLOSED AS REQUIRED BY SEC. 11-8-4 WITH A SUITABLE GATE OPENING.

FOR THE FOLLOWING REASONS:

1. THE SOURCE OF FUNDING FOR THIS PROPOSED PROJECT REQUIRES THERE BE A MINIMUM OF 24-RESIDENTIAL UNITS FOR THIS SITE.

2. THESE MODERN HOUSING UNITS WILL SERVE LOW-INCOME FAMILIES IN THIS SECTION OF THE CITY.

3. THE PROXIMITY OF THIS SITE TO PUBLIC TRANSPORTATION AND A MUNICIPAL PARK WILL BE READILY AVAILABLE TO THIS UNDERSERVED POPULATION.

** COMMISSIONER CALCUTT SECONDED.
** THE MOTION PASSED WITH FOUR IN FAVOR (GRACE, SHEPARD, ALVES AND CALCUTT) AND ONE OPPOSED (CAROLAN).

C-2 (#2) RE: 2201 – 2175 FAIRFIELD AVENUE – Petition of 2201 Fairfield Avenue LLC - Seeking variances of minimum setback requirement of Sec. 6-1-3; the perimeter landscaping requirement of Sec. 11-1-13; the building site and window area requirements of Sec. 6-1-4, and also seeking a variance of Table 7 and the prohibition of a drive-thru window to permit the construction of a fast food restaurant in an OR zone.

** COMMISSIONER CAROLAN MOVED TO GRANT AGENDA ITEM C-2 (#2) RE: 2201 – 2175 FAIRFIELD AVENUE – PETITION OF 2201 FAIRFIELD AVENUE LLC - SEEKING VARIANCES OF MINIMUM SETBACK REQUIREMENT OF SEC. 6-1-3; THE PERIMETER LANDSCAPING REQUIREMENT OF SEC. 11-1-13; THE BUILDING SITE AND WINDOW AREA REQUIREMENTS OF SEC. 6-1-4, AND ALSO SEEKING A VARIANCE OF TABLE 7 AND THE PROHIBITION OF A DRIVE-THRU WINDOW TO PERMIT THE CONSTRUCTION OF A FAST FOOD RESTAURANT IN AN OR ZONE WITH THE FOLLOWING CONDITIONS:

1. TRAFFIC EXITING THIS SITE ONTO FAIRFIELD AVE. SHALL ONLY BE ALLOWED TO TURN RIGHT HEADING EAST.

2. THE ENTRANCE ON FAIRFIELD AVE. SHALL BE DESIGNED TO PROHIBIT TRAFFIC FROM THE WEST BOUND LANE ENTERING THE SITE.

3. THE EXIT FOR THE BY-PASS LAND SHALL BE RELOCATED CLOSER TO THE ASTOR AVE. INTERSECTION WHICH WOULD ELIMINATE THE DUEL USE OF THE SINGLE EXIT ON FAIRFIELD AVE.

FOR THE FOLLOWING REASONS:

1. THE UNIQUE SHAPE OF THIS LOT NECESSITATES VARIANCES TO PROPERLY DEVELOP THIS PARCEL OF PROPERTY.

2. THE NEED FOR DRIVE-THRU WINDOWS IS A NECESSITY FOR FAST-FOOD OUTLETS.

3. AS TO THE PRELIMINARY COASTAL SITE PLAN REVIEW, THIS PROJECT AS APPROVED WILL HAVE NO ADVERSE IMPACT ON THE COASTAL AREA.

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

ITEM D-1 (#3) RE: 509 BIRMINGHAM STREET – Petition of Gary Doski - Seeking a variance of the minimum floor area requirement of Sec. 12-1a to allow the establishment of an accessory apartment use in the existing single-family dwelling in an R-A zone.

** COMMISSIONER SHEPARD MOVED TO CONTINUE AGENDA ITEM D-1 (#3) RE: 509 BIRMINGHAM STREET – PETITION OF GARY DOSKI - SEEKING A VARIANCE OF THE MINIMUM FLOOR AREA REQUIREMENT OF SEC. 12-1A TO ALLOW THE ESTABLISHMENT OF AN ACCESSORY APARTMENT USE IN THE EXISTING SINGLE-FAMILY DWELLING IN AN R-A ZONE TO TUESDAY, FEBRUARY 10, 2015.
** COMMISSIONER ALVES SECONDED.
** THE MOTION PASSED UNANIMOUSLY.

D-2 (#4) RE: 1481 (aka 1475) NOBLE AVENUE – Petition of Neighborworks New Horizon - Seeking a modification of the approved plan of development on a petition which was approved on 08/01/10 to permit the construction of a 16-unit apartment complex with conditions in an R-C zone.

Atty. Schmidt suggested that this application include a written agreement regarding parking. Commissioner Calcutt said that he believes that the City's parking requirement was too high and that an affordable housing development like this does not need this number of spaces.

** COMMISSIONER CAROLAN MOVED TO GRANT AGENDA ITEM D-2 (#4) RE: 1481 (AKA 1475) NOBLE AVENUE – PETITION OF NEIGHBORWORKS NEW HORIZON - SEEKING A MODIFICATION OF THE APPROVED PLAN OF DEVELOPMENT ON A PETITION WHICH WAS APPROVED ON 08/01/10 TO PERMIT THE CONSTRUCTION OF A 16-UNIT APARTMENT COMPLEX WITH CONDITIONS IN AN R-C ZONE FOR THE FOLLOWING REASONS:

1. THE AFFORDABLE AGE RESTRICTED POPULATION'S INCOME OFTEN PROHIBITS VEHICLE OWNERSHIP.

2. ONLY RESIDENTS OF THE COMPLEX WILL BE ISSUED A PARKING PASS, WHICH WILL NOT ALLOW OTHERS FROM USING THE LOT.

3. THE SUBJECT SITE IS CONVENIENT TO PUBLIC TRANSPORTATION.

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

ITEM #1 RE: 3389 FAIRFIELD AVENUE – Petition of Aspetuck Brew Lab, LLC - Seeking a use variance under Sec. 6-1-2 and also seeking variances of the minimum landscaping requirement of Sec. 6-1-3 and seven (7) of the required 27 off-street parking spaces under Sec. 11-1-2 to permit the establishment of a small craft brewery and the issuance of a beer manufacturing and brew pub license in the existing commercial building in an OR zone.

Mr. Buckley pointed out that this was a manufacturing business and it will be located in an office/retail zone. There are numerous limitations. Atty. Schmidt said that one business had initially started this type of manufacturing 15 years ago.

** COMMISSIONER CAROLAN MOVED TO GRANT AGENDA ITEM #1 RE: 3389 FAIRFIELD AVENUE – PETITION OF ASPETUCK BREW LAB, LLC - SEEKING A USE VARIANCE UNDER SEC. 6-1-2 AND ALSO SEEKING VARIANCES OF THE MINIMUM LANDSCAPING REQUIREMENT OF SEC. 6-1-3 AND SEVEN (7) OF THE REQUIRED 27 OFF-STREET PARKING SPACES UNDER SEC. 11-1-2 TO PERMIT THE ESTABLISHMENT OF A SMALL CRAFT BREWERY AND THE ISSUANCE OF A BEER MANUFACTURING AND BREW PUB LICENSE IN THE EXISTING COMMERCIAL BUILDING IN AN OR ZONE WITH THE FOLLOWING CONDITIONS:

1. THE DEVELOPMENT OF THIS PORTION OF THIS BUILDING SHALL BE IN STRICT ACCORD WITH THE PLAN SUBMITTED TO AND APPROVED BY THE BOARD.

2. THE PETITIONER IS TO FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.

3. THE TAP ROOM HOURS OF OPERATION SHALL COMPLY WITH STATUTE 30-91(I).

4. THE MAXIMUM AMOUNT OF THE SALE OF SEALED CONTAINERS OF BEER TO AN INDIVIDUAL MAY NOT EXCEED 9 LITERS A DAY PER STATUTE 30-16(F).

FOR THE FOLLOWING REASONS:

1. THIS PROJECT IS A COMBINATION OF RETAIL SALES, AS WELL AS A MANUFACTURING PROCESS.

2. THE PROJECT, AS APPROVED, IS A UNIQUE RETAIL EXPERIENCE WHICH IS A COMPLIMENT TO THE ENTERTAINMENT DISTRICT IN THE BLACK ROCK SECTION OF THE CITY.

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

ITEM #2 RE: 32 – 34 BRITTIN AVENUE – Petition of Margaret K. Montanaro - Seeking a use variance of Sec. 5-1-2, and also seeking to waive three (3) of the required five (5) off-street parking spaces under Sec. 11-1-2, and the minimum landscaping requirements and the maximum site coverage requirements of Sec. 5-1-3 to legalize the 3rd floor residential unit in a 2-family dwelling in an R-B zone.

** COMMISSIONER CAROLAN MOVED TO GRANT AGENDA ITEM #2 RE: 32 – 34 BRITTIN AVENUE – PETITION OF MARGARET K. MONTANARO - SEEKING A USE VARIANCE OF SEC. 5-1-2, AND ALSO SEEKING TO WAIVE THREE (3) OF THE REQUIRED FIVE (5) OFF-STREET PARKING SPACES UNDER SEC. 11-1-2, AND THE MINIMUM LANDSCAPING REQUIREMENTS AND THE MAXIMUM SITE COVERAGE REQUIREMENTS OF SEC. 5-1-3 TO LEGALIZE THE 3RD FLOOR RESIDENTIAL UNIT IN A 2-FAMILY DWELLING IN AN R-B ZONE WITH THE FOLLOWING CONDITIONS:

1. THE PETITIONER SHALL FILE PLAN AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.

2. THE CONVERSION OF THIS DWELLING SHALL COMPLY WITH THE CURRENT CODE FOR THE SAFETY OF ALL OCCUPANTS.

FOR THE FOLLOWING REASONS:

1. THIS PROPERTY WAS PRESENTED AS A 3-FAMILY DWELLING AT THE TIME OF PURCHASE.

2. THE USE VARIANCE WILL LEGALIZE THE EXISTING CONDITION.

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

ITEM #3 RE: 567 SEAVIEW AVENUE – Petition of the Bridgeport & Port Jefferson Steamboat Co. Inc. - Seeking a variance of the minimum space requirement of 9' x 20' under Sec. 11-1-10 to allow for under sized 9' x 18' parking spaces for a proposed project that will need additional approvals in an MU-LI zone and coastal area.

** COMMISSIONER CALCUTT MOVED TO GRANT AGENDA ITEM #3 RE: 567 SEAVIEW AVENUE – PETITION OF THE BRIDGEPORT & PORT JEFFERSON STEAMBOAT CO. INC. - SEEKING A VARIANCE OF THE MINIMUM SPACE REQUIREMENT OF 9' X 20' UNDER SEC. 11-1-10 TO ALLOW FOR UNDER SIZED 9' X 18' PARKING SPACES FOR A PROPOSED PROJECT THAT WILL NEED ADDITIONAL APPROVALS IN AN MU-LI ZONE AND COASTAL AREA FOR THE FOLLOWING REASONS:

1. THE 18' LENGTH OF PARKING SPACES WILL ALLOW THE DEVELOPER TO HAVE IMPROVED PEDESTRIAN AND LANDSCAPED AREAS.

2. THE SPACE DIMENSION IS SIMILAR TO OTHER LONG TERM PARKING LOTS AND GARAGES IN THE CITY.

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

ITEM #4 RE: 206 JEWETT AVENUE – Petition of 206 Jewett Avenue, LLC - Seeking a variance of the prohibition of dividing a conforming lot into two (2) non-conforming lots under Sec. 4-12-5 and also seeking to erect a single-family dwelling in a lot having inadequate lot area and frontage in an R-A zone.

** COMMISSIONER ALVES MOVED TO DEFER AGENDA ITEM #4 RE: 206 JEWETT AVENUE – PETITION OF 206 JEWETT AVENUE, LLC - SEEKING A VARIANCE OF THE PROHIBITION OF DIVIDING A CONFORMING LOT INTO TWO (2) NON-CONFORMING LOTS UNDER SEC. 4-12-5 AND ALSO SEEKING TO ERECT A SINGLE-FAMILY DWELLING IN A LOT HAVING INADEQUATE LOT AREA AND FRONTAGE IN AN R-A ZONE TO FEBRUARY 10, 2015.
** COMMISSIONER SHEPARD SECONDED.
** THE MOTION PASSED UNANIMOUSLY.

ITEM #5 RE: 2926 FAIRFIELD AVENUE – Petition of Old Black Rock Tavern, LLC, (d/b/a Tautog Tavern) Seeking a variance of Sec. 12-10b&c of the liquor control regulations to permit the establishment of an outside drinking and smoking area along the Fairfield Avenue frontage, as well as an exterior deck addition to the rear of the subject premises for the consumption of alcoholic beverages for smokers of the existing café in an OR zone.

** COMMISSIONER SHEPARD MOVED TO CONTINUE AGENDA ITEM #5 RE: 2926 FAIRFIELD AVENUE – PETITION OF OLD BLACK ROCK TAVERN, LLC, (D/B/A TAUTOG TAVERN) SEEKING A VARIANCE OF SEC. 12-10B&C OF THE LIQUOR CONTROL REGULATIONS TO PERMIT THE ESTABLISHMENT OF AN OUTSIDE DRINKING AND SMOKING AREA ALONG THE FAIRFIELD AVENUE FRONTAGE, AS WELL AS AN EXTERIOR DECK ADDITION TO THE REAR OF THE SUBJECT PREMISES FOR THE CONSUMPTION OF ALCOHOLIC BEVERAGES FOR SMOKERS OF THE EXISTING CAFÉ IN AN OR ZONE TO TUESDAY, FEBRUARY 10, 2015.
** COMMISSIONER ALVES SECONDED.
** THE MOTION PASSED UNANIMOUSLY.

ITEM #6 RE: 4000 (aka 4030) PARK AVENUE – Petition of Sacred Heart University, Inc. - Seeking a modification of the approved plan of development on a petition granted by the Zoning Board of Appeals on 09/09/14 for the construction of an academic building and parking structure in an R-A zone.

** COMMISSIONER ALVES MOVED TO GRANT AGENDA ITEM #6 RE: 4000 (AKA 4030) PARK AVENUE – PETITION OF SACRED HEART UNIVERSITY, INC. - SEEKING A MODIFICATION OF THE APPROVED PLAN OF DEVELOPMENT ON A PETITION GRANTED BY THE ZONING

BOARD OF APPEALS ON 09/09/14 FOR THE CONSTRUCTION OF AN ACADEMIC BUILDING AND PARKING STRUCTURE IN AN R-A ZONE FOR THE FOLLOWING REASON:

THE REVISED PARKING LAYOUT IS MORE EFFICIENT AND THERE IS NO VISIBILITY FROM PARK AVE.

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

OTHER MATTERS THAT MAY COME BEFORE THE BOARD.

There were no additional items to consider at this time.

APPROVAL OF MINUTES.

December 2, 2014 –

** COMMISSIONER CALCUTT MOVED TO APPROVE THE MINUTES OF DECEMBER 2, 2014.
** COMMISSIONER ALVES SECONDED.
** THE MOTION TO ACCEPT THE MINUTES OF DECEMBER 2, 2014 AS SUBMITTED PASSED UNANIMOUSLY.

December 9, 2014 –

** COMMISSIONER CALCUTT MOVED TO APPROVE THE MINUTES OF DECEMBER 9, 2014.
** COMMISSIONER ALVES SECONDED.
** THE MOTION TO ACCEPT THE MINUTES OF DECEMBER 9, 2014 AS SUBMITTED PASSED UNANIMOUSLY.

ADJOURNMENT.

** COMMISSIONER CAROLAN MOVED TO ADJOURN.
** COMMISSIONER CALCUTT SECONDED.
** THE MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 10:00 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services