



PLANNING AND ZONING COMMISSION  
MARCH 31, 2014  
PUBLIC HEARING  
MEETING MINUTES  
CITY OF BRIDGEPORT

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

**ATTENDANCE:** M. Riley, Acting Chair; A. Pappas-Phillips, Acting Secretary; T. Fedele; R. Filotei; R. Morton; R. Walker; J. Tiago; S. Powley; E. Rodriguez

**STAFF:** D. Buckley, Zoning Administrator; D. Guevara, Design Review Coordinator; E. Schmidt, Assistant City Attorney

**CALL TO ORDER**

Acting Chairman Riley called the meeting to order at 6:55p.m. He then introduced the Commissioners present and reviewed the procedures and rules for the meeting.

**CITY BUSINESS**

**(14-21) 8-24 Referral – Petition of the City of Bridgeport Office of Planning & Economic Development (OPED) – Seeking a favorable recommendation under Sec. 8-24 of the CT General Statutes for the acquisition of 2.21 acres and commercial building abutting Central High School in an R-B zone.**

Mr. Max Perez, City of Bridgeport Dept. of Planning and Economic Development came forward to present. He said the City would like to acquire this property with plans to use it as a Youth Recreation Center.

Mr. Walker asked if there are plans or funds available to renovate it. Mr. Perez stated he thought there might be grant money, and said it will not be part of the Board of Education.

Chair Riley asked if anyone wished to speak in favor of this application.

None came forward.

Chair Riley asked if anyone wished to speak in opposition to this application.

Seeing none the public hearing was closed.

**(14-22) 8-24 Referral – Petition of the City of Bridgeport City Attorney’s Office – Requesting under Sec. 8-24 of the CT General Statutes a favorable recommendation for the lease of city owned land at Sikorsky Memorial Airport to be used as the Connecticut Air & Space Center.**

City Atty. R. Pacacha came forward to present. He introduced Ms. Pauline Meise, Airport Manager, Sikorsky Airport. She said the CT Air & Space Center would like to restore and repair the old Curtis Hangar and use it as a museum featuring the Corsair and Gustave Whitehead, along with Sikorsky and other local artifacts.

The Corsair currently displayed outside will move be moved into the renovated hangar. No City money is required as it is funded by a non-profit corporation.

Chair Riley asked if anyone wished to speak in favor of this application.

None came forward.

Chair Riley asked if anyone wished to speak in opposition to this application.

Seeing none the public hearing was closed.

**D-1 (13-68) Text Amendment – Petition of the City of Bridgeport Office of Planning & Economic Development (OPED) – Seeking to amend Tables 2a, & 4a of the Zoning Regulations to permit an as-of-right matter for ferry passenger terminals in an MU-LI zone and coastal area.**

David Kooris, Director City of Bridgeport OPED, came forward to present this proposed text amendment. He clarified that while this amendment will allow the passenger ferry terminal on the East Side anyone wanting to establish this type of service there will still have to go through the regular steps such as Coastal Area Management and Site Plan Review.

He further stated that this is not the rezoning of a parcel. Ms. Pappas-Phillips said the waterfront zones were addressed during zoning re-write and Mr. Kooris said this particular area is MU-LI. There was further discussion on this. This application is asking to add passenger terminals as a permitted use and a height change to allow passenger terminals to be built to 65’ of height.

Chair Riley asked why the City's Planning Office has changed their opinion on this matter. Mr. Kooris said there are two reasons. Since last discussed the State has changed their approach to master plans for harbors in Bridgeport, New Haven and Stamford. Their plan indicated the primary opportunity for Bridgeport is ferry service. The State has also changed their policies on economic development in these same areas.

Mr. Kooris indicated this concept has been approved by the City's Harbor Commission. Mr. Riley said the city previously was opposed to the move because it takes it away from the Intermodal Center. Mr. Kooris said the ferry terminal will be required to provide shuttle service to the Intermodal Center. He added currently 5% of ferry customers connect to the bus or train.

Chair Riley asked if anyone wished to speak in favor of this application.

1. Ray Rizio – representing the McCallister family, owner of the ferry company. They really want the business to grown and are constricted in the current location. Mr. Rizio reviewed the current regulations and how this proposed text amendment applies. He presented letters from the DOT and DEEP supporting the amendment as drafted.
2. Ernest Newton – read a letter from the East End NRZ in full support of the ferry company moving. Feels this is a win-win for both parties and might spearhead economic development in the East End.
3. Lillian Wade – representing the East End NRZ, is in favor of this proposal and felt traffic is not an issue.
4. Eneida Martinez Walker, Council Member from 139<sup>th</sup> District – this is her district and she supports the amendment
5. Fred Hall – VP, General Mgr. Bridgeport Port Jefferson Steamboat Company in support of the text change, said they intend to keep 1 berth open for deep water use and use others berth for water taxi service.
6. Tom McMillan, Director Minority Business Assoc. – in support of the text amendment
7. Ted Meekins – representing the East End Community Council and is excited about the project and look forward to the opportunity this will afford the East End.

Chair Riley asked if anyone wished to speak in opposition to this application.

Seeing none the public hearing was closed.

### **RECESS**

A recess was announced at 7:45 PM. Chair Riley called the meeting back into order at 8:00 PM.

## CONTINUED BUSINESS

**C-1 (14-08) 1800 Commerce Dr. (aka 1782-1806 Commerce Dr.) – Petition of Lube Plus/Palisades, Inc. – Seeking to expunge two conditions of approval to a petition granted by the Planning & Zoning Commission on October 28, 2013 to establish a general repairers license at the existing oil change center in an MU-LI zone.**

Petitioner did not appear.

Mr. Dennis Buckley spoke and said he spoke with the petitioner's representative who said they would be requesting a postponement. Mr. Buckley instructed them to submit a written request for postponement. No letter has been received to date.

**C-2 (14-15) 2181 Main St. – Petition of D&B Wellness, LLC – Seeking a special permit and site plan review to permit the establishment of a medical marijuana dispensary in the proposed holistic care clinic in the existing commercial building in an OR-G zone.**

Atty. Ray Rizio appeared representing the applicants. He said he has filed for a Certificate of Zoning Compliance with the Zoning Office because he believes this is a permitted use.

Mr. Rizio said this application for a dispensary for the sale of a pharmaceutical. He distributed a copy of the definition of Pharmacy from the Blacks Law Dictionary. He said this application is for the establishment of a pharmacy for one product – medical marijuana.

He also indicated this pharmacy will comply with all of the regulations of the State of Connecticut.

Chair Riley stated this is a Zoning matter and there is no need to address the value of medical marijuana. He asked that the presentation focus on the zoning issues.

Atty. Rizio said the application is for a dispensary/pharmacy in an ORG zone, on Main Street at the corner of Tom Thumb Street. The building is the former City Library. The property is fully fenced in, is self-contained and is fully compliant with all zoning issues. All customers will be seen only with an appointment. There will be no expansion to the building and will keep the existing footprint. The entrance way will be on the side of the building.

Chair Riley asked if the product will be covered by insurance, and how much cash will be involved. Atty. Rizio said he imagines it will be. Ms. Pappas-Phillips asked about foot

traffic. Mr. Rizio said they expect most customers to drive and enter through the secure door on the side.

Atty. Rizio said the application has satisfied Mr. Guevara's site plan review requirements. There are no variances required. They have satisfied the City Engineering requirements. They will offer medical counseling and dispensing of medical marijuana.

Ms. Karen Barsky, co-applicant, appeared to speak. She said she is an R.N., Trumbull resident and partner in D&B Wellness. She said in addition to medical marijuana services they will be offering, acupuncture, yoga and other holistic health services.

Ms. Angela D'Amico, co-applicant, appeared to speak. She said she is a resident of Trumbull and partner in D&B Wellness. She said she has done extensive research in the benefits of medical marijuana in California, Colorado and other areas. She expressed her reasons for wanting to open this facility and help those people who can benefit from medical marijuana.

Chair Riley asked how many patients they plan on seeing. She answered it would be 10-16 per day.

Nicole Litke, Licensed Pharmacist in the State of CT, appeared to speak. She said she is a resident of Seymour, and a licensed pharmacist for 20 years, and will be working at this facility. She reviewed the criteria used by the State to determine if a person is eligible to receive medical marijuana. She said patients will require approval from the State and a prescription from their medical doctor. She further reviewed the protocol which will be used when counseling and assisting patients.

Mr. Michael Madden appeared to speak about security at the proposed facility. He said their primary focus is to maintain effective controls. Chair Riley asked how they will handle the cash since marijuana sales are illegal on the federal level. Mr. Rizio indicated they will be using TD Bank. He said their security plan fully complies with the requirements of the State of CT.

Chair Riley asked hours of operation. They will be open 10 – 6 Monday through Friday, 10-6 Saturday and 10-4 Sunday. The layout of the building was used to describe and demonstrate the entrances, exits and traffic flow. He said there will be access control at every door.

Ms. Pappas-Phillips asked if they will be using the 2<sup>nd</sup> floor. Atty. Rizio said they are using the 1<sup>st</sup> floor only, and may eventually use the 2<sup>nd</sup> floor for medical offices. The 2<sup>nd</sup> floor has separate access from the 1<sup>st</sup> floor. He said all marijuana products will be stored in safes. There is camera security in the building. They will be tracking patients and employees coming in and going out.

He said the product will be stored in a safe in the vault area of the building. Only specific approved employees will be allowed in that area.

Chair Riley said he was concerned about the customer and asked about exterior security. Mr. Madden said there will be a guard on staff during the hours of operation and customers will be able to request an escort to their car.

Mr. Rodriguez asked how they intend to separate the prescription customers from the yoga, etc. customers. Atty. Rizio said they will only be offering their other services to their patients, and not to the public. If and when they lease the 2<sup>nd</sup> floor there will be a separate entrance for the 2<sup>nd</sup> floor users.

Atty. Rizio said they would accept a condition of approval for a security guard on duty during business hours. The parking lot is for their employees and customers only; they do not share it with anyone else. He also said they will be adding some paving, new fencing, and additional landscaping.

Ms. Pappas-Phillips asked about the possibility of loitering. Mr. Rizio said the security guard on site will monitor any loitering and there will be 1 way only access to control the in and out of the parking lot.

Atty. Rizio reviewed the Special Permit Standards. He believes this application supports business development in this area and will not affect the surrounding area. The building has been there for 70 years and they are not making any changes to the building, except an improved security system. He passed out an article describing a study that found no correlation between medical marijuana facility and an increase in crime.

He demonstrated there will be no increase in traffic. There are currently only 424 registered qualified patients in the state of CT and the 10-16 patients per day will not impact the traffic in the area. He also read and submitted a letter from Jeff Wright, owner of ReMax Right Choice, a licensed real estate broker who reviewed the application and believes there will be no negative effects to the neighborhood.

Chair Riley said this is illegal on the federal level. How do you justify it? Atty. Rizio said it is legal in the State of CT which allows for the dispensing to certified patients with a doctor's prescription. Mr. Tiago said that if this is approved, under Bpt. Zoning regulations, they could start selling other prescription drugs in the future.

Mr. Filotei asked the difference between a dispensary and pharmacy. Ms. Litke came forward and said a dispensary is for the distribution of one pharmaceutical whereas a pharmacy can dispense numerous pharmaceuticals. There was further discussion on the zoning regulations concerning retail sale of pharmaceuticals.

Atty. Rizio further commented on the need for medicinal marijuana as an option for people with qualified afflictions who have no other options. Ms. Barsky came forward to say the marijuana will be offered in a number forms, including capsules, oils, tinctures, rubs, crèmes along in its raw form. The products will be pre-packaged coming from the growers and the employees will not touch, smell or handle it in any form. She said Attorney General Eric Holder and President Barack Obama have both said they will not prosecute medical marijuana facilities.

Atty. Rizio summarized in saying that he believes they have satisfied each and every one of the criteria required. He also presented a petition of support with over 200 signatures from Bridgeport residents, mostly in the immediate neighborhood.

Chair Riley asked if anyone wished to speak in favor of this application.

1. Angela Deering – Monroe resident, has recurring cancer, requires chemo monthly and has a very difficult time with nausea. She is certified by the State of CT as a medical marijuana recipient. The availability of medical marijuana is important to her.
2. “Resident of North End” (name not heard)– says this is a good area for this facility and does not understand the big issue
3. Lillian Ortiz – Bridgeport resident, said this is needed here for patients, veterans , in support of everyone who has spoken
4. Terry Barry – resident of Stratford, retired attorney, said this is an opportunity to consider this to aid and comfort people
5. Bob Halstead – City Councilman, former COB City Planner, said this building is important to the neighborhood and is supporting the opening of the building for this use.
6. Orlando Fonseca – feels this is a proper use of this building and will add a taxpayer to the city.

Chair Riley asked if anyone wished to speak in opposition to this application.

1. Rob Shelton – applied for a dispensary in Bridgeport 4 months ago, was denied, told this was not a permitted use, and cannot see any different in this application from his application.
2. Bobby Simmons – neighbor of property, sees that anyone has clear, easy access to the building, no security, and said there are 50 children in the neighboring apartment building.
3. Angel Reyes – lives and is a business owner in Bridgeport, concerned about additional traffic, and questions decision to allow this 1<sup>st</sup> of a kind facility in Bridgeport.

Mr. Dennis Buckley made a visual accounting of 30 people in the audience appearing in opposition to this application.

4. Michelle Lyons, Council person 134<sup>th</sup> District – presented petition in opposition with 653 signatures, from people throughout the City, Concerned about secure marijuana delivery, and asked for a moratorium on dispensaries.
5. Ethan Book – resident of Bridgeport, recent candidate for City Council of Bridgeport, said the Federal Government saying will not enforce the Federal law does not change the fact that it is illegal on the Federal level.
- 6.

### RECESS

A recess was announced at 10:00 PM. Chair Riley called the meeting back into order at 10:15 PM.

7. Michael Volare (sp?)– neighbor, owns the Cambridge Apartment building abutting the property, concerned that this is inappropriate for this location, will destabilize the building, concerned about loitering.
8. Pastor Yolanda Hernandez – representing her church of 100+ parishioners, has seen changes in this neighborhood, does not feel this will help.
9. Amy Marie Vizzo-Paniccia , Council Person 134<sup>th</sup> District – is also a Bridgeport Business owner, submitted a petition of opposition with 80 signatures of residents from the Cambridge Apartments, feels this is not a positive for the City. Urged a no to this application.
10. Tom Lyons – resident of the City, did some research regarding police activity in the area, found 29 drug related violations, in 2013, has questions on security relative to delivery, etc. Feels the City should not be the testing ground for this facility.

Atty. Rizio spoke in rebuttal. He asked Nicole Litki, registered pharmacist, if she will be prescribing the approved pharmaceutical according to the State regulations. She answered with a correction, said she will be ‘dispensing’, not prescribing, the approved pharmaceutical according to the State regulations. He asked her if there is a difference in her responsibilities between this facility or a pharmacy, such a CVS. She answered no, and added this facility will be offering more comprehensive counseling than a CVS type pharmacy.

Atty. Rizio reviewed the approved diseases, and asked her if she will be dispensing to anyone without the certified card and prescription. She said no.

He stated the Special Permit Standards are not disputed except questions on Security. He said the product will be delivered in armor car by security professionals. Once it enters the site it will be monitored by MetroGuard, their security contractor. There will be 6’



high fence on 3 sides of the property, with a 4' fence in the front of the property along with locked gates. They will act in strict accordance with State Statute 21A-408. These can be incorporated as conditions of approval.

In summary Atty. Rizio said the city regulations do not talk about pharmacies or dispensaries being a permitted use in the OR-G Zone. They do allow retail stores selling pharmaceuticals, dry goods, etc. They are seeking retail sale of a pharmaceutical in accordance with the State Statutes, by a licensed pharmacist.

Atty. Rizio addressed the Special Permit standards and said all are adequately satisfied. He said the opposition focuses on the drama of the word marijuana. There are no zoning issues as presented.

Chair Riley restated it is federally illegal. What happens if in two years a new federal administration decides this is illegal? Atty. Rizio said the zoning regulations allow for dispensing a pharmaceutical, which is allowed and regulated by the State of Connecticut. The State will have to address the federal issue should it change, which might then affect the growers and dispensaries.

Atty. Rizio restated this is a zoning matter and no one has given any reason to deny this application.

Public hearing was closed.

Chair Riley asked applicants yet to be heard if they were willing to continue to the next meeting. If not, the hearing will have to recess.

Atty. Rizio said he would defer on item # (14-19) 710 Lindley St – Petition of 1 Automotive Solutions, LLC – Seeking under CT General Statutes 14-54 an amended certificate of approval of location for a used car dealership license to continue the display, sale, and repair of used motor vehicles in the existing 1-story commercial building in an OR-G zone.

Chair Riley said they will hear 14-18 1136-1162 Main St – Petition of 1136-1162 Main Street Manager, LLC – Seeking a coastal site plan review to permit the renovation of the existing commercial buildings into mixed-use buildings, residential and retail, in a DVD-CORE zone. The rest of the applications will be deferred until the next meeting.

Chair Riley said they will also hear C-3 (14-16) 1815 State St. – Petition of Concrete Encounter/Jeff Kuryluk – Seeking a site plan review for the establishment of a low impact manufacture facility and related business offices (which received a special permit on 02/24/14) in the existing industrial building in an I-L zone because it is a brief site plan review.

The Attorney (name?) for (14-20) 624 East Main St – Petition of Right Price Auto, LLC – Seeking under CT General Statute 14-54 a certificate of approval of location to reestablish a general repairers license in the existing gas station with a recently approved convenience store use in an OR zone agreed to defer until next meeting and verbally agreed to waive the 65 day rule.

**C-3 (14-16) 1815 State St. – Petition of Concrete Encounter/Jeff Kuryluk – Seeking a site plan review for the establishment of a low impact manufacture facility and related business offices (which received a special permit on 02/24/14) in the existing industrial building in an I-L zone.**

Jeff Kuryluk appeared to continue his application presentation. He provided a revised site plan and said he will be fixing the roof, installing ambient lighting.

Chair Riley said the site plan is not labeled with parking, striping, how many spaces, where the handicap parking is. He suggested the applicant meet with Mr. Buckley to review requirements and be ready to present at the next meeting.

The applicant requested a continuance. He waived the 65 day rule to allow the continuation.

#### **NEW BUSINESS**

**(14-18) 1136-1162 Main St – Petition of 1136-1162 Main Street Manager, LLC – Seeking a coastal site plan review to permit the renovation of the existing commercial buildings into mixed-use buildings, residential and retail, in a DVD-CORE zone.**

William Browski (sp?) of Browski Architects appeared to present. He submitted proof of mailings. He stated they are here for a coastal site plan review. They are renovating several buildings with no impact. Ms. Pappas-Phillips read a letter from John Gaucher, Office of LI Sound Programs dated 3/3/14in to the record. Mr. Gaucher reviewed the application for consistency and found no issues.

Chair Riley asked if anyone wished to speak in favor of this application.

1. David Kooris, Director City Office of Planning and Economic Development – said this is outside the floodplains, no coastal impact, fully developed, and has no issues and no adverse impact.
2. Robert Halstead, City Councilman – voiced his approval.

Chair Riley asked if anyone wished to speak in opposition to this application.

Seeing none the public hearing was closed.

**\*\*COMMISSIONER TIAGO MADE A MOTION TO RECESS  
\*\*COMMISSIONER WALKER SECONDED.  
\*\*MOTION PASSED UNANIMOUSLY.**

**\*\*COMMISSIONER TIAGO MADE A MOTION TO OPEN THE PUBLIC  
HEARING.  
\*\*COMMISSIONER WALKER SECONDED.  
\*\*MOTION PASSED UNANIMOUSLY.**

#### **DEFERRED BUSINESS**

**D-2 (14-10) 375 Main St. – Petition of Housing Authority of the City of Bridgeport  
d/b/a Park City Communities – Seeking a site plan review and a coastal site plan  
review to permit the establishment of a 78-unit mixed income housing complex in  
the NCVD zone and coastal area.**

Attorney for the applicant S. Suder appeared and furnished the proof of mailings and posted signs. He requested the matter be continued.

**\*\*COMMISSIONER TIAGO MADE A MOTION TO RECESS  
\*\*COMMISSIONER MORTON SECONDED.  
\*\*MOTION PASSED UNANIMOUSLY.**

The meeting recessed at 11:09 PM.

Respectfully submitted,

Jill G. Kuzmich  
Telesco Secretarial Services