



**CITY OF BRIDGEPORT
PLANNING AND ZONING COMMISSION
REGULAR MEETING
FEBRUARY 25, 2019**

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

ATTENDANCE: Mel Riley, Acting Chair; Robert L. Morton, Acting Secretary; Cesar Augusto Cordero, Thomas R. Fedele, Robert J. Filotei, Arturo R. Gravina-Hernandez, Carlos Moreno, Reginald Walker

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

CALL TO ORDER.

Commissioner Riley called the meeting to order at 6:41 p.m. A quorum was present. He then introduced the Commissioners seated and reviewed the hearing protocols with those present.

EXECUTIVE SESSION

Atty. Liskov came forward to request an Executive Session to discuss pending litigation involving Brookside Packaging vs. Bridgeport Planning and Zoning Commission.

**** COMMISSIONER MORTON MOVED TO ENTER INTO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION INVOLVING BROOKSIDE PACKAGE STORE VS. BRIDGEPORT PLANNING AND ZONING COMMISSION.**

**** COMMISSIONER MORENO SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The Commissioners and Atty. Liskov entered into Executive Session to discuss pending litigation involving Brookside Package Store vs. Bridgeport Planning and Zoning Commission at 6:47 p.m. They returned to Public Session at 7:00 p.m. No actions were taken or motions made during Executive Session.

(19-13) 8-24 Referral – Petition of the Engineer Department – Requesting under Sec. 8-24 of the Connecticut General Statute, a favorable recommendation from the Planning & Zoning Commission of the City of Bridgeport for the acceptance of an easement on 39 Pine Street and 450 Wordin Avenue in an I-L zone.

Mr. Bill Coleman, the OPED Deputy Director, came forward and introduced himself. He said that there had been some work done at that location about 15 or 20 years ago and now this was just an administrative issue.

Commissioner Riley asked if there was anyone who wished to speak in favor of the application. No one came forward. Commissioner Riley asked if there was anyone opposed to the application. Hearing none, he closed the public hearing on Agenda Item 19-13 Text Amendment.

(19-12) Text Amendment – Petition of the Planning & Zoning Commission – Seeking a modification of Sec. 14-12 of the City of Bridgeport Zoning Regulations regarding the Design Review process to now change the pre-submittal review requirement into 2-steps for applications meeting certain thresholds.

Ms. Lynn Haig came forward and stated this was an amendment to the design review process. She said that they would like to have the applicants come in and meet with the various department representatives to discuss potential issues before the application is submitted. She explained that there are situations where recommendations are made to relocate various objects, such as the parking lots, which are costly. By having the meeting before the application is submitted, major modifications can be made without major cost.

Commissioner Filotei asked if the applicant would have to come to the Commission at the end. Ms. Haig said that this was so. Commissioner Filotei expressed concern about who would be deciding the set backs. Ms. Haig said that there would be a design team reviewing the plan, such as the Design Review Coordinator and Engineering along with other key departments.

Commissioner Riley commented that it would be helpful for the applicants and that this was just a re-ordering of the process.

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

Atty. Willinger said that the best thing that happened to the Zoning Regulation in the last 45 years, was giving teeth to the Design Review. He said that there had been a number of projects where Ms. Haig had given input and made suggestions.

Commissioner Riley asked if there was anyone opposed to the application. Hearing none, he closed the public hearing on Agenda Item 19-12 – Text Amendment.

D-1 (19-08) Text Amendment – Petition of the Planning & Zoning Commission – Seeking a modification of Sec. 12-10 a & b of the City of Bridgeport Zoning

Regulations regarding the approval of location for all uses that involve the sale of alcohol.

Atty. Liskov came forward and said that he was presenting the petition for the Planning and Zoning Commission. He explained that this had been extensive discussions about this and said that he was submitting a large number of documents for inclusion in the file. The documents include all of the minutes, the transcript and letters of support and opposing. He listed the various publications that published the legal notice.

Atty. Liskov then reviewed the final changes that were made to the document and approved by the Commission. He noted that this amendment was almost identical to the Special Permit Application.

Commissioner Walker noted that Atty. Liskov had mentioned Brookside several times. Atty. Liskov said that it was the current case. Commissioner Walker noted that it was Brooklawn, not Brookside.

Commissioner Riley asked if there was anyone who wished to speak in favor of the application. No one came forward. Commissioner Riley asked if there was anyone who wished to speak in opposition to the application.

Atty. Joel Green of Green and Gross came forward and said that he was present to represent numerous package stores in the area. And that the case was in the appeal process.

Atty. Green noted that there had been a ZBA appeal for Brooklawn some time ago and the current case was for Brookside. Atty. Liskov came forward with the case file and confirmed that it was Brookside.

Atty. Green said that his clients were all selling the same product and that the pricing was set by the State of the Connecticut.

Commissioner Riley requested that Atty. Green cite the particulars in the text amendment that he wished to opposed.

Atty. Green said that the Board of Education had submitted a letter from Superintendent Johnson that was included in the full packet submitted by Atty. Liskov. He reminded everyone that the Bridgeport students had to walk further to school than any other district. The clergy also urged the Commission to deny this amendment.

Atty. Green said that the original regulations last July used the property line as the determinant while the current regulations calculated it based on entrance to entrance. He pointed out that entrance was not defined and noted that there were buildings like Stop N Shop that have multiple entrances.

The Commission reduced the distance between the parcels. Now it is 750 feet from entrance to entrance. There are many facilities like schools that have play fields or churches that have parking lots. And that could put the package store close to these gathering areas.

Atty. Green pointed out that in Norwalk, Hartford and other municipalities, the measurements were from property line to property line.

He added that there never was a problem with the location of the package stores before. However, there is some language in the amendment that would allow the package stores to relocate right next to a protected use.

Atty. Green said that this regulation was not well thought out and not ready to be adopted by the Commission because it is irresponsible. He said that he believed that this amendment will be going to appeal and expected it to be ruled against.

Commissioner Riley asked Atty. Green if he was opposing the proposed changes to the existing regulations. Atty. Green said that the entire regulation was flawed. Commissioner Riley said that Atty. Green spent time talking about the regulation but the item was about small changes to the amendment.

Atty. Green said that a responsible response would be to re-think this and that would be good example of Planning and Zoning.

The owner of the Brookside Package Store came forward and said that when this item came forward, many people came forward to oppose this, including package store owners, clergy, the Board of Education, and many City Council Members. He went on to remind people that originally this was from property line to property line.

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

Atty. Willinger came forward for rebuttal and said on behalf of Michael Defilippo, his client, he wanted to point out that this was an amendment to the main amendment which passed in July. This was to clarify what was approved in July, which gives teeth to the regulations and the Commission has to approve the location.

Atty. Willinger said that Ms. Haig had researched this thoroughly and Atty. Willinger said that he felt the appeal would not succeed. Ms. Haig did not cherry pick issues and did the research. He reminded everyone that it was the State of Connecticut that regulates the package stores.

Atty. Liskov came forward pointed out that the Commission has the absolute right to re-write any amendment. As for the entrance definition, it would be what any normal

person would understand as an entrance. If there are many entrances, the package store would have to meet the regulations for all the entrances. The Commission has the right to change their regulations as they see fit.

D-2 (19-09) Text Amendment – Petition of the Planning & Zoning Commission – Seeking to amend Sec. 14-9 to permit the Zoning Administrator, the Planning Director and the Director of Planning and Economic Development to submit for consideration map changes and text amendments to the Planning & Zoning Commission.

Atty. Liskov came forward to present for the Commission. He said that this was about who can submit an application. This text amendment allows the City staff to assist the Commission to handle the item. The Commission works closely with OPED, and Zoning along with the developers.

Commissioner Riley asked if the named departments were the only ones that would be able to present.

Commissioner Riley asked if there was anyone who wished to speak in favor of the application. No one came forward. Commissioner Riley asked if there was anyone opposed to the application. Hearing none, he closed the public hearing on Agenda Item (19-09).

D-3 (19-10) Text Amendment – Petition of the Office of Planning & Economic Development (OPED) – Seeking to introduce the new term “Civic Use” with a definition, as well as sign regulations for that use under Sec. 11-7 of the City of Bridgeport Zoning Regulations.

Ms. Haig came forward and said that many of the schools and parks border residential zones. Because they are non-residential, they are limited. One example of this is the Discovery museum that can not put up larger signage to help the public identify what they are. This amendment would create civil use category for these libraries, museum, parks, and other entities that are affected by this.

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

Mr. Thomas Voss, the Chairman of the Discovery Museum, came forward and said that the Museum has been in existence for the last 60 years and built their Museum 55 years ago. They offer STEM classes for the local students and also are a tourist destination.

Commissioner Riley asked if there was anyone opposed to the application. Hearing none, he closed the public hearing on Agenda Item (19-10) Text Amendment.

D-4 (19-11) Text Amendment – Petition of the Office of Planning & Economic Development (OPED) – Seeking to remove the R-C Development Standards in OR & OR-G zones of Sec. 4-10-2 of the City of Bridgeport Zoning Regulations.

Ms. Haig said that this was one of the newly created development standards missed developments that was 100% housing. The existing standards do not fit into the new design standards. She gave a brief explanation of how this would work.

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

Mr. Coleman came forward and said that in the traditional commercial corridors, there have been some changes in those areas. This would help advance the development in areas that are more challenging to develop.

Commissioner Riley asked if there was anyone opposed to the application. Hearing none, he closed the public hearing on Agenda Item (19-11) Text Amendment.

RECESS

Chairman Riley announced a recess at 7:55 p.m. He called the meeting back to order at 8:04 p.m.

C-2 (18-43) 1308 & 1320 Madison Ave. – Petition of Quince Street, LLC & JI Real Estate Holding, Inc – Seeking a special permit, site plan review and a zone change from a residential two-family zone (RB) to a residential multi-family zone (R-C) to permit the construction of four (4) 2-story buildings containing 8-residential units.

Mr. Buckley came forward and said he received a letter from Atty. Russo requesting a third continuance. Commissioner Riley asked if Atty. Russo had given a reason. Mr. Buckley said that he had not.

D-5 (19-01) 1044 Brooklawn Ave. – Petition of Vitro’s LLC – Seeking an approval of location to permit a package store use and the issuance of a package store liquor license in an OR zone.

Atty. Willinger came forward and said that he was representing the owner of 1044 Brooklawn. Commissioner Riley pointed out that there was an amendment before the Commission.

Atty. Willinger explained he wanted to open and close the hearing. Commissioner Riley said that the Commission would prefer to wait to vote on the amendment.

Atty. Willinger said that he would have to defer the item to the March meeting.

D-6 (19-06) 173 Atlantic Street – Petition of Vi Home Corporation – Seeking a site plan review and a coastal site plan review to permit the construction of a 3-family dwelling in an NCVD zone and coastal area.

Mr. Buckley said that on February 18th, he received a letter requesting that this item be held over until the April 22nd meeting. Commissioner Riley said that they could defer it to March.

Commissioner Riley closed the public hearing at 8:12 p.m.

RECESS

Chairman Riley announced a recess at 8:12 p.m. He called the meeting back to order at 8:16 p.m.

OTHER MATTERS THAT MAY COME BEFORE THE COMMISSION.

Mr. Buckley said that Lake Forest has submitted an application to the DEEP to deal with an algae problem on the lake. They will be talking about copper sulfate to control the algae. This was just to inform the Commission.

PSE&G – Mr. Buckley then gave a brief update and said Atty. Regan has informed the Commission that they will be finished around October 2nd. Commissioner Riley asked about the status of the smoke stack. Mr. Buckley said that PSE&G had not made a final decision yet.

DECISION SESSION.

(19-13) 8-24 Referral – Petition of the Engineer Department – Requesting under Sec. 8-24 of the Connecticut General Statute, a favorable recommendation for the acceptance of an easement at 39 Pine Street & 450 Wordin Avenue and subordination of easement in SCG's ELURs.

**** COMMISSIONER MORTON MOVED TO APPROVE AGENDA ITEM (19-13) 8-24 REFERRAL – PETITION OF THE ENGINEER DEPARTMENT – REQUESTING UNDER SEC. 8-24 OF THE CONNECTICUT GENERAL STATUTE, A FAVORABLE RECOMMENDATION FOR THE ACCEPTANCE OF AN EASEMENT AT 39 PINE STREET & 450 WORDIN AVENUE AND SUBORDINATION OF EASEMENT IN SCG'S ELURS.**

**** COMMISSIONER WALKER SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

(19-12) Text Amendment – Petition of the Planning & Zoning Commission – Seeking a modification of Sec. 14-12 of the City of Bridgeport Zoning Regulations regarding the Design Review process to now change the pre-submittal review requirement into 2-steps for applications meeting certain thresholds.

**** COMMISSIONER MORTON MOVED TO APPROVE AGENDA ITEM (19-12) TEXT AMENDMENT – PETITION OF THE PLANNING & ZONING COMMISSION – SEEKING A MODIFICATION OF SEC. 14-12 OF THE CITY OF BRIDGEPORT ZONING REGULATIONS REGARDING THE DESIGN REVIEW PROCESS TO NOW CHANGE THE PRE-SUBMITTAL REVIEW REQUIREMENT INTO 2-STEPS FOR APPLICATIONS MEETING CERTAIN THRESHOLDS WITH THE EFFECTIVE DATE OF MARCH 4, 2019 FOR THE FOLLOWING REASON:**

THIS WILL EXPEDITE THE DESIGN REVIEW PROCESS AND PROMOTE QUALITY PROJECTS IN THE CITY.

**** COMMISSIONER MORENO SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

D-1 (19-08) Text Amendment – Petition of the Planning & Zoning Commission – Seeking a modification of Sec. 12-10 a & b of the City of Bridgeport Zoning Regulations regarding the approval of location for all uses that involve the sale of alcohol.

Commissioner Morton asked if they wanted to discuss whether they wanted to include parks and public in the sensitive use category. Commissioner Riley said that there could be a sub-committee formed.

Commissioner Filotei said that he believed that Atty. Green had several valid points such as the entrance to entrance concerns. It could have been clearer. Commissioner Filotei agreed. Discussion followed

Commissioner Riley said that this changes were already before the appeals court and the issue regarding the entrances was not one of the adjustment the judge recommended.

**** COMMISSIONER WALKER MOVED TO APPROVE AGENDA ITEM (19-08) TEXT AMENDMENT – PETITION OF THE PLANNING & ZONING COMMISSION – SEEKING A MODIFICATION OF SEC. 12-10 A & B OF THE CITY OF BRIDGEPORT ZONING REGULATIONS REGARDING THE APPROVAL OF LOCATION FOR ALL USES THAT INVOLVE THE SALE OF ALCOHOL WITH THE EFFECTIVE DATE OF MARCH 4, 2019.**

**** COMMISSIONER MORENO SECONDED.**

**** THE MOTION PASSED WITH SIX (6) IN FAVOR (MORTON, CORDERO, FEDELE, GRAVINA, WALKER AND RILEY) AND TWO (2) OPPOSED (FILOTEI AND MORENO) FOR THE FOLLOWING REASONS:**

THOSE IN FAVOR REASONS:

- **ADDITIONAL TEXT IS CONSISTENT WITH THE MASTER PLAN OF CONSERVATION & DEVELOPMENT.**
- **THE MASTER PLAN SUPPORTS THE ESTABLISHMENT OF SMALL BUSINESSES AND STRENGTHENS THE COMMERCIAL CENTERS.**
- **THE CURRENT REGULATIONS ARE OUTDATED, AS WELL AS THE MOST RESTRICTIVE IN MOST MUNICIPALITIES.**
- **THE STATE OF CT CONTROLS THE NUMBERS OF PACKAGE STORE PERMITS IN BRIDGEPORT.**
- **THE AMENDED 750-FEET DISTANCE BETWEEN SENSITIVE USES IS STILL MORE RESTRICTIVE THAN MOST LARGE CITIES IN CT.**
- **THE NEW REGULATIONS REQUIRE APPLICANTS TO COMPLY WITH THE SITE PLAN REVIEW STANDARDS AND SPECIAL PERMIT STANDARDS IN ORDER TO RECEIVE AN APPROVAL OF LOCATION.**
- **THE NEW PROCESS ENSURES THERE WILL BE NO ADVERSE IMPACT TO PROPERTIES NEAR PROPOSED LIQUOR ESTABLISHMENTS.**
- **THE PROPOSED REGULATIONS NOW REQUIRE GROCERY BEER PERMITS TO SEEK AN APPROVAL OF LOCATION.**

THOSE OPPOSED REASONS:

- **ATTORNEY GREEN RAISED VALID CONCERNS THAT SHOULD BE INVESTIGATED PRIOR TO AN APPROVAL**
- **THE DISTANCE ISSUE REGARDING FRONT ENTRANCES.**

(19-09) Text Amendment – Petition of the Planning & Zoning Commission – Seeking to amend Sec. 14-9 to permit the Zoning Administrator, the Planning Director and the Director of Planning and Economic Development to submit for consideration map changes and text amendments to the Planning & Zoning Commission.

**** COMMISSIONER MORTON MOVED TO APPROVE AGENDA ITEM (19-09) TEXT AMENDMENT – PETITION OF THE PLANNING & ZONING**

COMMISSION – SEEKING TO AMEND SEC. 14-9 TO PERMIT THE ZONING ADMINISTRATOR, THE PLANNING DIRECTOR AND THE DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT TO SUBMIT FOR CONSIDERATION MAP CHANGES AND TEXT AMENDMENTS TO THE PLANNING & ZONING COMMISSION WITH THE EFFECTIVE DATE OF MARCH 4, 2019 FOR THE FOLLOWING REASON:

• ALLOWING THE CITED DEPARTMENT HEADS TO SUBMIT PROPOSED TEXT AMENDMENTS AND MAP CHANGES WILL FACILITATE THE NEED TO UPDATE THE ZONING REGULATIONS AND MOVE PROJECTS FORWARD.

**** COMMISSIONER WALKER SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

D-3 (19-10) Text Amendment – Petition of the Office of Planning & Economic Development (OPED) – Seeking to introduce the new term “Civic Use” with a definition, as well as sign regulations for that use under Sec. 11-7 of the City of Bridgeport Zoning Regulations.

**** COMMISSIONER WALKER MOVED TO APPROVE AGENDA ITEM (19-10) TEXT AMENDMENT – PETITION OF THE OFFICE OF PLANNING & ECONOMIC DEVELOPMENT (OPED) – SEEKING TO INTRODUCE THE NEW TERM “CIVIC USE” WITH A DEFINITION, AS WELL AS SIGN REGULATIONS FOR THAT USE UNDER SEC. 11-7 OF THE CITY OF BRIDGEPORT ZONING REGULATIONS WITH THE EFFECTIVE DATE OF MARCH 4, 2019 FOR THE FOLLOWING REASON:**

• GIVES THE OPPORTUNITY TO HAVE PROPER CLARIFICATION THAT WILL ASSIST THE PUBLIC IN LOCATING PROPERTIES AND ACTIVITIES.

**** COMMISSIONER MORENO SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

(19-11) Text Amendment – Petition of the Office of Planning & Economic Development (OPED) – Seeking to remove the R-C Development Standards in OR & OR-G zones of Sec. 4-10-2 of the City of Bridgeport Zoning Regulations.

**** COMMISSIONER WALKER MOVED TO APPROVE AGENDA ITEM (19-11) TEXT AMENDMENT – PETITION OF THE OFFICE OF PLANNING & ECONOMIC DEVELOPMENT (OPED) – SEEKING TO REMOVE THE R-C DEVELOPMENT STANDARDS IN OR & OR-G ZONES OF SEC. 4-10-2 OF THE**

CITY OF BRIDGEPORT ZONING REGULATIONS WITH THE EFFECTIVE DATE OF MARCH 4, 2019 FOR THE FOLLOWING REASON:

- **WILL PROMOTE RESIDENTIAL DEVELOPMENT IN THE OR & OR-G ZONES.**

**** COMMISSIONER MORENO SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

C-2 (18-43) 1308 & 1320 Madison Ave. – Petition of Quince Street, LLC & JI Real Estate Holding, Inc – Seeking a special permit, site plan review and a zone change from a residential two-family zone (RB) to a residential multi-family zone (R-C) to permit the construction of four (4) 2-story buildings containing 8-residential units.

Mr. Buckley noted that this came into the Zoning Department in mid September. This application has been deferred numerous times.

**** COMMISSIONER MORTON MOVED TO DENY WITHOUT PREJUDICE MOVED AGENDA ITEM C-2 (18-43) 1308 & 1320 MADISON AVE. – PETITION OF QUINCE STREET, LLC & JI REAL ESTATE HOLDING, INC – SEEKING A SPECIAL PERMIT, SITE PLAN REVIEW AND A ZONE CHANGE FROM A RESIDENTIAL TWO-FAMILY ZONE (RB) TO A RESIDENTIAL MULTI-FAMILY ZONE (R-C) TO PERMIT THE CONSTRUCTION OF FOUR (4) 2-STORY BUILDINGS CONTAINING 8-RESIDENTIAL UNITS FOR THE FOLLOWING REASON:**

- **PETITION HAS BEEN IN THE SYSTEM FOR OVER 120-DAYS.**

**** COMMISSIONER MORENO SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

D-5 (19-01) 1044 Brooklawn Ave. – Petition of Vitro’s LLC – Seeking an approval of location to permit a package store use and the issuance of a package store liquor license in an OR zone.

**** COMMISSIONER CORDERO MOVED TO DEFER AGENDA ITEM (19-01) 1044 BROOKLAWN AVE. – PETITION OF VITRO’S LLC – SEEKING AN APPROVAL OF LOCATION TO PERMIT A PACKAGE STORE USE AND THE ISSUANCE OF A PACKAGE STORE LIQUOR LICENSE IN AN OR ZONE DEFERRED TO MARCH 25, 2019.**

**** COMMISSIONER WALKER SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

D-6 (19-06) 173 Atlantic Street – Petition of Vi Home Corporation – Seeking a site plan review and a Coastal Site Plan Review to permit the construction of a 3-family dwelling in a NCVD zone and coastal area.

**** COMMISSIONER WALKER MOVED TO DEFER AGENDA ITEM (19-06) 173 ATLANTIC STREET – PETITION OF VI HOME CORPORATION – SEEKING A SITE PLAN REVIEW AND A COASTAL SITE PLAN REVIEW TO PERMIT THE CONSTRUCTION OF A 3-FAMILY DWELLING IN A NCVD ZONE AND COASTAL AREA TO APRIL 22, 2019.**

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

CONSENT AGENDA

There were no items to consider at this time.

APPROVAL OF MINUTES

JANUARY 28, 2019.

**** COMMISSIONER CORDERO MOVED TO APPROVE THE MINUTES OF JANUARY 28, 2019.**

**** COMMISSIONER MORENO SECONDED.**

**** THE MOTION TO APPROVE THE MINUTES OF JANUARY 28, 2019 AS SUBMITTED PASSED UNANIMOUSLY.**

ADJOURNMENT

**** COMMISSIONER MORENO MOVED TO ADJOURN.**

**** COMMISSIONER MORTON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:35 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services