



**CITY OF BRIDGEPORT
PLANNING AND ZONING COMMISSION
REGULAR MEETING
AUGUST 26, 2019**

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

ATTENDANCE: Robert L. Morton, Acting Chair; Anne Pappas Phillips, Acting Secretary; Thomas Fedele, Robert J. Filotei, Arturo Gravina-Hernandez, Reginald Walker

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

CALL TO ORDER.

Commissioner Riley called the meeting to order at 6:45 p.m. He then introduced the Commissioners seated and reviewed the hearing protocols with those present. A quorum was present.

Atty. Liskov came forward and requested that the Commission enter into Executive Session to discuss pending litigation.

**** COMMISSIONER WALKER MOVED TO ENTER INTO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION.**

**** COMMISSIONER GRAVINA-HERNANDEZ SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The Commissioners, Mr. Buckley and Atty. Liskov entered into Executive Session to discuss pending litigation at 6:46 p.m. They returned to Public Session at 7:05 p.m. No actions or votes were taken during Executive Session.

CONTINUED BUSINESS.

C-1 (19-24) RE: 580 – 582 NORTH AVENUE – Petition of 580 North Avenue, LLC – Seeking a special permit and site plan review to permit the establishment of a retail convenience store in the gas station building currently under construction in an I-L zone.

Mr. Buckley came forward and distributed copies of the Application. He noted that the application had been continued a number of times. He said that there should be an approval by the ZBA for the canopy which is an accessory structure. He listed the

sections involved:4-9-1b and 4-a5 regarding the use and indicated the accessory use was not the primary use. Mr. Buckley said that a marquee would be attached to a building. Mr. Buckley discussed this with Atty. Willinger and ultimate the question was referred to Atty. Liskov.

Mr. Buckley said that he had received the revised plans on August 2nd and indicated that the canopy was free standing. Atty. Liskov felt that the regulations were somewhat vague regarding the language in terms of the canopy because the other items such as breezeways would be used for residential structures.

Mr. Buckley pointed out that while the gas station was not required to have a canopy, the most common form for the required fire suppression is a canopy. After examining this application, Mr. Buckley requested that this be referred back to the ZBA for a variance for the canopy. Mr. Buckley reminded the Commissioners that the application was submitted on April 24th which was more than 130 days ago.

Commissioner Walker asked for clarification on why self service required a fire suppression system. Mr. Buckley gave a quick overview.

Commissioner Filotei asked how self-serve gas stations were handled historically. Mr. Buckley said that usually the self serve gas stations have to go to ZBA for a variance.

Commissioner Phillips asked if the convenience store was tied to the canopy issue. Mr. Buckley said that he was concerned with the accessory structure. The convenience store is separate. Commissioner Phillips said that the canopy was connected to the gas station/convenience via the electrical wiring.

Atty. Liskov reminded everyone that the Commissioners were the sole authority in terms interpreting the regulations.

Atty. Willinger came forward and introduced himself. He said that he was representing his client, 580 North Avenue, LLC. He said that he does not fault or criticize Mr. Buckley in any way. However, Mr. Buckley has been overruled in a number of cases.

Atty. Willinger said that it was his client's position that this was a principle structure and not an accessory structure. He then guided the Commissioners through the information packet. He pointed out that the primary use for this site is the gas station and the canopy is a principle structure for the primary use. The regulations do not differentiate between self service and full service. Atty. Willinger stated that about 95%of all gas stations in the Northeast are self service.

Atty. Willinger then indicated where the Zoning Regulations mentions the canopy in conjunction with the fire suppression system. He also reviewed the regulations that indicates that a number of principle structure that can be on a parcel.

Atty. Willinger then indicated where the canopy supports would be located on the gas pump islands. He also distributed copies of an information packet with exhibits and photos. The first photo was of the competition across the street showing the canopy that was free standing. The free standing gas station canopy was approved in 2014 without a variance. Copies of the building permit were included in the exhibit. This was an example of fairness.

Atty. Willinger said that if the Commission believes it is an accessory use, then they will have to continue to hearing. If iris a principle structure, then the applicant can proceed.

Commissioner Morton asked if there was anyone present who wished to speak in favor of the referrals for disposition. No one came forward. He then asked if there was anyone present who wished to speak in opposition to the application.

Atty. Joel Green of the Law Offices of Green and Gross came forward and pointed out that he could not comment on the photographs of his client's site as he had not studied the photos or the documents involved with the canopy.

He then directed the Commission to Table 6-1, which lists the uses and indicated that fuel was in a different category than 6-5 and 6-3.

Atty. Green said that both he and Atty. Willinger agree on the fact that there can be multiple principle buildings on a site. He stated that he had the building permit for the structure that was currently half finished on the site. It was described as a convenience store with a gas station by the applicant.

Atty. Green said that there were some items such as projections like wheel chair ramp could extend into the set back as much as 20%. The regulations allow the projections to fully extend beyond the street line. However, this canopy is not attached to the building. He said that this does not make sense. he said that it was a structure can not extend into the set back.

Atty. Green stated that he felt a variance would be required for the canopy.

Atty. Willinger came forward and said that the canopy was required by an Ordinance. He said that the pumping of gas and sale of gas was the primary use of the gas station. He then said that if the Commission felt that it was a service station, then the canopy is part of the gas station.

Commissioner Phillips said that the gas pumps were connected to the convenience store via cables. Atty. Willinger brought forward a site plan and indicated where the convenience store would be located and the portion of the building that would be dedicated to the gas station.

RECESS

Commissioner Morton declared a recess at 8:00 p.m. He reconvened the meeting at 8:07 p.m.

Mr. Buckley came forward and said that regardless whether it was an accessory structure or principle structure, the regulations do not mention the utility connections. He also indicated that there were decisions in 2010 and 2018 that had the canopy go back to the ZBA for a variance.

Atty. Liskov came forward and said that it would be up to the Commission to determine whether it would be an accessory structure or a principle structure.

**** COMMISSIONER WALKER MOVED TO APPROVE THE CANOPY AS A PRINCIPLE STRUCTURE.**

**** COMMISSIONER PHILLIPS SECONDED.**

**** THE MOTION FAILED TO PASS WITH FOUR (4) OPPOSED (FILOTEI, GRAVINA-HERNANDEZ, PHILLIPS, AND WALKER) AND ONE (1) ABSTENTION (FEDELE).**

**** COMMISSIONER WALKER MOVED TO DENY WITHOUT PREJUDICE AGENDA ITEM C-1 (19-24) RE: 580 – 582 NORTH AVENUE – SEEKING A SPECIAL PERMIT AND SITE PLAN REVIEW TO PERMIT THE ESTABLISHMENT OF A RETAIL CONVENIENCE STORE IN THE GAS STATION BUILDING CURRENTLY UNDER CONSTRUCTION IN AN I-L ZONE.**

**** COMMISSIONER PHILLIPS SECONDED.**

**** THE MOTION PASSED WITH FOUR (4) IN FAVOR (FILOTEI, GRAVINA-HERNANDEZ, PHILLIPS, AND WALKER) AND ONE (1) ABSTENTION (FEDELE).**

19-45 RE: 729 NORTH WASHINGTON AVENUE – Petition of 729 North Washington Avenue – Seeking a special permit, site plan review and coastal site plan review to permit the construction of a 1-1/2 story 6,600-sq. ft. industrial warehouse building in an I-L zone and coastal area.

Mr. Gitamo Marini came forward and said that they were looking to construct a warehouse at the site.

Commissioner Phillips said that Mr. Buckley had submitted some comments in a memo from the WPCA. Mr. Marini said that he had spoken with the manager at the WPCA and gave the details of where the sewer line was located. Mr. Marini said that his company is a construction company and their current location has become too small. Commissioner Phillips asked how long it would take the applicant to supply the documentation to the WPCA.

Commissioner Phillips then read the Coastal Review Letter from Mr. Gaucher. Mr. Marini said that he had spoken with Mr. Gaucher and explained that the soil on the site was very sandy and the storm water would percolate very quickly. Mr. Marini said that his company would be able to provide all the conditions that both Mr. Gaucher and the WPCA were requesting.

Mr. Buckley pointed out that these issues could be made part of the conditions of approval.

Commissioner Morton asked if there was anyone present who wished to speak in favor of the referrals for disposition. No one came forward. He then asked if there was anyone present who wished to speak in opposition to the application. Hearing none, Commissioner Morton closed the public hearing on 729 Washington Avenue.

19-46 RE: 1450 BARNUM AVENUE – Petition of 1450 Barnum Avenue, LLC – Seeking a site plan review to permit the establishment of a day care facility in the existing commercial building in an I-H zone.

Atty. Raymond Rizio of Russo and Rizio, LLC came forward and submitted the green mailing receipts. He also distributed copies of photos of the site. Commissioner Phillips asked for a copy of the legal notice. While Atty. Chris Russo of Russo and Rizio, LLC retrieved a copy, the Commission moved forward to the next item.

19-47 RE: 536 PEET STREET – Petition of Diverse Builders, LLC – Seeking a *special permit and a site plan review to permit the construction of three (3) multi-family dwellings with a total of ten (10) residential units on a 28,000-sq.ft. lot in an R-C zone.

Atty. Raymond Rizio of Russo and Rizio, LLC came forward and distributed copies of aerial view of the site. The site was previously approved, but the project never moved forward. The project has been redesigned and will be three multi-family de walks with a total of 10 residential units. The units facing the street will have front doors and the parking will be in the back. i

Atty. Rizio handed in a petition with 12 signatures.

Atty. Rizio said that they conforms with all the regulations.

Commissioner Phillips asked where the driveway cuts were. Atty. Rizio indicated where the driveway was located.

Commissioner Gravina-Hernandez asked about the parking. Atty. Rizio said that each unit would have a garage and there would be eight additional spaces. The required amount would be 15 spaces. The landscaping will be 36% and the building coverage is only 63%.

Commissioner Phillips asked if this would be rentals. Atty. Rizio said that they could be either.

Commissioner Morton asked if there was anyone present who wished to speak in favor of the referrals for disposition. No one came forward. He then asked if there was anyone present who wished to speak in opposition to the application. Hearing none, Commissioner Morton closed the public hearing on 536 Peet Street.

19-46 RE: 1450 BARNUM AVENUE – Petition of 1450 Barnum Avenue, LLC – Seeking a site plan review to permit the establishment of a day care facility in the existing commercial building in an I-H zone. CONT'D

Atty. Chris Russo of Russo and Rizio, LLC came forward with his lap top to display the legal notice that was published in the Connecticut Post.

Commissioner Walker asked if this facility would be for an Adult Day Care service. Atty. Rizio said that it would be adult day care. Due to the fact that this building is located in an I-H zone, the applicant needs a variance from the ZBA. This program is funded by the State of Connecticut. The clients will be between the ages of 22 to 65 years of age. There will be one staff member to every 2 clients.

Atty. Rizio then narrated the various photograph views. He said that Bridgeport has been identified as an underserved area and noted that this area would be good for the local population.

Commissioner Morton asked how many clients would be serviced by the facility. Atty. Rizio said that it would be about 30 and noted that the State determines the number based on the square footage of the facility.

Commissioner Morton asked if there was anyone present who wished to speak in favor of the referrals for disposition. No one came forward. He then asked if there was anyone

present who wished to speak in opposition to the application. Hearing none, Commissioner Morton closed the public hearing on 1450 Barnum Avenue.

RECESS

Commissioner Morton declared a recess at 8:50 p.m. He reconvened the meeting at 8:55 p.m.

19-48 RE: 1 ATLANTIC STREET – Petition of United Illuminating Company – Seeking a re-subdivision of an existing parcel of property to establish a new 3.7-acre lot for future development in an I-H and DVD-WF zone and coastal area.

Ms. Carol Olson came forward and said that UI was requesting to move their substation from the river bank to a portion of the PSE&G property at 1 Atlantic Street. The Siting Council has approved this change. The current substation is too close to the water and was damaged during Superstorm Sandy.

Ms. Olson said that this was a permitted use in an I-H zone, but there are restrictions on the small sliver of the parcel that is zoned DVD-WF. The request meets all the regulations.

Commissioner Gravina-Hernandez asked how long the project would take. Ms. Olson said that they expected to have it completed by 2022 and the transition would be done gradually.

Mr. Buckley reminded everyone that this application was just for the subdivision.

Commissioner Morton asked if there was anyone present who wished to speak in favor of the referrals for disposition. No one came forward. He then asked if there was anyone present who wished to speak in opposition to the application. Hearing none, Commissioner Morton closed the public hearing on 1 Atlantic Street.

Commissioner Morton then closed Public Hearing portion of the meeting at 9:02 p.m.

DECISION SESSION

C-1 (19-24) RE: 580 – 582 NORTH AVENUE – Seeking a special permit and site plan review to permit the establishment of a retail convenience store in the gas station building currently under construction in an I-L zone.

The following decisions were previously noted earlier in the minutes:

**** COMMISSIONER WALKER MOVED TO APPROVE THE CANOPY AS A PRINCIPLE STRUCTURE.**

**** COMMISSIONER PHILLIPS SECONDED.**

**** THE MOTION FAILED TO PASS WITH FOUR (4) OPPOSED (FILOTEI, GRAVINA-HERNANDEZ, PHILLIPS, AND WALKER) AND ONE (1) ABSTENTION (FEDELE).**

**** COMMISSIONER WALKER MOVED TO DENY WITHOUT PREJUDICE AGENDA ITEM C-1 (19-24) RE: 580 – 582 NORTH AVENUE – SEEKING A SPECIAL PERMIT AND SITE PLAN REVIEW TO PERMIT THE ESTABLISHMENT OF A RETAIL CONVENIENCE STORE IN THE GAS STATION BUILDING CURRENTLY UNDER CONSTRUCTION IN AN I-L ZONE.**

**** COMMISSIONER PHILLIPS SECONDED.**

**** THE MOTION PASSED WITH FOUR (4) IN FAVOR (FILOTEI, GRAVINA-HERNANDEZ, PHILLIPS, AND WALKER) AND ONE (1) ABSTENTION (FEDELE).**

19-45 RE: 729 NORTH WASHINGTON AVENUE – Petition of 729 North Washington Avenue – Seeking a special permit, site plan review and coastal site plan review to permit the construction of a 1-1/2 story 6,600-sq. ft. industrial warehouse building in an I-L zone and coastal area.

**** COMMISSIONER WALKER MOVED TO APPROVE AGENDA ITEM 19-45 RE: 729 NORTH WASHINGTON AVENUE – PETITION OF 729 NORTH WASHINGTON AVENUE – SEEKING A SPECIAL PERMIT, SITE PLAN REVIEW AND COASTAL SITE PLAN REVIEW TO PERMIT THE CONSTRUCTION OF A 1-1/2 STORY 6,600-SQ. FT. INDUSTRIAL WAREHOUSE BUILDING IN AN I-L ZONE AND COASTAL AREA WITH THE FOLLOWING CONDITIONS:**

- 1. THE PETITION SHALL INCORPORATE ALL OF THE RECOMMENDATIONS OF THE STATE OF CT ENVIRONMENTAL ANALYST IN HIS EMAILED REVIEW DATED 07/30/19.**
- 2. THE SITE PLAN SHALL INDICATE THE WPCA’S RECOMMENDED CHANGES TO DRAINAGE AS NOTED IN THE 08/05/19 MEMO RESPONSE.**
- 3. THE PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**

FOR THE FOLLOWING REASON:

**THE PROJECT AS APPROVED WILL HAVE NO UNACCEPTABLE
ADVERSE IMPACT ON THE COASTAL AREA.**

**** COMMISSIONER PHILLIPS SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

***This special permit approval, as required under Sec. 14-4-5 and coastal site plan approval, as required under Sec. 14-3-4 of the Zoning Regulations of the City of Bridgeport, CT shall both expire September 2, 2020.**

19-46 RE: 1450 BARNUM AVENUE – Petition of 1450 Barnum Avenue, LLC – Seeking a site plan review to permit the establishment of a day care facility in the existing commercial building in an I-H zone.

**** COMMISSIONER FILOTEI MOVED TO APPROVE AGENDA ITEM 19-46
RE: 1450 BARNUM AVENUE – PETITION OF 1450 BARNUM AVENUE,
LLC – SEEKING A SITE PLAN REVIEW TO PERMIT THE ESTABLISHMENT
OF A DAY CARE FACILITY IN THE EXISTING COMMERCIAL BUILDING
IN AN I-H ZONE WITH THE FOLLOWING CONDITION:**

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

FOR THE FOLLOWING REASONS:

- 1. AN ADULT DAYCARE FACILITY WILL PROVIDE A MUCH
NEEDED SERVICE TO AREA RESIDENTS.**
- 2. THE PROJECT AS APPROVED COMPLIES WITH THE SITE PLAN
REVIEW STANDARDS OF SEC. 14-2-5.**

**** COMMISSIONER PHILLIPS SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**19-47 RE: 536 PEET STREET – Petition of Diverse Builders, LLC – Seeking a
*special permit and a site plan review to permit the construction of three (3) multi-
family dwellings with a total of ten (10) residential units on a 28,000-sq.ft. lot in an
R-C zone.**

**** COMMISSIONER PHILLIPS MOVED TO APPROVE AGENDA ITEM 19-47**

**RE: 536 PEET STREET -- PETITION OF DIVERSE BUILDERS, LLC
SEEKING A *SPECIAL PERMIT AND A SITE PLAN REVIEW TO PERMIT
THE CONSTRUCTION OF THREE (3) MULTI-FAMILY DWELLINGS WITH A
TOTAL OF TEN (10) RESIDENTIAL UNITS ON A 28,000-SQ.FT. LOT IN AN R-
C ZONE WITH THE FOLLOWING CONDITION:**

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

FOR THE FOLLOWING REASONS:

- 1. THE PROJECT AS APPROVED COMPLIES WITH THE SPECIAL
PERMIT STANDARDS OF SEC. 14-4-4, AS WELL AS THE SITE
PLAN REVIEW STANDARDS OF SEC. 14-2-5.**
- 2. THE REDEVELOPMENT OF THE SUBJECT PREMISES WILL BE AN
IMPROVEMENT TO AN OLDER NEIGHBORHOOD, AS WELL
AS PROVIDING NEW RESIDENTIAL UNITS IN THE CITY OF
BRIDGEPORT.**

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

***THIS SPECIAL PERMIT APPROVAL, AS REQUIRED UNDER SEC. 14-4-5 OF
THE ZONING REGULATIONS OF THE CITY OF BRIDGEPORT, CT SHALL
EXPIRE SEPTEMBER 2, 2020.**

**19-48 RE: 1 ATLANTIC STREET – Petition of United Illuminating Company –
Seeking a re-subdivision of an existing parcel of property to establish a new 3.7-acre
lot for future development in an I-H and DVD-WF zone and coastal area.**

**** COMMISSIONER WALKER MOVED TO APPROVE AGENDA ITEM 19-48
RE: 1 ATLANTIC STREET – PETITION OF UNITED ILLUMINATING
COMPANY – SEEKING A RE-SUBDIVISION OF AN EXISTING PARCEL OF
PROPERTY TO ESTABLISH A NEW 3.7-ACRE LOT FOR FUTURE
DEVELOPMENT IN AN I-H AND DVD-WF ZONE AND COASTAL AREA.
** COMMISSIONER GRAVINA-HERNANDEZ SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

CONSENT AGENDA OR OTHER BUSINESS

There were no additional items to consider at this time.

**OTHER MATTERS THAT MAY PROPERLY COME BEFORE
THE COMMISSION.**

There were no additional matters to consider at this time.

APPROVAL OF MINUTES

• July 29, 2019

**** COMMISSIONER FILOTEI MOVED TO APPROVE THE MINUTES OF
JULY 29, 2019.**

**** COMMISSIONER GRAVINA-HERNANDEZ SECONDED.**

**** THE MOTION TO APPROVE THE MINUTES OF JULY 29, 2019 AS
SUBMITTED PASSED UNANIMOUSLY.**

ADJOURNMENT

**** COMMISSIONER FEDELE MOVED TO ADJOURN.**

**** COMMISSIONER GRAVINA-HERNANDEZ SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:06 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services