



ZONING BOARD OF APPEALS
OCTOBER 4, 2016
REGULAR MEETING MINUTES
CITY OF BRIDGEPORT

45 Lyon Terrace
Bridgeport, CT 06604
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ATTENDANCE: Michael Piccirillo, Chair; Linda Grace, Secretary; Maria Alves, B. Oyiboka "Boka" Benson

STAFF: Dennis Buckley, Zoning Official; Paul Boucher, Assistant Zoning Official; Atty. Russell Liskov, Associate City Attorney; Diego Guevara, Design Review Coordinator

CALL TO ORDER.

Commissioner Piccirillo called the meeting to order at 6:10 p.m. He introduced the Commissioners seated and announced that a quorum was present. Commissioner Piccirillo announced that there were only four Commissioners present, so any petition that was heard would require a unanimous vote to be approved.

Attorney Rizio came forward and requested that Agenda Item #3 regarding 660 Lindley Street be deferred in order to respond to the Design Review Coordinator's findings.

Mr. Gary Abellard, representing Darbe & Stein P.E.. came forward and requested that Agenda Item #4 regarding 1038 Pembroke Street be deferred in order to present to a full 5-member Board.

ITEM #1 -- RE: 845 EAST MAIN STREET – MPAE, Inc. Seeking a variance of Sec. 12-10b, c & d to permit the establishment of a café liquor restaurant and the issuance of a café liquor permit in the existing commercial building in the former social club with a social club liquor permit in an OR zone

Attorney Kanasky came forward and gave a brief overview of the application . He said that the site had previously been a social club which closed in 2013 and now would be a cafe/restaurant. The applicant has several locations in both New York State and Connecticut operating already. Commissioner Grace asked about the hours of operation. Atty. Kanasky said that the leasee was not sure about the hours yet because East Main Street does not get a great deal of traffic. He pointed out that the Polish Veteran's club, White Eagles, is now only open two days a week.

Atty. Kanasky was asked about the parking. He displayed a street map and indicated where the parking lot was. Commissioner Grace asked if they would be serving food all

the hours that they are open. Atty. Kanasky said that in Port Chester, NY, they serve food whenever they are opened, but it may not be the full menu.

Commissioner Grace asked about the size of the interior area. Atty. Kanasky reviewed the interior dimensions for the bar and the restaurant. All of the other restaurants are operated by family members.

Commissioner Piccirillo asked if there was anyone present in support of the application. No one came forward. Commissioner Piccirillo then asked if there was anyone present who wished to speak against the application. Hearing none, Commissioner Piccirillo closed the public hearing on 845 East Main Street.

ITEM #2 RE: 355 DAYTON ROAD – Joshua Mancuso, Owner -- Seeking a rear lot line variance of Sec. 5-1-3 to permit the construction of a 2nd story addition to the existing 1-family dwelling in an R-A zone

Mr. Adam Grove and Mr. Joshua Mancuso came forward. They said that they were looking to raise the roof on a Cape to give the second story a full 8 foot ceiling. The roof height will still be under 35 feet.

Commissioner Piccirillo asked if there was anyone present in support of the application. No one came forward. Commissioner Piccirillo then asked if there was anyone present who wished to speak against the application. Hearing none, Commissioner Piccirillo closed the public hearing on 355 Dayton Road.

ITEM #3 RE: 660 LINDLEY STREET – 660 Development, LLC -- Seeking variances of the density requirement of 2,700 sq. ft. of property per residential unit and 5’ of the minimum front setback requirement of Sec. 5-1-3; the minimum parking setback and perimeter landscaping requirements of Sec. 11-1-13, as well as the prohibition of stacked parking spaces of Sec. 11-1-7 to permit the construction of a 40-unit apartment complex comprised of four (4) 3-story buildings in an OR-G zone.

This item was deferred by the request of the attorney.

ITEM #4 RE: 1038 HEMBROKE STREET – Darbe & Stein P.E. -- Seeking variances of the minimum density requirement of 2,700 sq. ft. per residential unit and 4’ of the minimum front setback of the required 15’ and 13’8” of the minimum side setback requirement of Sec. 5-1-3, as well as the ten (10) required on-site parking spaces of Sec. 11-1-2 to permit the renovation and expansion of the existing 4-unit apartment building into a 6-unit apartment building in an R-C zone.

Mr. Abellard requested that this be deferred to the next month for a full five member Commission presentation.

ITEM #5 RE: 1001 FAIRFIELD AVENUE – T-Mobile Northeast, LLC - Seeking a variance of Sec. 4-4-1 to permit the installation of a telecommunications antenna approximately 8’ above the penthouse roof in an R-C zone.

This item was deferred due to the non-submittal of the proof of mailings that were sent to the abutting property owners.

ITEM #6 RE: 404 – 408 CHARLES STREET – 404 Charles Development, LLC -- Seeking variances of the density requirement of 2,700 sq. ft. of property per residential unit and 5’ of the minimum front setback requirement of Sec. 5-1-3; the minimum parking setback and perimeter landscaping requirements of Sec. 11-1-13, as well as the prohibition of stacked parking spaces of Sec. 11-1-7 to permit the construction of a 40-unit apartment complex comprised of four (4) 3-story buildings in an OR-G zone

Atty. David Quatrella, came forward to represent 404 Charles Development.

Atty. Quatrella explained that this item had previously been on the ZBA consent calendar. He gave a brief overview of the history of the 109 year old building. The client was asking for a reduction in the landscaping requirements. It has been appraised as a 27 unit building, but there are only 24 units in the building.

For the past seven years, there has been no problems with the parking or occupancy. During a Fire Inspection, it was noticed that the windows in the basement were not sufficiently sized and there was insufficient egress for the three basement apartments. Since then those three apartments have been dismantled. Now the building only has 24 units.

When the owner went to the Building Department, they discovered that there was only permits for 22 units. Extensive research was done and it is believed that in the 1970's, a community room was converted into two apartments. This error will be corrected and the number of apartments also will be adjusted on the appraisal field card in the near future.

The client is requesting variances for the landscaping and the parking. Atty. Quatrella said that there had never been a problem with parking since the owner has had the building, which at the time, had 27 apartments. Most of the tenants do not have cars.

Atty. Quatrella said that the lot has been striped during the last day or so. There are 22 parking spaces of 9’ x 18.3/4’ because there is a set back for the driveway. The property is just over .33 of an acre. The engineer tried several ways to get as many spaces on lot as possible. Any additional landscaping will reduce the amount of parking. The owner has owned this building for almost 10 years.

Atty. Quatrella said that the owner would be willing to change the striping as a condition of approval. The discussion moved to whether the awning was still in place. The discussion then moved to different ideas for sprucing up the front of the building.

Atty. Quatrella said that the hardship was that it was an existing lot and the building has been there for many decades. The units are fairly uniform. The engineering comments have been addressed.

Commissioner Piccirillo asked if there was anyone present in support of the application. No one came forward. Commissioner Piccirillo then asked if there was anyone present who wished to speak against the application. Hearing none, Commissioner Piccirillo closed the public hearing on 404 – 408 Charles Street.

Commissioner Piccirillo closed Public Hearing session at 6:47 p.m.

DECISION SESSION

ITEM #1 -- RE: 845 EAST MAIN STREET – MPAE, Inc. Seeking a variance of Sec. 12-10b, c & d to permit the establishment of a café liquor restaurant and the issuance of a café liquor permit in the existing commercial building in the former social club with a social club liquor permit in an OR zone.

Commissioner Alves said that she did not get a clear answer on the parking. Commissioner Grace pointed out that there was not a high amount of traffic. She suggested the lot be striped. Commissioner Grace explained that she had concerns regarding the uncertainty of the operating hours. Discussion followed.

**** COMMISSIONER GRACE MOVED TO GRANT AGENDA ITEM #1 -- RE: 845 EAST MAIN STREET – MPAE, INC. SEEKING A VARIANCE OF SEC. 12-10B,C & D TO PERMIT THE ESTABLISHMENT OF A CAFÉ LIQUOR RESTAURANT AND THE ISSUANCE OF A CAFÉ LIQUOR PERMIT IN THE EXISTING COMMERCIAL BUILDING IN THE FORMER SOCIAL CLUB WITH A SOCIAL CLUB LIQUOR PERMIT IN AN OR ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE BAR SHALL CLOSE WHEN THE KITCHEN CLOSES FOR THE EVENING.**
- 2. OTHER THAN TELEVISION AND PIPED-IN MUSIC, THERE SHALL BE NO TYPE OF LIVE ENTERTAINMENT AT ANY TIME FOR ANY REASON.**
- 3. THE PARKING LOT SHALL BE STRIPED IN ACCORDANCE WITH SEC. 11-1-12B OF THE ZONING REGULATIONS.**

FOR THE FOLLOWING REASONS:

- 1. THERE HAS BEEN A SOCIAL CLUB WITH A LIQUOR LICENSE SERVING FOOD FOR DECADES.**
- 2. THE GRANTING OF THIS PETITION WILL HAVE NO UNACCEPTABLE IMPACT ON THE EAST MAIN STREET CORRIDOR.**
- 3. THE PROPOSED VENUE WILL PROVIDE ANOTHER DINING ESTABLISHMENT CHOICE IN THE CITY.**

**** COMMISSIONER BENSON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY**

ITEM #2 RE: 355 DAYTON ROAD – Joshua Mancuso, Owner -- Seeking a rear lot line variance of Sec. 5-1-3 to permit the construction of a 2nd story addition to the existing 1-family dwelling in an R-A zone.

**** COMMISSIONER GRACE MOVED TO GRANT AGENDA ITEM #2 RE: 355 DAYTON ROAD – JOSHUA MANCUSO, OWNER -- SEEKING A REAR LOT LINE VARIANCE OF SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A 2ND STORY ADDITION TO THE EXISTING 1-FAMILY DWELLING IN AN R-A ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE 2ND FLOOR ADDITION SHALL BE IN STRICT ACCORD WITH THE PLANS SUBMITTED TO AND APPROVED BY THE BOARD.**
- 2. THE PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**
- 3. ALL CONSTRUCTION SHALL COMPLY WITH THE (2005) BASIC BUILDING CODE OF THE STATE OF CT.**

FOR THE FOLLOWING REASONS:

- 1. WILL PROVIDE ADDITIONAL LIVING SPACE TO ACCOMMODATE THE NEEDS OF THE (OWNER OCCUPIED) FAMILY.**
- 2. THE APPLICATION AS APPROVED WILL BE A VAST IMPROVEMENT TO THE NEIGHBORHOOD.**

3. DUE TO THE LOCATION OF THIS 100+ YEAR OLD HOUSE ON THIS NONCONFORMING LOT A SETBACK VARIANCE IS REQUIRED TO PERMIT THE CONSTRUCTION OF A 2ND STORY ADDITION.

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

ITEM #3 RE: 660 LINDLEY STREET – 660 Development, LLC -- Seeking variances of the density requirement of 2,700 sq. ft. of property per residential unit and 5’ of the minimum front setback requirement of Sec. 5-1-3; the minimum parking setback and perimeter landscaping requirements of Sec. 11-1-13, as well as the prohibition of stacked parking spaces of Sec. 11-1-7 to permit the construction of a 40-unit apartment complex comprised of four (4) 3-story buildings in an OR-G zone.

**** COMMISSIONER GRACE MOVED TO DEFER AGENDA ITEM #3 RE: 660 LINDLEY STREET – 660 DEVELOPMENT, LLC -- SEEKING VARIANCES OF THE DENSITY REQUIREMENT OF 2,700 SQ. FT. OF PROPERTY PER RESIDENTIAL UNIT AND 5’ OF THE MINIMUM FRONT SETBACK REQUIREMENT OF SEC. 5-1-3; THE MINIMUM PARKING SETBACK AND PERIMETER LANDSCAPING REQUIREMENTS OF SEC. 11-1-13, AS WELL AS THE PROHIBITION OF STACKED PARKING SPACES OF SEC. 11-1-7 TO PERMIT THE CONSTRUCTION OF A 40-UNIT APARTMENT COMPLEX COMPRISED OF FOUR (4) 3-STORY BUILDINGS IN AN OR-G ZONE TO WEDNESDAY, NOVEMBER 9, 2016 IN ORDER TO RESPOND TO THE DESIGN REVIEW COORDINATOR’S FINDINGS.**

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

ITEM #4 RE:1038 PEMBROKE STREET – Darbe & Stein P.E. -- Seeking variances of the minimum density requirement of 2,700 sq. ft. per residential unit and 4’ of the minimum front setback of the required 15’ and 13’8” of the minimum side setback requirement of Sec. 5-1-3, as well as the ten (10) required on-site parking spaces of Sec. 11-1-2 to permit the renovation and expansion of the existing 4-unit apartment building into a 6-unit apartment building in an R-C zone.

**** COMMISSIONER GRACE MOVED TO DEFER AGENDA ITEM #4 RE:1038 PEMBROKE STREET – DARBE & STEIN P.E. -- SEEKING VARIANCES OF THE MINIMUM DENSITY REQUIREMENT OF 2,700 SQ. FT. PER RESIDENTIAL UNIT AND 4’ OF THE MINIMUM FRONT SETBACK OF THE REQUIRED 15’ AND 13’8” OF THE MINIMUM SIDE SETBACK REQUIREMENT OF SEC. 5-1-3, AS WELL AS THE TEN (10) REQUIRED ON-**

SITE PARKING SPACES OF SEC. 11-1-2 TO PERMIT THE RENOVATION AND EXPANSION OF THE EXISTING 4-UNIT APARTMENT BUILDING INTO A 6-UNIT APARTMENT BUILDING IN AN R-C ZONE TO WEDNESDAY, NOVEMBER 9, 2016 IN ORDER TO PRESENT IN FRONT OF A FULL 5-MEMBER BOARD.

**** COMMISSIONER ALVES SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ITEM #5 RE: 1001 FAIRFIELD AVENUE – T-Mobile Northeast, LLC - Seeking a variance of Sec. 4-4-1 to permit the installation of a telecommunications antenna approximately 8' above the penthouse roof in an R-C zone.

**** COMMISSIONER GRACE MOVED TO DEFER AGENDA ITEM #5 RE: 1001 FAIRFIELD AVENUE – T-MOBILE NORTHEAST, LLC - SEEKING A VARIANCE OF SEC. 4-4-1 TO PERMIT THE INSTALLATION OF A TELECOMMUNICATIONS ANTENNA APPROXIMATELY 8' ABOVE THE PENTHOUSE ROOF IN AN R-C ZONE TO WEDNESDAY, NOVEMBER 9, 2016 DUE TO THE NON-SUBMITTAL OF THE PROOF OF MAILINGS THAT WERE SENT TO THE ABUTTING PROPERTY OWNERS.**

**** COMMISSIONER ALVES SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ITEM #6 RE: 404 – 408 CHARLES STREET – 404 Charles Development, LLC -- Seeking variances of the density requirement of 2,700 sq. ft. of property per residential unit and 5' of the minimum front setback requirement of Sec. 5-1-3; the minimum parking setback and perimeter landscaping requirements of Sec. 11-1-13, as well as the prohibition of stacked parking spaces of Sec. 11-1-7 to permit the construction of a 40-unit apartment complex comprised of four (4) 3-story buildings in an OR-G zone.

**** COMMISSIONER GRACE MOVED TO GRANT AGENDA ITEM #6 RE: 404 – 408 CHARLES STREET – 404 CHARLES DEVELOPMENT, LLC -- SEEKING VARIANCES OF THE DENSITY REQUIREMENT OF 2,700 SQ. FT. OF PROPERTY PER RESIDENTIAL UNIT AND 5' OF THE MINIMUM FRONT SETBACK REQUIREMENT OF SEC. 5-1-3; THE MINIMUM PARKING SETBACK AND PERIMETER LANDSCAPING REQUIREMENTS OF SEC. 11-1-13, AS WELL AS THE PROHIBITION OF STACKED PARKING SPACES OF SEC. 11-1-7 TO PERMIT THE CONSTRUCTION OF A 40-UNIT APARTMENT COMPLEX COMPRISED OF FOUR (4) 3-STORY BUILDINGS IN AN OR-G ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE PARKING LOT SHALL BE CLEANED AND STRIPED IN ACCORDANCE WITH SEC. 11-1-2B OF THE ZONING REGULATIONS.**

2. THE DUMPSTER SHALL BE ENCLOSED WITH A 6' HIGH PRIVACY FENCE WITH A LOCKABLE GATE.

3. THE FRONT OF THE SUBJECT PREMISES SHALL BE REPLANTED TO THE L-2 STANDARD AND PROPERLY MAINTAINED.

FOR THE FOLLOWING REASONS:

1. LEGALIZES A CONDITION WHICH EXISTED PRIOR TO THE PURCHASE BY THE CURRENT OWNER.

2. THE GRANTING OF THIS PETITION WILL HAVE NO ADVERSE IMPACT ON THE NEIGHBORHOOD.

**** COMMISSIONER BENSON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

APPROVAL OF MINUTES

Approval of ZBA Minutes for September 13, 2016 - Present: Acting Chairperson: Michael Piccirillo; Commissioners: Linda Grace, Maria Alves, John Carolan, Robin Sheppard and B. Oyiboka "Boka" Benson. Staff: Dennis Buckley, Zoning Clerk; Paul Boucher, Assistant Zoning Official; Diego Guevara, Design Review Coordinator. City Attorney: Edmund Schmidt

**** COMMISSIONER GRACE MOVED TO APPROVE THE ZBA MINUTES FOR SEPTEMBER 13, 2016.**

**** COMMISSIONER ALVES SECONDED.**

**** THE MOTION TO APPROVE THE ZBA MINUTES FOR SEPTEMBER 13, 2016 AS SUBMITTED PASSED UNANIMOUSLY.**

EXECUTIVE SESSION

Discussion with the City Attorney regarding impending litigation.

A very brief discussion followed with Atty. Liskov regarding impending litigation.

**** COMMISSIONER GRACE MOVED TO APPROVE ATTY. LISKOV'S RECOMMENDATION REGARDING THE IMPENDING LITIGATION.**

**** COMMISSIONER ALVES SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT.

- ** COMMISSIONER GRACE MOVED TO ADJOURN.**
- ** COMMISSIONER BENSON SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:03 p.m.

Respectfully submitted,
S. L. Soltes
Telesco Secretarial Services