



**CITY OF BRIDGEPORT  
ZONING BOARD OF APPEALS  
REGULAR MEETING  
JUNE 11, 2019**

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

**ATTENDANCE:** Maria Alves, Acting Chair; John Carolan, Edward McClain,  
Michael Nastu, Robin Shepard

**STAFF:** Dennis Buckley, Zoning Official; Paul Boucher, Assistant  
Zoning  
Official

**I. CALL TO ORDER**

Commissioner Alves called the meeting to order at 6:20 p.m.

**II. ROLL CALL.**

Commissioner Alves called the roll and announced that a quorum was present. She reviewed the process for the hearings.

**DEFERRED ITEM**

**D-4 (#3A) 580 North Ave. – Petition of 580 NORTH AVENUE – Seeking a variance of 6’ of the required front setback requirement, as well as the maximum size of an accessory structure under Sec. 4-9-1a & c and also seeking a variance of the minimum perimeter landscaping requirements of Sec. 11-1-13 to permit the construction of an 1,820-sq. ft. pump island with canopy at the gas station building currently under construction in an I-L zone.**

Mr. Dennis Buckley, the Bridgeport Zoning Official, came forward and said that he had received a letter from Atty. Diane Lord requesting that this item be deferred to the July 9, 2019 meeting. He added that they were in the Connecticut General Statutes time frame.

**4. 133 SHELL STREET – Petition of Partners Home Improvement, LLC – Seeking a variance of Sec. 4-12-5b which prohibits any use which violates the lot size and frontage requirements and variances of the minimum lot area and frontage**

**requirements under Sec. 5-1-3 to permit the construction of a single-family dwelling in an R-B zone.**

Mr. Marcos Reinheimer, of Primrose Companies, came forward and requested that the item be deferred to the July 9, 2019 meeting.

### **NEW BUSINESS**

**#1 28-38 Ondek St. – Petition of DT Pro Builders, LLC – Requesting a re-hearing on a petition which was denied by the Zoning Board of Appeals on May 14, 2019, which sought variances of Sec. 5-1-3 and Sec. 4-2-2 to permit the construction of a single-family dwelling on a nonconforming lot in an R-B zone.**

Atty. Raymond Rizio of Russo and Rizio, LLC, came forward and introduced himself. He said that the applicant had previously presented himself as an engineer and did not provide enough information regarding the hardship. He said that his client was requesting a re-hearing because there was new information in the form of a historical map that shows the original two lots. There is a significant amount of new information that would support the request for a hardship. He respectfully requested that the Commission grant the petition and place the item on next month's agenda.

He stated for the record that there was a significant amount of information for the Commission to review.

**#2 378-380 Hawley Ave. – Petition of Danielle Costa/Elizabeth Development – seeking a variance of two (2) of the off-street parking spaces under Sec. 11-1-2 to legalize the 3rd residential unit in an existing 2-family dwelling with three (3) off-street parking spaces in a R-BB zone.**

Ms. Danielle Costa came forward and introduced herself. She said that she was present on behalf of Juana Gonzalez, of 378 Hawley Avenue. She explained they were asking for a variance for the parking spaces in order to legalize the third floor residential unit. The hardship is that they may not extend or build a new driveway due to the current location on the property. There is only 6'3" clearance on the right side yard. A typical driveway width is 10 feet. The lot is oddly shaped and the building is positioned does not allow for a solution.

Commission Carolan asked why they were expanding to a three family when it was supposed to be a two family. Ms. Costa replied that they are trying to legalize the third apartment, which requires more parking space. Mr. Buckley explained that if they have enough parking, they could legalize the existing third floor apartment.

Commissioner Alves asked if there were two meters or three meters. Ms. Costa said that she believed there were three electrical meters. Someone indicated that there were only two meters.

Commissioner Alves asked if there was currently any parking available. Ms. Costa said that there was some stacked parking. The variance is for two off street parking spots. Discussion followed about the wording of the legal notice.

Commissioner Alves asked if there was any member of the public present who wished to speak in favor of the application. No one came forward. Commissioner Alves then asked if there was any member of the public who wished to speak in opposition to the application. Hearing none, Commissioner Alves closed the hearing on 378-380 Hawley Avenue.

**#3. 57 Weber St. – Petition of MCDM, LLC – Seeking a variance of Sec. 4-12-5b which prohibits any use which violates the lot size and frontage requirements and variances of the minimum lot area and frontage requirements under Sec. 5-1-3 to permit the construction of a single- family dwelling in an R-C zone.**

Mr. Marcos Reinheimer, of Primrose Companies located on Noble Avenue in Bridgeport, came forward and introduced himself. He turned in the green mailing receipts. Mr. Reinheimer also turned in some statements detailing the hardships for the record.

The petitioner proposed to build a single family dwelling at the parcel which is a separate lot and so indicated on the Tax Assessor's field card, a copy of which he submitted to the Zoning Official. The property is listed as a vacant lot and is non-conforming due to the Zoning regulations. It is owned by the same individual who owns 69 Weber Avenue, the adjoining lot. He then reviewed the details of the site plan with the Commissioners. If the lots were combined, the parcel will be significantly oversized for the neighborhoods.

Mr. Reinheimer then reviewed the details of the proposed residence, parking and landscaping, which would be in kind with the neighborhood. He displayed a print out of the GIS map for the area and gave a brief description of the other residences in the area.

Other than the request for the variance for the lot size and frontage, the project will be in compliance with the other Zoning regulations. He noted that there were other houses in the neighborhood that were non-compliance.

The hardship involves the fact that the parcel was created as a separate lot and listed as a vacant residential lot, but is rendered non-conforming by Zoning regulations. The petitioner acquired the lot. Granting the variance will not significantly affect the Zoning Plan for the City. The petition will be improving vacant land.

He added that they had spoken with one of the neighbors earlier in the day who was concerned about the application. They are proposing a 65 foot fence to continue the neighbor's existing fence which is located about 45 feet from the rear of the property to the street lot line and repair or replace the fence that is on the back of the property. Mr. Reinheimer indicated where this would be done and said that it would be done as a condition of the approval. Commissioner Alves asked for clarification about the fence and Mr. Reinheimer explained that they would either repair or replace the fencing on the back of the property which is in disrepair.

Commissioner Alves asked about the driveway. Mr. Reinheimer indicated where the proposed driveway would be located.

Commissioner Shepard asked about the details of the GIS map, which Mr. Reinheimer reviewed with her.

Commissioner Alves asked if there was any member of the public present who wished to speak in favor of the application. No one came forward. Commissioner Alves then asked if there was any member of the public who wished to speak in opposition to the application. Hearing none, Commissioner Alves closed the hearing on 57 Weber Street.

**#4. 133 Shell St. – Petition of Partners Home Improvement, LLC – Seeking a variance of Sec. 4-12-5b which prohibits any use which violates the lot size and frontage requirements and variances of the minimum lot area and frontage requirements under Sec. 5-1-3 to permit the construction of a single-family dwelling in an R-B zone.**

Commissioner Alves reminded everyone that this item had deferred until next month's meeting on July 9th, 2019.

**#5. 1253 Reservoir Ave. – Petition of Ailton Goncalves – Seeking a variance of Sec. 4-2-2 which prohibits the reduction in size of a conforming lot to create two (2) nonconforming lots and a variance of Sec. 5-1-3 to legalize the existing 2-family dwelling with stacked on-site parking in an R-A zone.**

**#6. 1245 Reservoir Ave. – Petition of Ailton Goncalves – Seeking a variance of the minimum lot area and width requirement under Sec. 5-1-3 to permit the construction of a single-family dwelling on a nonconforming lot in an R-A zone.**

Mr. Marcos Reinheimer, of Primrose Companies located on Noble Avenue in Bridgeport, came forward and introduced himself. He stated that he was present to represent the

applicant, Ailton Goncalves. He submitted the green mailing receipts along with a statement of hardship for the record. He requested that the Board members allow him to present the application for 1245 Reservoir Avenue at the same time since they adjoin one another.

He gave a brief overview of the request and indicated where the single family dwellings would be constructed on a site plan along with the curb cuts and off street parking. The landscaping and building coverage will be well within Zoning requirements. He indicated on a GIS map where there were other lots in the neighborhood that had the same square footage as the proposed projects.

Mr. Reinheimer said that the hardship was created by the Comprehensive Zoning Plan for the City of Bridgeport's strict adherence to those standards. The petitioner is requesting a lot size and street frontage which is in conformity to the neighborhood. The existing residential units are two family homes on similar sized parcels. The petitioner is proposing two single family residences on two lots and improve the neighborhood to the existing conditions. It will not diminish the character of the neighborhood and will be consistent with the general intent of the Zoning regulations and the Master Plan. He also listed a number of other single family residences that the Board has approved in the past.

Commissioner Alves asked about the potential removal of an existing sidewalk and driveway. Mr. Reinheimer indicated where the driveway and sidewalk would be.

Commissioner Alves asked if there would be fencing between the two properties. Mr. Reinheimer said that there were no plans to install a fence, but that the owner would be agreeable to that if it was a condition of approval.

Commissioner McClain said that they were originally requesting to legalize a two family residence at 1253 Reservoir Avenue. Mr. Reinheimer said that he believed that was an error and it was listed as a single family home in the records. It was never a two family home and will remain as a single family home.

Commissioner Alves asked if there was any member of the public present who wished to speak in opposition to the application.

Council Member Rosalina Roman-Christy came forward and said that she represents the 135th District. She said that the property was located in her district. Council Member Roman-Christy requested that the application not be approved because it was a non-conforming lot and secondly, Section 4-2-2 indicates that the lots should not be reduced in area or prohibit the reduction in size of a non-conforming lot to make it a conforming lot. She said that the hardship that was being claimed was not valid and stated that there

was plenty of housing on Reservoir Avenue. This variance is not in accordance with the zoning regulations.

Mr. Steven Nelson, the District leader for the 135th District came forward and said that he concurred with the Council Member.

Commissioner Alves asked if there was any other member of the public present who wished to speak in opposition to the application. No one came forward. Commissioner Alves asked if there was any member of the public present who wished to speak in favor of the application. Hearing none, Commissioner Alves closed the hearing on 57 Weber Street.

**#7. 4219 Main St. & 50 Lourmel St. – Petition of McDonalds USA, LLC – Seeking a modification of an approval to a petition granted by the Zoning Board of Appeals on 11/13/18. Also, seeking variances of Sec. 6-1-1a and Table 4.b to reduce the minimum street wall as a percent of the primary frontage from 75% to 40.9%; a variance to increase the maximum principal building setback from the street lot line along the primary frontage from 10 feet to 41.2 feet; a variance to increase the maximum principal building setback from the street lot line along the secondary frontage from 10 feet to 15.4 feet; a variance to increase the maximum side yard from 14 feet to 43.7 feet on the Main Street side and 120.5 feet along the Lourmel Street side. Also seeking variances of Sec. 6-1-1c and Table 4.b to reduce the minimum total building height from 25 feet to 21 feet 5.5 inches; a variance of Sec. 12-5 to reduce the stacking lane setback from 5 feet to 4.9 feet and minimum landscape buffer from 5 feet to 3.6 feet; also a variance of Sec. 12-5-1a,4 to locate the stacking lanes in view of the public street and sidewalk; and a variance of Sec. 12-5-1b,4 to permit spandrel glass windows and to reduce the required window coverage from 40% to 30% on the secondary street wall to permit the construction of a 4,549-sq. ft. fast food restaurant with drive-thru facilities in an OR zone.**

Atty. Raymond Rizio of Russo and Rizio, LLC, came forward and introduced himself. He said that the applicant had gone to the Planning and Zoning Commission and some suggested changes had been made for improving the project. As the previous Zoning Board of Appeals approval had been granted “as per plans”, the applicant had to come back to the Board with the updated plans. He then indicated where the changes, such as windows and location of the building would be situated, were made on the plans. Lately, Uber Eats has been handling large orders and the changes improved traffic flow.

The building was supposed to occupy 75% of the street frontage. The building is located on a corner, so they increased the size of the building, which is more conforming than what was previously approved. The side yard set back originally was set at 14 feet. By moving the building back, it allows for more landscaping and allows more space in the front, provides for a buffer and shields the street. He reviewed the details with the Commissioners.

Atty. Rizio said that he had promised Mr. Coleman that even if they had been approved by the Planning and Zoning Commission, he would come back with revised elevations to the Zoning Board of Appeals. Atty. Rizio reviewed the changes made on those elevations and the change of clear glass windows to opaque glass.

He then reviewed the details of the variances that the applicant was requesting. The building will now be 46 feet from the street to allow for the large order spaces.

The hardship involves the fact that this was a pre-existing lot and a building that was constructed in the 1960's. The entire area is non-conforming and the business had increased. This was the 180th McDonald's franchise built out of the total of 35,000 in the world. McDonald's tends to retain this location and now they need to provide proper circulation for the drive-thru to allow the property to operate in a safe manner. It will also reduce the amount of curb cuts and provides a systematic exit and entrance plan, which is a change from the previous configuration. This will reduce the non-conformities.

Commissioner Alves asked about the two additional spaces and asked where they were located on the proposed plan. Atty. Rizio indicated where the Uber Eats/Grub Hub drivers would be stacked and how the other customers would be able to access the drive thru window.

Commissioner Alves asked about the plans for trash bins, which had been discussed at the previous hearing. Atty. Rizio said that nothing else had changed from the previous agreement other than the variances being requested.

Commissioner Alves asked if there was any member of the public present who wished to speak in favor of the application.

Mr. William Coleman, the Office of Planning and Economic Development Deputy Director (OPED), came forward and confirmed that the staff had met with Atty. Rizio about this. The Planning and Zoning Commission had worked on addressing drive thrus. While they are trying the rebuild the fabric of the City by having the buildings bordering the street, but this particular situation will bring the site into greater conformity and provides more buffering on the site.

Commissioner Alves asked if there was any one else present who wished to speak in favor of the application. No one came forward. Commissioner Alves then asked if there was any member of the public who wished to speak in opposition to the application. Hearing none, Commissioner Alves closed the hearing on 4219 Main Street.

**#8. 800 Union Ave. – Petition of Greater Bridgeport Community Enterprises, Inc. – Seeking a variance of the minimum landscaping requirements under Sec. 7-1-3, as well as the minimum number of off-street parking spaces by waiving 65 of the required 291 available spaces for the entire complex. Also seeking a variance of the ten (10) maximum average-daily-week-day truck trips (ADWT) for the recycling facilities under Table 6.3.7 to permit the establishment of a mattress recycling facility in I-LI and R-C zones.**

Ms. Adrienne Farrar Houël, the President and CEO of the Greater Bridgeport Community Enterprises, Inc. (GBCE) came forward and greeted the Commissioners. Ms. Farrar Houël gave a brief overview of the company, which was founded in 2006, and is involved with training and employment of Bridgeport residents in green jobs. This helps the City by providing families with greater stability for second chance residents. She spoke about the Connecticut Mattress law, which went into effect in 2015. The program focuses on deconstruction of mattresses and material recycling, which keeps the air and earth cleaner for everyone.

The company was created with the goal of creating entry level green jobs for disadvantaged and neighborhood residents. Now the market is expanding and the company is growing, but this is impossible to do at the present site. The company is interested in moving to 800 Union Avenue, which would be re-purposed from an old industrial site to warehousing and manufacturing.

The first issue has to do with trucks and traffic. There are frequently small trucks arriving with cargo and then the recycled materials are moved off site by trucks, also. All incoming shipments have a bill of lading and outgoing shipments are registered in the truck log, a bill of lading and an invoice. She then requested an increase from 10 to 20 average daily trips per day. This is critical to the business because the shipments come and go via truck transportation.

The second request has to do with landscaping and green space. In order to utilize the area, the building needs a loading dock, which will increase coverage by approximately 1.5% for a total of approximately 93.5%. She indicated where it would be constructed on the west part of the building along Union Avenue on a site plan and additional changes that would be made. She added that they will have about 18 to 20 employees and only about half of them will need parking, since many of the employees will be walking to



work. There is also parking available across the street to those who might need it. The parking is an existing, non-conforming condition.

Ms. Farrar Houël indicated the route that the trucks would be taking on a site plan. She explained that their current location was and it was in a light industrial area near I-95. Discussion followed about the hours that the deliveries at the new site.

Commissioner Alves asked how many employees they would have. Ms. Farrar Houël said that they have had about 16 employees in winter and 20 in the summer. They hope to increase to 25 employees for the deconstruction process and increase their output.

Commissioner Alves asked how many loading docks would be constructed. Ms. Farrar Houël said that there would be a total of three docks, two of which they will be using immediately. The third one would be used by another tenant in the building.

Commissioner Alves asked if the trucks would be parked on the site overnight. Ms. Farrar Houël said that they would not because the trucks were professional haulers who pick up the mattresses from participating cities and deliver the material to the site.

Commissioner Alves asked about the parking spaces. Ms. Farrar Houël said that the parking spaces would be used by employees and that approximately half of their employees do not drive.

Ms. Farrar Houël then read a letter from the Cathedral of the Holy Spirit which has a day care center along with its parish. She said that they established their credibility, which is amazing in terms of the community support that they provide.

“In 2019, it marks the 50th anniversary of the Cathedral of the Holy Spirit. In 1969, the Prayer Tabernacle Church of Love was incorporated, founded and established by the late Bishop Kenneth A. Moales. We have always been on the East End of Bridgeport and our essential mission has been to advance the redemptive message through Christian education, development and governing practices. Also, to alleviate the social injustices that plague and oppress the right to life and of those most marginalized in our community.

For 50 years, we have been able to combine our resources with a pool of over 300 volunteers and various talents to aid the holistic healing of families through our ministries and over 23 different community based government and social advocacies.

This letter of intent is to support the Park City Green Program, which is a not for profit mattress deconstruction and materials recycling venture, the only one of its

kind in the Northeast. Since its opening in June 2012, the company has increased significantly and has outgrown its current location and desires to utilize space in the former Moore Tool building on Union Avenue.

We know that Park City Green is a sustainable business taking apart mattresses and recycling the metal, foam, cotton and wood. Park City Green hires second chance community members and other unemployed local residents, offering them a way to become economically self-sufficient, support their families and discontinue public benefits. Park City Green saves municipalities the mattress disposal costs, helping cash strapped cities and towns save money.

We have discussed their organizational space and any concerns with traffic. We are in support of this company and trust you will give a favorable response to the request for relocating.

Respectfully yours,

Kenneth H. Moales, Jr.  
Senior Pastor

She said that that she had copies for each Commissioner along with copies of the requested drawings of the ingress and egress, which she submitted to Mr. Buckley.

Commissioner Alves asked if there was any one else present who wished to speak in favor of the application.

Mr. John Angel, the principle of Angel Commercial LLC, located at 2425 Post Road, Southport, CT. He said that he was present to speak in favor of the Greater Bridgeport Community Enterprises. The planned use as a mattress recycling operation could work in other locations, but the Greater Bridgeport Community Enterprises President and CEO has maintain her desire to keep the business in Bridgeport. Company retention is critical to the community. There is no negative impact based on the approvals being sought. The company will be providing jobs to local residents, which will allow the employees to be productive taxpaying members of the neighborhood and help support local merchants.

800 Union Avenue was purchased in the recent past by a New York based real estate company with the intention of revitalizing the neighborhood. As leaders and decision makers on the Board, it is important to embrace those parties willing to invest in Bridgeport and to support their efforts by granting the requested variances.

As a 30 year veteran of the Bridgeport commercial real estate marketplace, one that that resonates is that activity breeds activity and it is critical to support the efforts being put forth by the economic development in a neighborhood in dire need.

He concluded by saying he appreciated the Board's consideration and hoped they would grant the approvals.

Mr. Jeff Bishop, the Executive Director of the Bridgeport Chamber of Commerce. He explained that he also does business recruitment and business retention in Bridgeport along with the Bridgeport Regional Business Council (BRBC). Both the Bridgeport Chamber of Commerce and the BRBC support this expansion and growth of the Park City Green and their move to Union Avenue. Park City Green has been a success story in Bridgeport and is the largest non-profit mattress recycling company in the Northeast but the leadership created the first mattress recycling law in the country to insure that old mattresses don't end up in landfills, burned or dumped on the side of the road or under highway overpasses.

The deconstruction parts, the metal, foam, cotton and wood have productive reuses, but more importantly, the jobs is more important for Bridgeport residents, particularly the second chance residents re-entering the work force. It is a win/win for Bridgeport on many different levels.

Since the company started operations on Iranistan in 2012, Park City Green has been a good community leader and South End neighborhood leader in reducing waste and increasing Connecticut's recycling waste. They will do the same in their new location and as they expand their operations, they will work closely with the community based organization to hire more local staff.

Finally, Mr. Bishop said that their request for the expansion of the trucking portion of the operation has merit. Park City Green staff has identified a route from the highway to the facility that minimizes the impact on the community and engaged in dialog with the adjacent property owners to build community support. As they grow and improve, they will add more jobs for the residents. He requested that the Board to grant the variances that have been requested.

Mr. Christian Bernard, the Next Step Generation Director, came forward and introduced himself. He said his company was a non-profit located at 800 Union Avenue. His company runs a number of programs about job development, job placement and job training. Park City Green will help them in their company goals. His company works with re-entry individual and at risk youth among others. When someone has a job, they have a purpose and this has an impact on the greater community. The East End needs this. The goal is to achieve a vibrant neighborhood where people can walk around and

feel comfortable. His company does their best to extend inclusivity and this would help move that goal forward. He requested that the Board to grant the variances that have been requested.

Ms. Debbie Sims, the East End Neighborhood Revitalization Zone (NRZ) Vice President, came forward and said that the NRZ was in full support of Park City Green. They have been wonderful and the NRZ has been in contact with Ms. Farrar Houël working out details. The NRZ welcomes Park City Green to the neighborhood and community. She added that they were looking forward to working with Ms. Farrar Houël in providing the jobs and resources in the coming years. Ms. Sims thanked Ms Farrar Houël for working with them.

Council Member Ernest Newton of 190 Read Street came forward and said that he was welcoming Ms. Farrar Houël to the area because she was trying help small businesses grow. When businesses grow, it creates more jobs. Ms. Farrar Houël has been a person of her word and provided resources for ex-offenders with jobs. She has been a strong supporter by hiring returning offenders with jobs. It's in the right area, there is no problem with traffic and the NRZ and the community designated that area in the Master Plan as light industrial.

Council Member Eneida Martinez from the East End came forward and said she was very pleased that Park City Green was coming to the East End. She said that it would important to have a productive company at that location rather than other activities. She added that she was supportive of this and hoped that the Board Members would grant them the variances.

Mr. Ralph Ford, the East End Democratic leader, came forward and spoke about the fact that his area was 99% Democratic. He said that he was in full support and the area was in desperate need of good, clean industries that provide sustainable jobs. He then said that Ms. Farrar Houël came from a distinguished family that has lived in the neighborhood for many years and contributed to the community. Mr. Ford said that Ms. Farrar Houël had approached the group first rather than sneaking into Zoning without neighborhood support. This speaks to her character. He said that she would be a good neighbor, a good resident and Park City Green would be a good company. He requested that the Board to grant the variances that have been requested.

Commissioner Alves asked if there was anyone else who would like to speak in favor of the petition. No one came forward.

Commissioner Alves then asked if there was any member of the public who wished to speak in opposition to the application. Hearing none, Commissioner Alves closed the hearing on 800 Union Avenue.

**#9. 1162-1216 Stratford Ave. – Petition of Stratford Avenue Development, LLC – Seeking variances of the building siting requirement under Sec. 6-1-4a; the height requirement of Sec. 6-1-5a; the minimum 5-foot minimum parking setback and landscaping requirement of Sec. 11-1-13 and the minimum landscaping as required under Table 4.b to permit the redevelopment of an existing 100,000-sq. ft. parcel of land to contain 16,000-sq. ft. grocery store and an 18,000-sq. ft. office/retail building in an OR-G zone.**

Mr. Anthony Stewart of Ashlar Construction came forward to request some variance for the Civic Block project on the East End of Bridgeport between Newfield Avenue and Central Avenue, which faces Stratford Avenue. The East End has been without a grocery store for many years and his company will be addressing that. The project will include a grocery store, a health care facility, a pharmacy, and a beauty salon will be included in the project. He explained that there were issues between the building requirement and RFQ requirements, such as having a pathway for sight line vision from Stratford Avenue to the library.

The Civic Block will have three buildings: the new Newfield Avenue Library, a grocery store and a retail facility. This means that the pathway by the Newfield Avenue will push the building back more than 10 feet from street. The hardship is that this is a requirement by the City of Bridgeport in their RFQ for the project.

Mr. Stewart explained that there were also problems with the minimum height requirement. 75% of the building does meet the 25 foot height requirement, but there are parts that are only 19 feet high. While they believe they have met the 25 foot height requirement, they want to be sure that the Board knows there are portions of the building that are below the required height.

The 15% landscaping for the lot size also poses an issue. He explained that they had approximately 10% with landscaping and displayed a site plan showing two pocket parks. The project requires parking and this reduced the landscaping.

Mr. Stewart explained that the zoning requirement of a 5 foot buffer between the parking spaces and the neighboring property line. He said that he is constructing the Newfield Library project and they do not have parking on their parcel. The idea was to provide parking on the Civic Block project, which was done by moving the parking lot closer to the property line. Without that parking location, library patrons would have to park on either Revere Street or Central Avenue. Central Avenue is also crowded with school buses and students. Having the parking near the library would be more beneficial to the entire City Block itself.

There is also a requirement that there be 60% frontage on the property line. He displayed a site plan and indicated where the building would be located.

The hardship is that in order to have the buildings be attractive, they had to create facades that had recesses to give the visual depth needed. Mr. Stewart went on to speak about the other set backs and indicated where the various buildings were planned.

Commissioner Alves asked if there would be an entrance from Newfield. Mr. Stewart explained that there would be two entrances, one from Newfield and the other from Revere Street. He gave an overview of the details.

Commissioner Alves asked about the deliveries and the dumpster locations, which Mr. Stewart reviewed with the Commissioners.

Commissioner Shepard asked about the hours of operation. Mr. Stewart said that the grocery store and the restaurant would be open until at least 10 p.m. at night. The grocery store will be open from about 7 a.m. in the morning. There also may be a coffee shop there. He then gave an overview of the site plan in terms of the location of the various businesses.

Commissioner Alves asked if there was anyone else who would like to speak in favor of the petition.

Mr. William Coleman, the Office of Planning and Economic Development Deputy Director (OPED), came forward to say that this was a very important project for the city. He then gave a brief history of the project over the last four years. The remediation is underway. The East End NRZ plan calls for a grocery store in what has previously been a food desert. The RFQ requirements came out of extensive discussions with the local residents and Mr. Stewart's comments about OPED's requirements are accurate. Landscaping should be about impact rather than coverage. He said that OPED was very excited about the project.

Ms. Debbie Sims, the East End Neighborhood Revitalization Zone (NRZ) Vice President, came forward and said the NRZ is fully supporting the plan, which is a long time coming. The developer did everything that they asked for and the buildings were designed the way they had asked for 10 years ago.

Council Member Eneida Martinez from the East End came forward and said she was asking the Board to support this project. It has been a long time coming to the East End, where she has lived since 1986. It is a blessing to see the new library and a new grocery store come into the area.

Council Member Ernest Newton of 190 Read Street came forward and said what Mr. Stewart did not tell the Board was that he grew up in the East End. Council Member Newton said that he and Mr. Stewart grew up together, went to school together, played Little League baseball and now Mr. Stewart wants to do the project because he wants the East End to be the way it was when he grew up. Everything was right there and people did not have to leave the East End to buy things. This will help the community that has been cheated for over 30 years. There will be a pharmacy, a bank, and a shopping center. These will be things that make a community vibrant. When people have things that they take pride in, they take care of them. He asked the Board to support the variance to make the area the showcase of Bridgeport.

An East End resident came forward and said that they have been working on this project for the last twenty years. There have been people who have been working on this for years and they are tired of the East End being the dumping grounds for auto parts, criminal elements and people neglecting them by taking away the votes by demolishing things and moving undesirables into the area. Now this is a chance to beautify the area and bring it back to what it was before. He asked the Board to support the variances.

Mr. Ralph Ford, the East End Democratic leader, came forward and spoke about the fact he had been the District leader and how he has been working with elected officials on redeveloping the neighborhood. This project is the result of many hours of discussions and work. They are very passionate about seeing this project completed. Mr. Stewart has produced a good plan and design and is also interested in further development in the neighborhood. This project needs to be successful so the community can move forward to the other ones still on the drawing board. He asked the Board to support the requests.

Mr. Robert Kennedy came forward and said that he was hoping the Board would support the project. He said that when he came out of the services in the 70's and has been living in the East End ever since. There were many stores and services there back then that are no longer around. This is injustice not to have these projects come back.

Commissioner Alves then asked if there was any member of the public who wished to speak in opposition to the application. Hearing none, Commissioner Alves closed the hearing on 1162-1216 Stratford Ave.

### **DECISION SESSION**

**D-4 (#3A) 580 North Ave. – Petition of 580 NORTH AVENUE – Seeking a variance of 6' of the required front setback requirement, as well as the maximum size of an accessory structure under Sec. 4-9-1a & c and also seeking a variance of the minimum perimeter landscaping requirements of Sec. 11-1-13 to permit the**

construction of an 1,820-sq. ft. pump island with canopy at the gas station building currently under construction in an I-L zone.

**\*\* COMMISSIONER CAROLAN MOVED TO DEFER AGENDA ITEM D-4 (#3A) 580 NORTH AVE. – PETITION OF 580 NORTH AVENUE – SEEKING A VARIANCE OF 6’ OF THE REQUIRED FRONT SETBACK REQUIREMENT, AS WELL AS THE MAXIMUM SIZE OF AN ACCESSORY STRUCTURE UNDER SEC. 4-9-1A & C AND ALSO SEEKING A VARIANCE OF THE MINIMUM PERIMETER LANDSCAPING REQUIREMENTS OF SEC. 11-1-13 TO PERMIT THE CONSTRUCTION OF AN 1,820-SQ. FT. PUMP ISLAND WITH CANOPY AT THE GAS STATION BUILDING CURRENTLY UNDER CONSTRUCTION IN AN I-L ZONE.**

**\*\* COMMISSIONER SHEPARD SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**#1 28-38 Ondek St. – Petition of DT Pro Builders, LLC – Requesting a re-hearing on a petition which was denied by the Zoning Board of Appeals on May 14, 2019, which sought variances of Sec. 5-1-3 and Sec. 4-2-2 to permit the construction of a single-family dwelling on a nonconforming lot in an R-B zone.**

**\*\* COMMISSIONER MCCLAIN MOVED TO DENY THE REQUEST BY THE APPLICANT, DT PRO BUILDERS, LLC, FOR A RE-HEARING REGARDING 28-38 ONDEK ST. WHICH WAS DENIED BY THE ZONING BOARD OF APPEALS ON MAY 14, 2019, WHICH SOUGHT VARIANCES OF SEC. 5-1-3 AND SEC. 4-2-2 TO PERMIT THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING ON A NONCONFORMING LOT IN AN R-B ZONE FOR THE FOLLOWING REASON:**

- 1. DUE TO INSUFFICIENT INFORMATION PROVIDED TO REOPEN THIS PETITION.**

**\*\* COMMISSIONER NASTU SECONDED.**

**\*\* THE MOTION TO DENY PASSED WITH THREE (3) IN FAVOR (MCCLAIN, NASTU AND CAROLAN) AND TWO (2) OPPOSED (ALVES AND SHEPARD)**

**#2 378-380 Hawley Ave. – Petition of Danielle Costa/Elizabeth Development – seeking a variance of two (2) of the off-street parking spaces under Sec. 11-1-2 to legalize the 3rd residential unit in an existing 2-family dwelling with three (3) off-street parking spaces in a R-BB zone.**

**\*\* COMMISSIONER MCCLAIN MOVED TO DENY AGENDA ITEM 2 378-380 HAWLEY AVE. – PETITION OF DANIELLE COSTA/ELIZABETH**



**DEVELOPMENT – SEEKING A VARIANCE OF TWO (2) OF THE OFF-STREET PARKING SPACES UNDER SEC. 11-1-2 TO LEGALIZE THE 3RD RESIDENTIAL UNIT IN AN EXISTING 2-FAMILY DWELLING WITH THREE (3) OFF-STREET PARKING SPACES IN A R-BB ZONE FOR THE FOLLOWING REASON:**

**1. THE SUBJECT PREMISES IS LOCATED IN A HEAVILY CONGESTED AREA WITH LIMITED ON-STREET PARKING AVAILABLE.**

**\*\*COMMISSIONER NASTU SECONDED THE MOTION.**

**\*\*MOTION TO DENY PASSED UNANIMOUSLY.**

**3. 57 Weber St. – Petition of MCDM, LLC – Seeking a variance of Sec. 4-12-5b which prohibits any use which violates the lot size and frontage requirements and variances of the minimum lot area and frontage requirements under Sec. 5-1-3 to permit the construction of a single- family dwelling in an R-C zone.**

**\*\* COMMISSIONER MCCLAIN MOVED TO APPROVE AGENDA ITEM 3 – 57 WEBER ST. – PETITION OF MCDM, LLC – SEEKING A VARIANCE OF SEC. 4-12-5B WHICH PROHIBITS ANY USE WHICH VIOLATES THE LOT SIZE AND FRONTAGE REQUIREMENTS AND VARIANCES OF THE MINIMUM LOT AREA AND FRONTAGE REQUIREMENTS UNDER SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A SINGLE- FAMILY DWELLING IN AN R-C ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE PETITIONER SHALL REPAIR THE EXISTING FENCE OR REPLACE IT IF NECESSARY.**
- 2. THE FRONT OF THE NEW HOME SHALL BE PLANTED WITH LOW-LYING SHRUBBERY; PROPERLY MAINTAINED AND REPLACED WHEN NEEDED.**
- 3. THE PETITIONER SHALL FILE PLANS AND APPLICATIONS FOR THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**

**\*\* COMMISSIONER NASTU SECONDED.**

**\*\* THE MOTION APPROVED UNANIMOUSLY.**

**#4 133 SHELL STREET – Petition of Partners Home Improvement, LLC –Seeking a variance of Sec. 4-12-5b which prohibits any use which violates the lot size and frontage requirements and variances of the minimum lot area and frontage**

requirements under Sec. 5-1-3 to permit the construction of a single-family dwelling in an R-B zone

**\*\* COMMISSIONER CAROLAN MOVED TO DEFER AGENDA ITEM 4 – 133 SHELL STREET – PETITION OF PARTNERS HOME IMPROVEMENT, LLC – SEEKING A VARIANCE OF SEC. 4-12-5B WHICH PROHIBITS ANY USE WHICH VIOLATES THE LOT SIZE AND FRONTAGE REQUIREMENTS AND VARIANCES OF THE MINIMUM LOT AREA AND FRONTAGE REQUIREMENTS UNDER SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING IN AN R-B ZONE.**

**\*\* COMMISSIONER NASTU SECONDED.**

**\*\* THE MOTION APPROVED UNANIMOUSLY.**

#5. 1253 Reservoir Ave. – Petition of Ailton Goncalves – Seeking a variance of Sec. 4-2-2 which prohibits the reduction in size of a conforming lot to create two (2) nonconforming lots and a variance of Sec. 5-1-3 to legalize the existing 2-family dwelling with stacked on-site parking in an R-A zone.

#6. 1245 Reservoir Ave. – Petition of Ailton Goncalves – Seeking a variance of the minimum lot area and width requirement under Sec. 5-1-3 to permit the construction of a single-family dwelling on a nonconforming lot in an R-A zone

**\*\* COMMISSIONER SHEPARD MOVED TO DENY THE FOLLOWING ITEMS:**

**AGENDA ITEM 5 1253 RESERVOIR AVE. – PETITION OF AILTON GONCALVES – SEEKING A VARIANCE OF SEC. 4-2-2 WHICH PROHIBITS THE REDUCTION IN SIZE OF A CONFORMING LOT TO CREATE TWO (2) NONCONFORMING LOTS AND A VARIANCE OF SEC. 5-1-3 TO LEGALIZE THE EXISTING 2-FAMILY DWELLING WITH STACKED ON-SITE PARKING IN AN R-A ZONE; AND**

**AGENDA ITEM 6 -- 1245 RESERVOIR AVE. – PETITION OF AILTON GONCALVES – SEEKING A VARIANCE OF THE MINIMUM LOT AREA AND WIDTH REQUIREMENT UNDER SEC. 5-1-3 TO PERMIT THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING ON A NONCONFORMING LOT IN AN R-A ZONE**

**FOR THE FOLLOWING REASONS:**

City of Bridgeport  
Zoning Board of Appeals  
Regular Meeting  
June 11, 2019  
Page 18

1. THE PROPOSED LOTS BEING OUT OF CHARACTER WITH THE DEVELOPMENT OF THE EXISTING NEIGHBORHOOD
2. THE PETITIONER FAILING TO ESTABLISH AN UNUSUAL CONDITION OR HARDSHIP RELATING TO THIS PETITIONER AND PARCEL OF PROPERTY.

**\*\* COMMISSIONER NASTU SECONDED.  
\*\* THE MOTION PASSED UNANIMOUSLY.**

**#7. 4219 Main St. & 50 Lourmel St. – Petition of McDonalds USA, LLC – Seeking a modification of an approval to a petition granted by the Zoning Board of Appeals on 11/13/18. Also, seeking variances of Sec. 6-1-1a and Table 4.b to reduce the minimum street wall as a percent of the primary frontage from 75% to 40.9%; a variance to increase the maximum principal building setback from the street lot line along the primary frontage from 10 feet to 41.2 feet; a variance to increase the maximum principal building setback from the street lot line along the secondary frontage from 10 feet to 15.4 feet; a variance to increase the maximum side yard from 14 feet to 43.7 feet on the Main Street side and 120.5 feet along the Lourmel Street side. Also seeking variances of Sec. 6-1-1c and Table 4.b to reduce the minimum total building height from 25 feet to 21 feet 5.5 inches; a variance of Sec. 12-5 to reduce the stacking lane setback from 5 feet to 4.9 feet and minimum landscape buffer from 5 feet to 3.6 feet; also a variance of Sec. 12-5-1a,4 to locate the stacking lanes in view of the public street and sidewalk; and a variance of Sec. 12-5-1b,4 to permit spandrel glass windows and to reduce the required window coverage from 40% to 30% on the secondary street wall to permit the construction of a 4,549-sq. ft. fast food restaurant with drive-thru facilities in an OR zone.**

**\*\* COMMISSIONER MCCLAIN MOVED TO APPROVE AGENDA ITEM #7 – 4219 MAIN ST. & 50 LOURMEL ST. – PETITION OF MCDONALDS USA, LLC – SEEKING A MODIFICATION OF AN APPROVAL TO A PETITION GRANTED BY THE ZONING BOARD OF APPEALS ON 11/13/18. ALSO, SEEKING VARIANCES OF SEC. 6-1-1A AND TABLE 4.B TO REDUCE THE MINIMUM STREET WALL AS A PERCENT OF THE PRIMARY FRONTAGE FROM 75% TO 40.9%; A VARIANCE TO INCREASE THE MAXIMUM**

**PRINCIPAL BUILDING SETBACK FROM THE STREET LOT LINE ALONG THE PRIMARY FRONTAGE FROM 10 FEET TO 41.2 FEET; A VARIANCE TO INCREASE THE MAXIMUM PRINCIPAL BUILDING SETBACK FROM THE STREET LOT LINE ALONG THE SECONDARY FRONTAGE FROM 10 FEET TO 15.4 FEET; A VARIANCE TO INCREASE THE MAXIMUM SIDE YARD FROM 14 FEET TO 43.7 FEET ON THE MAIN STREET SIDE AND 120.5 FEET ALONG THE LOURMEL STREET SIDE. ALSO SEEKING VARIANCES OF SEC. 6-1-1C AND TABLE 4.B TO REDUCE THE MINIMUM TOTAL BUILDING HEIGHT FROM 25 FEET TO 21 FEET 5.5 INCHES; A VARIANCE OF SEC. 12-5 TO REDUCE THE STACKING LANE SETBACK FROM 5 FEET TO 4.9 FEET AND MINIMUM LANDSCAPE BUFFER FROM 5 FEET TO 3.6 FEET; ALSO A VARIANCE OF SEC. 12-5-1A,4 TO LOCATE THE STACKING LANES IN VIEW OF THE PUBLIC STREET AND SIDEWALK; AND A VARIANCE OF SEC. 12-5-1B,4 TO PERMIT SPANDREL GLASS WINDOWS AND TO REDUCE THE REQUIRED WINDOW COVERAGE FROM 40% TO 30% ON THE SECONDARY STREET WALL TO PERMIT THE CONSTRUCTION OF A 4,549-SQ. FT. FAST FOOD RESTAURANT WITH DRIVE-THRU FACILITIES IN AN OR ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE REDEVELOPMENT OF THE SUBJECT SITE SHALL BE IN STRICT ACCORD WITH THE REVISED PLAN SUBMITTED TO AND APPROVED BY THE BOARD ON JUNE 11, 2019.**
- 2. A 6-FOOT, NOISE REDUCTION FENCE SHALL BE INSTALLED ON TOP OF THE RETAINING WALL FROM DIRECTLY BEHIND THE ROW OF 6' ARBORVITAE PLANTS WHICH SHALL BE PLANTED 3-FEET CENTER.**
- 3. THE REFUSE AREA SHALL BE ENCLOSED AND SCREENED FROM VIEW AND HAVE A SUITABLE GATE OPENING.**
- 4. TRASH AND LITTER FROM THE SIDEWALKS AND STREET SHALL BE CLEANED UP BY STAFF MEMBERS, INCLUDING THE AREA IN FRONT OF NEIGHBORING PROPERTIES, EVERY 4-HOURS BETWEEN 8AM AND 8PM.**
- 5. ALL LANDSCAPING SHALL BE PROPERLY MAINTAINED AND REPLACED WHEN NECESSARY.**

**FOR THE FOLLOWING REASONS:**

- 1. THE RELOCATION OF THE BUILDING; THE NON-TRANSPARENT**

**WINDOWS; THE LANDSCAPING AND REVISED TRAFFIC FLOW WILL SUBSTANTIALLY IMPROVE THE APPEARANCE OF THE SUBJECT SITE;**

**2. THE NEW FACILITY AND SITE WORK MORE CLOSELY COMPLIES WITH THE CURRENT ZONING REGULATIONS;**

**3. THE APPROVAL OF THIS PETITION WILL HAVE NO ADVERSE IMPACT ON THE IMMEDIATE AREA; THE REDESIGNED TRAFFIC PATTERN WILL IMPROVE THE CUSTOMER WAIT TIME AND WILL BE MUCH SAFER FOR MOTORIST AND PEDESTRIANS AS WELL.**

**\*\* COMMISSIONER SHEPARD SECONDED THE MOTION.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**#8. 800 Union Ave. – Petition of Greater Bridgeport Community Enterprises, Inc. – Seeking a variance of the minimum landscaping requirements under Sec. 7-1-3, as well as the minimum number of off-street parking spaces by waiving 65 of the required 291 available spaces for the entire complex. Also seeking a variance of the ten (10) maximum average-daily-week-day truck trips (ADWT) for the recycling facilities under Table 6.3.7 to permit the establishment of a mattress recycling facility in I-LI and R-C zones.**

**\*\* COMMISSIONER MCCLAIN MOVED TO APPROVE AGENDA ITEM 8 – 800 UNION AVE. – PETITION OF GREATER BRIDGEPORT COMMUNITY ENTERPRISES, INC. – SEEKING A VARIANCE OF THE MINIMUM LANDSCAPING REQUIREMENTS UNDER SEC. 7-1-3, AS WELL AS THE MINIMUM NUMBER OF OFF-STREET PARKING SPACES BY WAIVING 65 OF THE REQUIRED 291 AVAILABLE SPACES FOR THE ENTIRE COMPLEX. ALSO SEEKING A VARIANCE OF THE TEN (10) MAXIMUM AVERAGE-DAILY-WEEK-DAY TRUCK TRIPS (ADWT) FOR THE RECYCLING FACILITIES UNDER TABLE 6.3.7 TO PERMIT THE ESTABLISHMENT OF A MATTRESS RECYCLING FACILITY IN I-LI AND R-C ZONES WITH THE FOLLOWING CONDITIONS:**

**1. THE PETITIONER SHALL FILE PLANS AND APPLICATION FOR**

**THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE AND A BUILDING PERMIT.**

- 2. THERE SHALL BE NO OVERNIGHT PARKING OF VEHICLES OR STORAGE OF MATTRESSES ON THE EXTERIOR OF THE SUBJECT PREMISES AT ANY TIME FOR ANY REASON.**

**FOR THE FOLLOWING REASONS:**

- 1. THIS WILL ACCOMMODATE THE EXPANSION OF A LOCAL BUSINESS AND PROVIDE NEW JOB OPPORTUNITIES FOR AREA RESIDENTS.**
- 2. THE GRANTING OF THIS PETITION WILL HAVE NO ADVERSE IMPACT ON THE AREA.**

**\*\* COMMISSIONER NASTU SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**#9. 1162-1216 Stratford Ave. – Petition of Stratford Avenue Development, LLC – Seeking variances of the building siting requirement under Sec. 6-1-4a; the height requirement of Sec. 6-1-5a; the minimum 5-foot minimum parking setback and landscaping requirement of Sec. 11-1-13 and the minimum landscaping as required under Table 4.b to permit the redevelopment of an existing 100,000-sq. ft. parcel of land to contain 16,000-sq. ft. grocery store and an 18,000-sq. ft. office/retail building in an OR-G zone.**

**\*\* COMMISSIONER CAROLAN MOVED TO APPROVE AGENDA ITEM #9. 1162-1216 STRATFORD AVE. – PETITION OF STRATFORD AVENUE DEVELOPMENT, LLC – SEEKING VARIANCES OF THE BUILDING SITING REQUIREMENT UNDER SEC. 6-1-4A; THE HEIGHT REQUIREMENT OF SEC. 6-1-5A; THE MINIMUM 5-FEET MINIMUM PARKING SETBACK AND LANDSCAPING REQUIREMENT OF SEC. 11-1-13 AND THE MINIMUM LANDSCAPING AS REQUIRED UNDER TABLE 4.B TO PERMIT THE REDEVELOPMENT OF AN EXISTING 100,000-SQ. FT. PARCEL OF LAND TO CONTAIN 16,000-SQ. FT. GROCERY STORE AND AN 18,000-SQ. FT. OFFICE/RETAIL BUILDING IN AN OR-G ZONE WITH THE FOLLOWING CONDITIONS:**

- 1. THE REDEVELOPMENT OF THE “EAST END CIVIC BLOCK” 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. THE REFUGE AREA SHALL BE ENCLOSED WITH A 6-FOOT HIGH WALL OR FENCE WITH A SUITABLE GATE OPENING.**
- 4. REFUSE CONTAINERS SHALL BE PLACED THROUGHOUT THE SITE TO ENCOURAGE THE PROPER DISPOSAL OF CANS, BOTTLES AND TRASH.**
- 5. THE LANDSCAPING SHALL BE INSTALLED AS PER PLANS; PROPERLY MAINTAINED AND REPLACED AS NEEDED.**

**FOR THE FOLLOWING REASON:**

**THE GRANTING AND REDEVELOPMENT OF THIS PARCEL OF PROPERTY WILL SERVE AS A TEMPLATE FOR FUTURE DEVELOPMENT AND WILL SERVE AS THE FIRST STEP IN THE REVITALIZATION OF THE EAST SIDE NEIGHBORHOOD.**

- \*\* COMMISSIONER MCCLAIN SECONDED THE MOTION.**
- \*\* THE MOTION PASSED UNANIMOUSLY.**

**ADJOURNMENT.**

- \*\* COMMISSIONER CAROLAN MOVED TO ADJOURN.**
- \*\* COMMISSIONER NASTU SECONDED THE MOTION.**
- \*\* THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:11 p.m.

Respectfully submitted,

S. L. Soltes  
Telesco Secretarial Services

City of Bridgeport  
Zoning Board of Appeals  
Regular Meeting  
June 11, 2019  
Page 23