



**PHILIP C. PIRES**

Please Reply To Bridgeport  
Writer's Direct Dial: (203) 337-4122  
E-Mail: ppires@cohenandwolf.com

September 1, 2020

**VIA E-MAIL (ZBA@westportct.gov)**

Westport Zoning Board of Appeals  
Planning & Zoning Department, Room 203  
110 Myrtle Avenue  
Westport, CT 06880  
Attn: Cindy Tyminski, AICP

**Re: Variance Application (ZBA-20-00305) of 233 LLC for 233 Hillspoint Road**

Dear Ms. Tyminski:

I am uncertain of whether the ZBA is still requesting that we grant an extension because I did not get a further reply from you yesterday. Of course, if the ZBA wants an extension to close the hearing, we are happy to oblige. Enclosed the signed extension letter.

We also can state the following in response to your staff memorandum dated August 31, 2020, which I received this morning:

- 1) For clarity, as I previously indicated in my emails to you, the Applicant submitted substitute elevations on 8/31/20 to indicate the height from the average existing grade. The average existing grade is clearly marked on all elevations (current and prior) as a dashed line. On all elevations (current and prior), the dark line marks the grade line, not the average grade line.
- 2) This is correct.
- 4) As the Applicant has previously articulated (and as set forth in #2 of your 8/31/20 memorandum), this is a modification of a prior variance approval. The height of the elevator shaft is the same as what the ZBA previously approved.
- 5) The elevator shaft is not higher on the current revision than the approved plan. The height is the same.
- 6) The elevator shaft does not extend more than 5 feet above the ridge of the roof.

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7) As I previously stated in my letter, the parapet was not dimensioned on the drawings previously submitted. It will have an elevation of 3 feet, as clarified on the substituted elevations (A2.20 and A2.00).

I also enclose for the ZBA my emails to you yesterday, which provide further explanation the submission on 8/31/20.

Very truly yours,



Philip C. Pires

cc: Attorney Peter Gelderman, via e-mail (pgelderman@berchemmoses.com)

## Pires, Philip C.

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**From:** Pires, Philip C.  
**Sent:** Monday, August 31, 2020 1:55 PM  
**To:** Tyminski, Cindy  
**Subject:** RE: Extension Letter

Hi Cindy,

This was explained in my cover letter. The issue is the starting point of the measurement, but the building is the same height. If you look at the prior version of the plans (such as the ones revised 3/27/20 or 8/14/20), the height is measured from a point that begins at below average grade (Elevation 7.9'). On the plans we submitted yesterday, the measurement begins at average grade (8.7') – which is the point from which height is supposed to be measured. If you go back and look at the approved ZBA set, you will see that the measurement begins at average grade (8.7'). The height of the building is the same and did not change.

I am happy to talk through the issue if you would like to have a call.

Phil

**Philip C. Pires | Principal | Cohen and Wolf, P.C.**  
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**From:** Tyminski, Cindy <ctyminski@westportct.gov>  
**Sent:** Monday, August 31, 2020 1:42 PM  
**To:** Pires, Philip C. <PPires@cohenandwolf.com>  
**Subject:** Re: Extension Letter

Hi Attorney Pires

Michelle and I both had listed the same height to the peak for the current proposal. With this new plan, this peak height, and therefore the height to the top of the elevator shaft has been modified. We

need time to figure out what happened here as I was very careful with the numbers. Was this a mathematical error on the latest plans and not measured from average existing grade?

I believe that the Board will insist on a continuance since they want to see these plans. Typically if this happens at a hearing then I would have the applicant fill out an extension form at the hearing.

Cindy

**Cindy Tyminski, AICP, Deputy Director**  
Planning and Zoning Department  
Town of Westport  
110 Myrtle Avenue  
Westport, CT 06880

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**From:** Pires, Philip C. <[PPires@cohenandwolf.com](mailto:PPires@cohenandwolf.com)>  
**Sent:** Monday, August 31, 2020 9:46 AM  
**To:** Tyminski, Cindy <[ctyminski@westportct.gov](mailto:ctyminski@westportct.gov)>; Trianovich, Amanda <[atrianovich@westportct.gov](mailto:atrianovich@westportct.gov)>  
**Subject:** Re: Extension Letter

**CAUTION:** This email originated from outside of the Town of Westport's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Cindy,

Can you please clarify- do you mean the plans we submitted on 8/18? The ones today do not make changes, they just add notations. Thanks.

Philip C. Pires  
Cohen and Wolf, P.C.  
1115 Broad Street  
Bridgeport, CT 06604  
P: 203.337.4122

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**From:** Tyminski, Cindy <[ctyminski@westportct.gov](mailto:ctyminski@westportct.gov)>  
**Sent:** Monday, August 31, 2020 9:43:52 AM  
**To:** Pires, Philip C. <[PPires@cohenandwolf.com](mailto:PPires@cohenandwolf.com)>; Trianovich, Amanda <[atrianovich@westportct.gov](mailto:atrianovich@westportct.gov)>  
**Subject:** Fwd: Extension Letter

Hi Attorney Pires:

Can you please provide us with a full extension to close the variance application for 233 Hillspoint? The new plans will require sometime to be reviewed by the Board.

Thanks.  
Cindy.

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**From:** Trianovich, Amanda <[atrianovich@westportct.gov](mailto:atrianovich@westportct.gov)>

**Sent:** Monday, August 31, 2020 9:01:44 AM

**To:** Tyminski, Cindy <[ctyminski@westportct.gov](mailto:ctyminski@westportct.gov)>

**Subject:** Extension Letter

Please see attached.

Thanks,

## **Amanda Trianovich**

Administrative Assistant II  
Planning & Zoning Department  
(203) 341 1079





**TOWN OF WESTPORT**  
**PLANNING & ZONING DEPARTMENT**  
110 Myrtle Ave. - Town Hall Room 203  
Westport, CT 06880 Tel: 203 341-1030

**EXTENSION LETTER**

9/1/20

Date: \_\_\_\_\_

**RE: Name of Property Owner/Applicant:** 233 LLC  
**Property Address:** 233 Hillspoint Road

Application Type:

Site Plan  Special Permit  Amendment  Subdivision/Resubdivision  Variance

**P & Z Application #** \_\_\_\_\_ **ZBA Application #** 20-0153

In accordance with the Connecticut General Statutes per §8-7d, as applicable, the undersigned:

Grants the Board an extension of time **TO OPEN** the above referenced matter a public hearing.

If less than 65 days granted, please specify \_\_\_\_\_

Grants the Board an extension of time **TO CLOSE** the above referenced matter a public hearing.

If less than 65 days granted, please specify \_\_\_\_\_

**Connecticut General Statutes**

Effective October 1, 2003 (Public Act 03-177), the maximum extension period that may be granted for an application involving a public hearing may not exceed 65-days in accordance with §8-7d. This includes Subdivisions, Re-subdivisions, Special Permits, Zoning Board of Appeals applications, Zoning Map changes, Zoning Regulation changes, and Town Plan Amendments. As a public hearing is always required in Westport for Site Plans, the State Statute is also applicable to Site Plans.

233 LLC

SIGNED By: \_\_\_\_\_

Owner/authorized agent

Philip C. Pires, Esq.