

**BRISTOL ZONING BOARD OF APPEALS  
MINUTES  
REGULAR MEETING OF MONDAY, MAY 5, 2026**

By: Chairman Rafaniello

Time: 6:00 P.M.

Place: City Hall  
111 North Main Street  
Council Chambers  
First Floor

**ROLL CALL:**

<b>MEMBERS</b>		<b>PRESENT</b>	<b>ABSENT</b>
<b>REGULAR MEMBERS:</b>	Jerald Rafaniello (Chairman)	X	
	David Pecevich (Vice Chairman)	X	
	Rory Ghio (Secretary)	X	
	Alfred Radke, III	X	
	Liza Salgado-Sirko		X
<b>ALTERNATE MEMBERS:</b>	Jonathan Lukasiewicz	X	
	Joseph Kelaita	X	
	Mathew Biadun	X	
<b>STAFF:</b>	Robert M. Flanagan, AICP, City Planner	X	
	Brandon Peate, ZEO		X

1. Call to Order

Per the order of Chairman Rafaniello the meeting was called to order at 6:00 P.M.

Chairman Rafaniello reminded the Board the next Regular Meeting of the Zoning Board of Appeals is Tuesday, June 2, 2026.

2. Public Hearings

Item 2.b. under Public Hearings was taken out of order.

- a. Application #3831 — Request for a variance from Article III, Section 10.2.5.B. to reduce the required front yard setback line for a rear lot from 60' feet to 40.5' feet for the construction of a single-family home with an accessory dwelling unit at 176 Southdown Drive; Map 58, Lot 16-1H; R-25 (Single-Family Residential) zone; Paul Cotter, applicant/owner.

The following items were submitted into the record: three letters dated April 21, 2026, from three neighbors, regarding no objections to the plans (submitted by Attorney James Ziogas, Jr.)

Chairman Rafaniello designated regular Commissioners Pecevich, Ghio, Radke, and Rafaniello with alternate Commissioner Lukasiewicz to vote on Application #3831.

Attorney James Ziogas, 104 Bellevue Avenue, representing the applicant, explained an extensive narrative was included with the application. Attorney Ziogas described the property as a rear lot in a small subdivision that was developed by the D'Amato's. The attorney noted his client purchased this lot to construct a single-family house for himself and an accessory dwelling unit for his mother. Attorney Ziogas reviewed the hardships on the north side of the property having a 20 ft. utility right of way and a 25 ft. easement to the City of Bristol.

The attorney stated that the hardship on the east side of the property was a drainage easement in favor of Lot #7 that wraps around the west and south side of the property. Attorney Ziogas said the hardship on the east side of the property was an inland wetlands boundary that had received an approval from the Inland Wetlands Agency.

The attorney indicated that the property was limited as to where the house may be placed on the site. Attorney Ziogas summarized the hardships were the combination of hardships as stated but the inland wetlands area was the most important area. The attorney noted the 899 sq. ft. accessory dwelling would be near the garage on the northwest corner of the house.

Attorney Ziogas indicated the neighbors most affected were on Lot #7, the owners to the north and the neighbors to the northeast. The attorney submitted into the record a letter with signatures from all three-property owner with no objections to the plans. Attorney Ziogas pointed out the house to the north was a 120 ft. distance away from the property.

Board inquiries: The attorney verified the swale does not encroach on the existing two car garage but was near the garage. Attorney Ziogas said the house to the right of the property was constructed within the last nine months. The attorney explained the lot to the right and to the left of the property were interior lots.

The Board had no objections to the application.

No one else spoke in favor of the application.  
No one spoke against the application.

The hearing is closed.

By: Ghio

Seconded: Pecevich.

For: Lukasiewicz, Ghio, Radke, Pecevich and Rafaniello.  
Against: None.  
Abstain: None.

The Board commented the hardship was the contour of the lot and being an interior lot. The Board had not objections and these were sufficient hardships. The members agreed with the attorney the neighboring properties would need similar variances with the nature and size of the lots. The Board indicated the slope, topography and nature of the property were hardships.

**MOTION:** Move to approve Application #3831 — Request for a variance from Article III, Section 10.2.5.B. to reduce the required front yard setback line for a rear lot from 60' feet to 40.5' feet for the construction of a single-family home with an accessory dwelling unit at 176 Southdown Drive; Map 58, Lot 16-1H; R-25 (Single-Family Residential) zone; Paul Cotter, applicant/owner, in accordance with the plot plan and information submitted.

By: Ghio

Seconded: Pecevich.

For: Lukasiewicz, Ghio, Radke, Pecevich and Rafaniello.  
Against: None.  
Abstain: None.

The application is approved.

- b. Application #3830 – Pursuant to C.G.S. 14-321: 1. Request for a Certificate of Approval for the sale of gasoline; 2. Request for the removal of the 1966 zoning buffer requirement of 60' feet at 1462 Farmington Avenue; Assessor's Map 46, Lot 75-8; BG (General Business) zone; Atlantis Real Estate, LLC/AMG PUB II, LLC (AMG), applicant/owner.

Chairman Rafaniello designated regular Commissioners Pecevich, Ghio, Radke and Rafaniello with alternate Commissioner Kelaita to vote on Application #3830.

Attorney Amy Souchuns of MacDermid, Reynolds & Glissman, P.C., 42 Cherry St., Milford, representing the applicant, reviewed the request that was overviewed at the April meeting. Attorney Souchuns indicated the Board was acting as an agent for the Dept. of Motor Vehicles (CT-DMV) for the siting of gas stations.

The attorney summarized about 28 years ago statutory changes occurred and it was determined that local municipal ZBA's would review gas station location applications. Attorney Souchuns noted that this site has been used as a gas station since 1966.

The attorney said the request this evening was associated with a Zone Change application that was approved by the Zoning Commission in April of 1966, and at that at the time the Commission stipulated a rear yard buffer requirement of 60 ft. That was an was an illegal action of the Commission for that application.

Attorney Souchuns specified the request this evening was to reduce that 60 ft. buffer to 25 ft. in accordance with the current Zoning Regulations. The attorney said the site required more septic testing but the applicant would apply for a Site Plan with the Zoning Commission. Attorney Souchuns indicated the new plan would have the existing building demolished.

A new building would be constructed in a new location with a convenience store and gas station. The attorney stated that a new proposed drive aisle for coffee pick-up was the reason to modify the buffer.

Board inquiries: Attorney Souchuns verified that if a landscaped buffer was requested by the neighbor or the Commission during the review of a revised plan, the applicant would comply. The attorney said the position of the pumps would not change.

Attorney Souchuns noted the curb cut would be a greater distance from the intersection. Attorney Souchuns noted the building front line would remain the same and the rear building line would be 86 ft. from the property line.

Timothy Bragaw, EIT of B.L. Companies, 355 Research Parkway, Meriden, noted there was 2-1,000 gallon holding tanks that existed on the property. The engineer reviewed the leaching area.

Attorney Souchuns reviewed the traffic report that had 30 vehicle trips per hour that was the mid-point.

Chairman Rafaniello indicated there are Dunkin Donut facilities in the area and there were several hundred vehicles per day. Commissioner Kelaita mentioned the Dunkin Donuts near Camp St. had frequent vehicle back-ups on the street, so the proposed station may have the same situation.

Board inquiries: The attorney said that the 30 vehicles was the delta between the existing station versus the proposed station. Attorney Souchuns maintained that the gas stations are pass by traffic but Dunkin Donuts may be a specific trip. The attorney pointed out there would be a secondary traffic review for the plans.

Attorney Wyland Dale Clift, Corporation Counsel, City of Bristol, 111 North Main St., explained that he was in attendance this evening to explain any legal questions that might come up regarding the Board's authority. Attorney Clift agreed with Attorney Souchuns that the Zoning Commission approval for the Zone Change was illegal with the 60 ft. buffer imposed on the 1966 Site Plan.

The attorney said that the ZBA (at that time) also imposed a 60 ft. buffer, but that was legal and within their authority under C.G.S 14-321. Attorney Clift stated that the reason for the request this evening was for the Board to remove the 60 ft. buffer, and that was at the Board's discretion. The attorney stated there were a lot of statutory factors used for review of location approvals in the past, but it appears that the Legislature brushed those criteria away in a subsequent re-write of the statute.

Mr. Flanagan reviewed the reasons the Zoning Commission could not impose stipulations on a Zone Change application. The City Planner pointed out that this would be contract zoning if the Zoning Commission does this and that is not allowed.

Additionally, Mr. Flanagan explained that if a Zone Change is approved, and a proposed use is stated by an applicant during a public hearing, the intended use is for informational purposes and the use may be changed by the applicant after the application is approved. A Zone Change approval changes the zone for all of the uses allowed in a particular zone, and an applicant can avail themselves of any of those uses when deciding how to develop a property.

Attorney Souchuns clarified the prior approval was for a repair facility and the approval was based on a prior location approval. The attorney noted that the applicant was now requesting to modernize the facility.

Attorney Souchuns indicted only a simple majority was required for the Certificate of Approval this evening. In response to the Board, Attorney Souchuns indicated the applicant was not asking for no buffer, but to go from a 60 ft. buffer to what the current Zoning Regulations require – 25' ft.

Board inquiries: Attorney Souchuns specified the two requests were combined on the application to better explain the overall problems and to only reapprove the gasoline station location approval would be a concern. The attorney agreed on behalf of the applicant to continue the application if necessary. Mr. Flanagan stated the two requests this evening come in under C.G.S. 14-321.

The Board summarized the concerns with the 60 ft. rear yard buffer and the suitability of the gasoline station.

In response to the Boards concerns, Attorney Souchuns reviewed the proposed traffic patterns near the gas pumps. The attorney indicated the Staff and various Commissions would be reviewing the Site Plans.

Chairman Rafaniello noted the first concern was approving a gasoline license may be done because of the prior repair facility approvals the Board has granted. The Chairman said the second concern was the 60 ft. buffer. The Board cannot avoid this because the Board has the authority and if denied there may be more litigation.

Mr. Flanagan offered to provide the minutes of this meeting to the Zoning Commission when a future application for the property was submitted. The City Planner clarified that the Zoning Commission has authority with the 20 ft. landscape buffer and within the 25 ft. bulk setback requirement for buildings.

No one else spoke in favor of the application.  
No one spoke against the application.

The hearing is closed.

By: Ghio

Seconded: Pecevich.

For: Kelaita, Radke, Pecevich Ghio and Rafaniello.  
Against: None.  
Abstain: None.

The Board commented on the suitability of the gasoline station that is already and there were no concerns in approving the request. The members stated the safety issues, landscaping and screening would be handled by the appropriate Commissions. The Board agreed with removing the 60' ft. setback.

The Board agreed that this was a well-designed plan and the discussion cleared up the confusion of C.G.S. 14-321 and why the ZBA was reviewing the request. The Board stated that the gas station had been used on the property for many years and there were no concerns.

**MOTION:** Pursuant to C.G.S. 14-321 – Move to approve Application #3830 along with the following requests submitted with the application for 1462 Farmington Avenue; Assessor's Map 46, Lot 75-8, in the BG (General Business) zone:

1. Approve the request for a Certificate of Approval for the sale of gasoline.
2. Approve the request for the removal of the 60' ft. zoning buffer requirement located on the southerly portion of the property and originally imposed on the property by the Bristol Zoning Board of Appeals on June 13, 1966.

By: Ghio

Seconded: Pecevich.

For: Radke, Kelaita, Ghio, and Rafaniello.  
Against: None.  
Abstain: None.

The application is approved.

3. Approval of Minutes

a. Regular Meeting - April 7, 2026

Chairman Rafaniello designated regular Commissioners Pecevich, Radke and Rafaniello with alternate Commissioners Kelaita and Biadun to vote on the April 7, 2026, regular meeting minutes.

**MOTION:** Move to approve the minutes of the April 7, 2026, regular meeting.

By: Kelaita

Seconded: Pecevich.

For: Pecevich, Radke, Kelaita, Biadun and Rafaniello.

Against: None.

Abstain: None.

4. Adjournment

Chairman Rafaniello designated regular Commissioners Pecevich, Ghio, Radke and Rafaniello with alternate Commissioner Biadun to vote on the adjournment.

**MOTION:** Move to adjourn at 7:15 P.M.

By: Ghio

Seconded: Radke.

For: Ghio, Biadun, Radke, Pecevich and Rafaniello.

Against: None.

Abstain: None.

This meeting was recorded.

Respectfully submitted,

Nancy King  
Recording Secretary

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Jerald A. Rafaniello, Chairman

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Rory Ghio, Secretary