

**BRISTOL ZONING BOARD OF APPEALS
MINUTES
REGULAR MEETING OF MONDAY APRIL 4, 2023**

CALL TO ORDER:

By: Chairman Rafaniello

Time: 7:00 P.M.

Place: City Hall West
Meeting Room One
Second Floor**ROLL CALL:**

Chairman Rafaniello called the meeting to order at 7:01 P.M.

MEMBERS	NAME	PRESENT	ABSENT
REGULAR MEMBERS:	Jerald Rafaniello (Chairman)	X	
	David Pecevich (Vice Chairman)		X
	Richard Raymond (Secretary)	X	
	Alfred Radke, III	X	
	Richard Balsam		X
ALTERNATE MEMBERS:	Christopher Callahan (Arrived 7:05 P.M.)	X	
	Michael Gregory Erosenko	X	
	John Lafreniere	X	
STAFF:	Edward Spyros, Zoning Enforcement Officer	X	
	Robert M. Flanagan, AICP, City Planner	X	
	Andrew Armstrong, Assistant City Planner	X	

Chairman Rafaniello explained Mr. Armstrong distributed an outline of the conditions of the 14-54 Regulations for motor vehicle applications which highlighted the criteria for decisions.

Chairman Rafaniello designated regular Commissioners Raymond, Radke and Rafaniello to vote on all the applications this evening. He also designated alternate Commissioners Erosenko and Lafreniere to vote on all the applications in place of Commissioners Balsam and Pecevich with their absences.

PUBLIC HEARINGS:

1. Application #3793 – Certificate of Approval for a general repairer's license at 436 Broad Street; Assessor's Map 39, Lot 93; BG (General Business) zone; Xavier Guzman, applicant.

There was no one present to review Application #3793 at this time. The Board agreed to review the application later in the meeting if any representatives arrived.

Item #2, under Public Hearings was taken out of order.

2. Application #3794 – Variances of: 1) minimum front yard on a city street opposite a residential zone and 2) off-street loading requirements at 20 Dolphin Road; Assessor's Map 01, Lot 1; IP-1 (Industrial Park) zone; Industrial Realty Company, LLC, applicant.

Attorney James Ziogas, 104 Bellevue Ave., representing the applicant, reviewed the request for two Variances for 1) minimum front yard on a city street opposite a residential zone and 2) off-street loading requirements. The request was to construct a loading dock for an existing vacant building on Dolphin Rd. The building was difficult to lease with no loading dock. The applicant's engineer determined the Dolphin Rd. area was the only area for the loading dock because of the underground utilities and this is a corner lot. If the loading dock is constructed, there would be a tenant. The request included an angled driveway on Dolphin Rd. for truck access. He reviewed the setbacks for the property.

The hardships for the property were the two-front yard, one side yard and the underground utilities. The construction of loading docks was not permitted in front yards. The site was difficult because there was no side yard to work for the plan. The Police Dept. had no concerns for the driveway. The business hours are Monday to Friday 8:00 A.M. to 4:30 P.M. There would be about 3 truck deliveries per week to the loading dock and most of the materials would be received by UPS trucks/box trucks.

Board inquiries: Attorney Ziogas explained the business was an electronics/mechanical company. The Police Dept. had no concerns of the distance of the intersection to the site. He was unsure of any school buses for in the area. The applicant tried to resolve any on street parking concerns. The landscaping would be increased if necessary.

Chairman Rafaniello read into the record the e-mail dated March 21, 2023, from Lieutenant Krajewski.

The Board had some concern for the sightlines near the corner, street, and intersection for trucks and vehicles.

No one else spoke in favor of the application.

The following persons spoke against the application: Donna Murray, 537 Birch St.; Robin Greggus, 137 Butternut Ln. and Maryellen Wazorko, 541 Birch St.

Among their concerns were the following: if approved, the Variance would go with the land forever. The loading dock being 40 ft. away from their house. The former business office use should remain as an office. The requested use is to make a profit was not a hardship. The property itself does not have a hardship. There were concerns of noise, emissions, traffic and increased truck traffic. There were concerns of trucks using the correct driveway and the number of deliveries per week. This application would set precedence. There was no guarantee of the hours and deliveries with a different owner. There were concerns of decreased property values. The buffer was insufficient. There were concerns of privacy with their house across the street from the driveway. The trucks backing up on the site was dangerous for inexperienced truck drivers and emergency vehicles in the area. The neighbors requested the Board to deny the application.

Attorney Ziogas responded to neighbors regarding the distance of the loading dock from Ms. Murray's property. If approved, there may be conditions placed on the Variance for future owners and uses to protect the neighbors. Butternut Lane would not be blocked with trucks backing into the site.

Board inquiries: Attorney Ziogas reviewed the alternative plans, but with the property hardships this was the best plan for the site. If alternative plans are constructed, additional Variances may be required for the plan.

Board inquiries: William Delfino of Industrial Realty Co., Inc., 785 Middle St., explained his team reviewed the plan for months. There were no alternative plans due to the contours and grades going uphill on the lot. He explained even if a 20-parking space area were reduced, that would also be an insufficient area to construct alternative plans. The applicants tried to avoid this Variance. He briefly reviewed the difficulties of the property.

The hearing is closed.

By: Raymond

Seconded: Lafreniere.

For: Radke, Erosenko, Lafreniere, Raymond and Rafaniello.

Against: None.

Abstain: None.

The Board had two different views because this was an IP-1 zone and the former use had no loading dock. This may have been a different use, but the applicant is trying to now obtain a loading dock. This was a challenging site being near a residential area. The Board agreed the property had a hardship with the lot itself and the building placement. Also, there is a hardship facilitating an area to receive materials without impacting areas on the site. The angled loading dock made sense for the plans. There were some concerns of the traffic, sightlines and noise. There was a suggestion for a sound barrier to reduce truck noise for neighbors. There may be alternative plans for all parties to be satisfied with the plans. The Chairman had concerns there were a lot of issues to address.

MOTION: Move to approve Application #3794 – Variances of: 1) minimum front yard on a city street opposite a residential zone and 2) off-street loading requirements at 20 Dolphin Road; Assessor's Map 01, Lot 1; IP-1 (Industrial Park) zone; Industrial Realty Company, LLC, applicant, in accordance with the plot plan and information submitted approved with the following stipulations:

1. The hours of operation be limited to 8:00 A.M. to 4:30 P.M.
2. No trucks shall be on the site overnight.

By: Raymond

Seconded: Lafreniere.

For: Erosenko.

Against: Radke, Lafreniere and Raymond.

Abstain: Rafaniello.

The application is denied.

Staff noted they were able to contact Mr. Guzman. The Board will review Application #3795 next and then review Application #3793.

3. Application #3795 – Certificate of Approval for a used car dealer and general repairer's license at 56 Frederick Street; Assessor's Map 43, Lot 114; I (General Industrial) zone; Michael Stevenson, applicant.

Michael Stevenson, 26 Triangle St., #B, Norwalk, MD3 Realty, LLC, 16 Washington St., #1402, Norwalk, representing the applicant, explained this was an existing business for 20 years. He was the new property owner. There would be no changes to the property. There was a rip rap on the east side of the property, so no construction may go in that area. The property had sufficient parking. There is a property 2 lots from this property that was being cleared for the Board's information only.

No one else spoke in favor of the application.

No one spoke against the application.

The hearing is closed.

By: Raymond

Seconded: Lafreniere.

For: Radke, Erosenko, Lafreniere, Raymond and Rafaniello.

Against: None.

Abstain: None.

The Board commented this would just be a change of property owners. The request was an existing use of the property that has been there for a long time. The facility was well maintained and the Board encouraged the new owner to maintain the property.

MOTION: Move to approve Application #3795 – Certificate of Approval for a used car dealer and general repairer's license at 56 Frederick Street; Assessor's Map 43, Lot 114; I (General Industrial) zone; Michael Stevenson, applicant, in accordance with the plot plan and information submitted.

By: Raymond

Seconded: Lafreniere.

For: Radke, Erosenko, Lafreniere, Raymond and Rafaniello.

Against: None.

Abstain: None.

The application is approved.

4. Application #3793 – Certificate of Approval for a general repairer's license at 436 Broad Street; Assessor's Map 39, Lot 93; BG (General Business) zone; Xavier Guzman, applicant.

Xavier Guzman, 436 Broad St., representing the applicant, explained the request was for a general repair license for the location. The building is existing and he was the new tenant for the property.

Board inquires: Mr. Guzman explained he would only be doing general repairs, but he may be doing inspections in the future. There would be no sales of vehicles. The property owner had the prior tenant remove all the vehicles that were on the site. There would only be a few vehicles on the site because he was just starting this business. The front and rear of the site was cleaned up. There were five vehicle bays towards the front of the site. The gas station was a separate business and not part of his business.

Chairman Rafaniello read into the record the e-mail dated April 4, 2023, regarding 436 Broad St. with objections.

In response to the letter read into the record, Mr. Guzman explained there would be no auto body work done on the property.

No one else spoke in favor of the application.

No one spoke against the application.
The hearing is closed.

By: Raymond

Seconded: Lafreniere.

For: Radke, Erosenko, Lafreniere, Raymond and Rafaniello.
Against: None.
Abstain: None.

The Board commented the portion of the leased area was previously used for general repairs with used vehicles sales. The applicant indicated there would just be general repairs that would be consistent with the building and property. If just general repairs are done and this gateway property is maintained, then there would be no concerns with the application.

MOTION: Move to approve Application #3793 – Certificate of Approval for a general repairer's license at 436 Broad Street; Assessor's Map 39, Lot 93; BG (General Business) zone; Xavier Guzman, applicant, in accordance with the plot plan and information submitted.

By: Raymond

Seconded: Lafreniere.

For: Radke, Erosenko, Lafreniere, Raymond and Rafaniello.
Against: None.
Abstain: None.

The application is approved.

MISCELLANEOUS

4. Approval of Minutes – 2/7/23

Chairman Rafaniello designated regular Commissioners Radke, Raymond and Rafaniello to vote on the February 7, 2023, minutes. He also designated alternate Commissioners Erosenko and Lafreniere to vote on the February 7, 2023, minutes in place of Commissioners Balsam and Pecevich with their absences this evening.

MOTION: Move to approve the minutes of the February 7, 2023, regular meeting.

By: Raymond

Seconded: Lafreniere.

For: Radke, Erosenko, Lafreniere, Raymond and Rafaniello.
Against: None.
Abstain: None.

ADJOURNMENT:

Chairman Rafaniello designated regular Commissioners Radke, Raymond and Rafaniello to vote on the February 7, 2023, minutes. He also designated alternate Commissioners Erosenko and Lafreniere to vote on the February 7, 2023, minutes in place of Commissioners Balsam and Pecevich with their absences this evening.

MOTION: Move to adjourn at 8:22 P.M.

By: Raymond

Seconded: Lafreniere.

For: Raymond, Erosenko, Radke, Lafreniere and Rafaniello.
Against: None.
Abstain: None.

Respectfully submitted,

Nancy King
Recording Secretary

Jerald A. Rafaniello, Chairman

Richard Raymond, Secretary