BRISTOL ZONING BOARD OF APPEALS
MINUTES
REGULAR MEETING OF JUNE 6, 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 7:00 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		X
	Michael Gregory Erosenko	X	
	John Lafreniere	X	
STAFF:	Edward Spyros, Zoning Enforcement Officer	X	
	Robert Flanagan, AICP, City Planner		X
	Andrew Armstrong, Assistant City Planner	X	

Chairman Rafaniello reminded the Board the next regular meeting of the Zoning Board of Appeals is Wednesday, July 5, 2023.

PUBLIC HEARINGS:

1. Application #3797 – Variances of: 1) minimum lot area (15,000 s.f.) 2) minimum lot width (100' feet) and 3) an accessory building within 5' feet of rear yard at 374 Broad Street; Assessor's Map 39, Lot 113; BG (General Business) zone; John Quinto, applicant.

Chairman Rafaniello designated regular Commissioners Rafaniello, Pecevich, Raymond, Radke and Balsam to vote on Application #3797.

Attorney Timothy Furey, 43 Bellevue Ave., representing the applicant, explained the request for the Variances of: 1) minimum lot area (15,000 s.f.) 2) minimum lot width (100' feet) and 3) an accessory building within 5' feet of rear yard at 374 Broad Street. Attorney Furey explained the intent was to merge the residential property (existing non-conforming) with the commercial parking lot area of the former Marilyn's Pub Restaurant & Lounge. He worked on the plan with Mr. Flanagan, Mr. Armstrong, and Robert Green Associates, LLC. The existing house had a parking area utilized by the restaurant and the parking lot was needed for the restaurant to be sold. The property owner also owned the existing house.

Attorney Furey reviewed the residential property. He explained if approved, the existing residential property would become a larger lot than the existing residential properties in the area. The garage in the rear yard would remain with the residential home and the property line was revised from 5 ft. to 4.5 ft. The property is odd shaped and was undersized for the zone. There was no interest in the residential property because no one wanted the liability for the parking lot. The existing house lot area was non-conforming of about 7,100 sq. ft.; the lot width was 84.38 ft.

Attorney Furey reviewed the chart requested by Mr. Flanagan for both of the properties regarding the property requirements.

He explained the property owner relocated the property line so the existing signage could remain in the same location. The side yard is 2 ft. and the existing setbacks would remain. An easement would be provided for the light pole on the property. There was no interest in purchasing this property in the current configuration. The restaurant has an existing Special Permit with a long-term agreement for offsite parking on the property.

Board inquiries: Attorney Furey explained the property lines for the properties. If approved, the former restaurant would own 5 parking spaces and 2 handicapped parking spaces. The house would become more non-conforming and the commercial property would become less non-conforming. The hardship was the existing size of the commercial property and the existing odd shape of the residential property. If approved, there would be no impacts to the properties.

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

The hearing is closed.

By: Pecevich Seconded: Raymond.

For: Raymond, Balsam, Radke, Pecevich and Rafaniello.
Against: None.
Abstain: None.

The Board commented the applicants had worked with the Staff for this plan. There was not much area on the property due to the large parking lot. There was not a lot that could be done with the property which was unique with the 2 uses and current configuration. There were legal concerns of the boundaries for the house, commercial business and the parking lot and this was likely the best plan to reconfigure the properties. The Board presumed the parking lot was owned by the restaurant, but the application would resolve these concerns.

MOTION: Move to approve Application #3797 – Variances of: 1) minimum lot area (15,000 s.f.) 2) minimum lot width (100' feet) and 3) an accessory building within 5' feet of rear yard at 374 Broad Street; Assessor's Map 39, Lot 113; BG (General Business) zone; John Quinto, applicant, in accordance with the plot plan and information submitted.

By: Raymond Seconded: Pecevich.

For: Radke, Raymond, Balsam, Pecevich and Rafaniello.
Against: None.
Abstain: None.

The application is approved.

2. Application #3798 – Variances of: 1) build-to-line (maximum of 10' ft.) and 2) building fenestration (minimum of 65%) for the construction of a 71,900 sq. ft. municipal parking structure (190 spaces) at 30 Hope Street; Assessor's Map 30, Lot 9; BD-1 (Downtown Business) zone; City of Bristol, applicant.

Chairman Rafaniello designated regular Commissioners Rafaniello, Pecevich, Raymond, Radke and Balsam to vote on Application #3798.

The following persons representing the applicant reviewed the application with the Board: Raymond Rogozinski, P.E., Director of Public Works, City Hall, 111 North Main St.; Rock Emond, SLR International Corporation, 99 Realty Dr., Cheshire; and Thomas Basile, Desman Design Management, 3 West 35th St., New York, NY.

Mr. Rogozinski, P.E., explained the request for the Variances of: 1) build-to-line (maximum of 10' ft.) and 2) building fenestration (minimum of 65%) for the construction of a 71,900 sq. ft. municipal parking structure (190 spaces) at 30 Hope St. He explained the property was on a curve and the building was basically in the same location. The City had constructed a surface parking lot a few years ago. The intent of the application was to discuss the setback distance, configuration of the property and the fenestration for the building.

Mr. Emond reviewed the request for Variances with the Board. He explained the parking garage plan would have 195 parking spaces and was located on the curve of the property. He explained Carrier Construction Co. would be constructing a driveway that would affect the location of the building. The frontage was on Hope St., but the applicant wanted to locate the building perpendicular to the front yard lot line (31.6 ft.) and 37.3 ft. to the property corner. The 10 ft. maximum build to line was unable to comply with the Regulations because of the nature of the property.

Board inquiries: Mr. Rogozinski, P.E., explained the 195 parking spaces were on the plan for the development of the Center Square property, the construction stage area, the agreement with Carrier Construction, and the development of Main St. He explained there were discussions of potentially charging a fee to park in the garage in the future, but for now there would be no parking fee. The parking would also be to service the downtown business area. The City may consider placing security cameras in the structure at a later time.

Board inquiries: Mr. Emond explained the parking garage have 3 levels, an elevator, electric vehicle charging stations (EVCS) and ADA parking spaces.

Mr. Basile reviewed the minimum 65% building fenestration for the parking garage. He explained there were two facades that faced Hope St. because the property was on a curve. There would be no occupants of the structure. The building fenestration would only be 3% as a result of the 2 elevator tower structures due to the type of building. If the garage were enclosed, there would be building ventilation concerns. He reviewed the structure layout plans.

Board inquiry: Mr. Basile explained all the levels of the garage would be the same as the first level. The 3rd floor was a full level of parking area.

The following person spoke in favor of the application: Charles Talmadge, President, Development Planning Solutions, 225 North Main St. Mr. Talmadge explained he represented Center Square Village, LLC that was owned by Carrier Construction Co. for the development of lots 5, 6, 7 and 8. He explained the CSV, LLC was in favor of the plans as represented because it would be critical to develop the downtown area. He described similarities to a previous application a few months ago for a similar Variance request.

No one spoke against the application.

The hearing is closed.

By: Pecevich Seconded: Raymond.

For: Pecevich, Raymond, Balsam, Radke, and Rafaniello.
Against: None.
Abstain: None.

The Board commented that the plan was similar to the garage that was currently being constructed. The building fenestration made sense as described for the building structure, the floors, and the build to line. Hope St. has a curve and the railroad was to the rear of the property which affected the location of the building. There were not a lot of options for the property or because of the shape of the lot.

MOTION: Move to approve Application #3798 – Variances of: 1) build-to-line (maximum of 10' ft.) and 2) building fenestration (minimum of 65%) for the construction of a 71,900 sq. ft. municipal parking structure (190 spaces) at 30 Hope Street; Assessor's Map 30, Lot 9; BD-1 (Downtown Business) zone; City of Bristol, applicant, in accordance with the plot plan and information submitted.

By: Raymond Seconded: Pecevich.

For: Balsam, Pecevich, Radke, Raymond and Rafaniello.
Against: None.
Abstain: None.

The application is approved.

Although not part of the application, Mr. Rogozinski noted the Board may view the parking structure in about 2 to 3 weeks from the upper deck of the Police Department building. There was also a time lapse video he would provide to the Board at some point.

MISCELLANEOUS:

Chairman Rafaniello designated regular Commissioners Rafaniello, Pecevich, Raymond, Radke and Balsam to vote on the May 2, 2023, regular minutes.

3. Approval of Minutes – May 2, 2023

MOTION: Move to approve the minutes of the May 2, 2023, regular meeting.

By: Pecevich Seconded: Raymond.

For: Balsam, Radke, Raymond, Pecevich and Rafaniello.
Against: None.
Abstain: None.

Mr. Armstrong explained that he and Mr. Flanagan wanted to schedule Board and Commission training for the next few months. He explained the State requires 4 hours of training (one hour of Fair Housing Act) for the Land Use Boards by the beginning of next year, which was enacted last year. If there are no applications for any regular meetings, the Staff would use that time for the training. He explained Mr. Flanagan provided three sets of documents this evening including the PoCD, draft Zoning Regulations (rewrite), and the existing Zoning Regulations.

Board inquiries: Mr. Armstrong explained if the Board has any suggestions for the Zoning Regulations (rewrite) to e-mail the Land Use Office. He would inform the Board if the Commissioners would be able to attend Zoning Commission rewrite meetings and make comments.

The Board suggested to have Zoom meetings for the training.
Chairman Rafaniello encouraged the Commissioners to attend the CT Bar Association seminars in Middletown, CT.

Chairman Rafaniello designated regular Commissioners Rafaniello, Pecevich, Raymond, Radke and Balsam to vote on the adjournment.

ADJOURNMENT

MOTION: Move to adjourn at 7:45 P.M.

By: Pecevich Seconded: Raymond.

For: Pecevich, Radke, Raymond, Balsam and Rafaniello.
Against: None.
Abstain: None.

Respectfully submitted,

Nancy King
Recording Secretary

Jerald A. Rafaniello, Chairman Richard Raymond, Secretary