

BRISTOL ZONING BOARD OF APPEALS
MINUTES
REGULAR MEETING OF WEDNESDAY, JANUARY 2, 2019

CALL TO ORDER:

By: Chairman Rafaniello
Hall

Time: 7:00 P.M.

Place: City

ROLL CALL:

Chairman Rafaniello called the meeting to order at 7:00 P.M.

MEMBERS	NAME:	PRESENT	ABSENT
REGULAR MEMBERS:	Jerald Rafaniello (Chairman)	X	
	Jeffrey Twombly (Vice Chairman and Acting Secretary)	X	
	Richard Raymond (Secretary)		X
	Alfred Radke, III	X	
	David Pecevich	X	
ALTERNATE MEMBERS	Morris Rippy Patton, IV	X	
	Rory Ghio	X	
	Michael Erosenko	X	
STAFF	Monica Holloway, Zoning Enforcement Officer	X	
	Christopher Schaut, Assistant City Planner	X	

Chairman Rafaniello designated Commissioner Twombly to serve as Vice Chairman and Acting Secretary in place of Commissioner Raymond with his absence this evening.

Public Hearings

1. Application #3698 – Variance of minimum front yard to construct a fence at 143 Grove Street; Assessor’s Map 24, Lot 166; R-15 (Single-Family Residential) zone, Susan Bergamo, applicant.

Chairman Rafaniello designated Commissioner Ghio to sit in place of Commissioner Raymond with his absence this evening.

The Board acknowledged receipt of the following items in their electronic packet: a letter dated December 3, 2018, from Sarah Lessard, M.S., B.C.B.A., regarding no oppositions; a letter dated December 18, 2018, from Robert Gjuraj, regarding no oppositions; six photographs of the property (two photographs dated December 13, 2018) and a form of the contract with CT Fence Works, LLC.

The following item was submitted into the record: a letter dated December 13, 2018, from Thomas and Kendall Hutchinson, regarding no oppositions (submitted by Susan Bergamo.)

Susan Bergamo, 143 Grove Street, explained the request was for a Variance to construct a white picket fence on the perimeter of the corner-lot property for the safety of her special needs child. Ms. Bergamo explained the fence would be in character with the neighborhood. The intent was to ensure that if her child got out of the house, they would not be able to go into the street.

After inquiries by the Board, Ms. Bergamo explained the fence on the west side would connect to that neighbor’s fence. They submitted a letter in support of the application. The fence would be constructed to not obstruct an existing tree.

After inquiries by the Board, Ms. Bergamo explained regarding the neighbor on the Oakland Street side the fence would also be connected to that neighbor's fence. They also submitted a letter in support of the application. The fence would connect to their fence to the street and there is a gas line easement, which would make the fence more on her property. There will be a double driveway gate.

After inquiries by the Board, Ms. Bergamo explained there would be a proposed gate for the front door also near the covered porch. The intent was to construct a fence across the front of the property and have a gate in that area as close to the sidewalk as possible without inhibiting the existing steps. The reason for the 1.5 ft. setback to the property line versus the 3 ft. required setback to the property line was this was a small lot. As such, if there is a 3 ft. setback, the yard area would be un-usable and the gate would not be able to be opened because of the existing steps location in the front yard. Regarding Oakland Street, the 3 ft. setback would only allow 11 ft. from the property line to the walkway. She was also concerned of property value. She has lived here about four years. The four foot high fence would be adequate for safety. The driveway gate would be manually operated. The existing fence on Grove Street was setback about ten feet.

After inquiries by the Board, Mr. Schaut explained he spoke with a member of the Traffic Division of the Police Department, which had no concerns of sightlines. Also, the City Engineer had no concerns with these plans.

Commissioner Twombly read into the record the letters dated December 18, 2018 and December 3, 2018.

The following person spoke in favor of the application: Charles Bergamo, 1417 Woodtick Road, Wolcott, the father, explained the letter just read summarized the concerns as it relates to this corner property. Mr. Bergamo explained that when their daughter is at his house, the house is set back from the road and has alarms, but someone always has to supervise her. He is a Chairperson of the West Regional Advisory Council for the Department of Developmental Services for the State of CT; also, he was a member of the Developmental Disabilities Council for the State of CT. The goals of these agencies is to have these types of persons in the community and provide them with accommodations so they may stay and enjoy the community, which the fence would accomplish.

No one spoke against the application.

The hearing is closed.

By: Twombly

Seconded: Pecevich.

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

Against: None.

Abstain: None.

The Board commented this was a reasonable request and the applicant provided answers to their concerns. They reviewed the property, which was a small corner lot. They had concerns of sightlines, but the concerns were discussed with Staff. They were in favor of the picket fence. If denied, they would not want any safety concerns for them. The neighbors were in agreement with the application and they were in favor of the application. They were pleased the Police Department reviewed the plans with no concerns. If the setback were 3 ft. constructed to the side yard near the sidewalk, the fence would be extremely close the house, which would make the area unusable. The hardship was this was a corner lot; the lot size, the house predates the Regulations and the location of the house on the lot. They understood the need for the fence, which was well stated and documented. The applicant reviewed the alternatives and helped them understand the request. The Board was in favor of the request.

After inquiries by the Board, Mr. Schaut explained the Board was not able to stipulate that a solid fence not be constructed at any time on the property because the requested Variance was only for the setback. But, the Zoning Regulations required any fence in the front yard to be at least 50% open, so a solid fence would not be allowed without needing a Variance from the Board.

MOTION: Application #3698 – Variance of minimum front yard to construct a fence at 143 Grove Street; Assessor's Map 24, Lot 166; R-15 (Single-Family Residential) zone, Susan Bergamo, applicant, be approved, in accordance with the plot plan and information submitted.

By: Twombly

Seconded: Pecevich.

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

Against: None.

Abstain: None.

The application is approved.

2. Application #3699 – Certificate of Approval for used car dealer and general repairer’s license at 534 Broad Street; Assessor’s Map 39, Lot 74-5; I (General Industrial) zone; Automotive Plus Bristol LLC, applicant.

Chairman Rafaniello designated Commissioner Patton to sit in place of Commissioner Raymond with his absence this evening.

David Haberfeld, 110 Divinity Street of Automotive Plus Bristol, LLC, explained the request was a change of property owners, which were his partner Richard and himself. Mr. Haberfeld explained the business included Chamberlain’s Wrecker Service. He explained the reason for the request was they were unaware the Automotive Plus Bristol, LLC was being used as a sole proprietor business. The Chamberlain’s Wrecker Service was an LLC business and transferred with no problems. Mr. Schaut informed him they were not supposed to draw on the maps, but they were unsuccessful in contacting the surveyor or any associates to revise the map. They drew on the maps to revise the existing parking area on the plot plan for the Board. He requested the Board accept the submitted plot plan for the application.

The Board commented they reviewed the property today and they had difficulty driving in the parking lot, aisles and entrance. The Board had concerns of the amount of vehicles parked on the property. Also, of vehicles parked behind the billboard and near the river. The Board had concerns with the plan set submitted with the application, which was not acceptable for their applications.

After inquiries by the Board, Mr. Haberfeld explained there were about 38 vehicles on the property today. He explained they had a consistent problem with customers parking in the aisle ways and then the wrecker vehicles were unable to park correctly. But, they are trying to correct the traffic patterns.

After inquiries by the Board, Mr. Schaut explained there was not maximum number of vehicles listed on the application. But, the Board had the right to set that for the application and a map to show that information. The application would have to be continued to provide that information to the Board.

Chairman Rafaniello requested a revised map for the application. He mentioned there was sufficient time to submit a revised map and to continue the application to their February meeting. He also requested the location of the parking for the wrecker vehicles parking areas.

Mr. Haberfeld agreed to revise the plot plan and to continue the application.

After inquiries by Mr. Haberfeld, Ms. Holloway explained there were no complaints for the property. She also commented that she requests the revised plans show the proposed number of vehicles for sale, service, and customer parking to be able to enforce any concerns. Chairman Rafaniello explained the location of the wrecker vehicles had to be shown on the plans.

MOTION: Application #3699 – Certificate of Approval for used car dealer and general repairer’s license at 534 Broad Street; Assessor’s Map 39, Lot 74-5; I (General Industrial) zone; Automotive Plus Bristol LLC, applicant be continued to the February 5, 2019 regular meeting.

By: Twombly

Seconded: Pecevich.

For: Patton, Twombly, Radke, Pecevich and Rafaniello.

Against: None.

Abstain: None.

The application is continued.

MISCELLANEOUS

1. Approval of Minutes

1. Regular Meeting of December 4, 2018

Chairman Rafaniello designated Commissioner Ghio to sit in place of Commissioner Raymond with his absence this evening.

MOTION: Move to approve the minutes of the December 4, 2018, regular meeting.

By: Twombly

Seconded: Radke.

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

Against: None.

Abstain: None.

The minutes of December 4, 2018 were approved.

ADJOURNMENT

Chairman Rafaniello designated Commissioner Ghio to sit on the adjournment in place of Commissioner Raymond with his absence this evening.

MOTION: Move to adjourn at 7:32 P.M.

By: Twombly

Seconded: Radke.

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

Against: None.

Abstain: None.

Respectfully submitted,

Nancy King
Recording Secretary

Jerald A. Rafaniello, Chairman

Richard Raymond, Secretary