

BRISTOL ZONING BOARD OF APPEALS  
MINUTES  
REGULAR MEETING OF TUESDAY, JANUARY 5, 2019

**CALL TO ORDER:**

By: Chairman Rafaniello

Time: 7:00 P.M.

Place: City Hall

**ROLL CALL:**

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

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

**PUBLIC HEARINGS**

1. 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. (Public hearing continued from January 2, 2019.)

Chairman Rafaniello designated Commissioner Patton to sit in place of Commissioner Pecevich for Application #3699 with his absence this evening.

David Haberfeld, 110 Divinity Street, reviewed the concerns of the January meeting and his misunderstandings of the Board’s required processes and that this was an existing business and a Certificate of Approval was not required before. The ConnDMV considered this a sold property and a Certificate of Approval was required and also closed the business until the Certificate of Approval was approved by the Board. Regarding the map, they were unable to receive a revised map in time for the meeting by their engineer. The map submitted has the preliminary parking plan until they receive the revised survey map, which he reviewed with the Board. They would not be parking near the river. If the application is denied, the employees in attendance would lose their jobs and the business would be closed. There have been no complaints for this property previously.

After inquiries by the Board, Mr. Haberfeld explained they were working with a surveyor, Juliano Associates in Wallingford, but the map would be finished by February 24, 2019. The parking plan would remain as it exists on the site currently.

After inquiries by the Board, Mr. Schaut explained striped parking spaces are generally part of a Site Plan process, but this was a location approval. The Board may request the parking spaces be striped as part of the plan.

After inquiries by the Board, Ms. Holloway explained she reviewed the revised map. If the Board approves the map from this evening, the Board should require the number of parking spaces for vehicles for sale, customers, employees, and towed vehicles.

Mr. Haberfeld reviewed the number of parking spaces for vehicles for sale, customers, employees, and towed vehicles. There would be a total of 67 total parking spaces.

The following persons spoke in favor of the application: Christopher Raffile, 19 Skylark Drive, Northford and Richard Moschini, 43 Oxbow Drive, former property owner of Automotive Plus, LLC.

Mr. Raffile explained he was the applicant’s business partner. He explained this has been a difficult week with ConnDMV and with the possibility of laying off his employees, which were in attendance. They were running their business and naïve to the Board’s processes and the impact this may have on them. If approved, the ConnDMV inspector would work with them. If the application is continued, he does not have sufficient finances and the business would close. Bristol would lose this business and the charitable contributions it makes to the community.

Mr. Moschini explained he misunderstood the process because when he owned this business and Chamberlain’s he had a license, but there were no parking spaces shown.

After inquiries by Mr. Moschini, Chairman Rafaniello explained how approvals for automotive uses has changed. The Board was an agent of the State. The Board was unable to determine if this was an appropriate use for the property without seeing a professionally drawn plan for the property.

No one spoke against the application.

The hearing is closed.

By: Twombly

Seconded: Raymond.

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

Against: None.

Abstain: None.

The Board commented the applicant was waiting for the revised plans. There was parking on the sides of the property with centralized parking in the middle of the property. But, they should try to improve the parking safety without having parking everywhere on the property. The applicant improved some items with the time they had to update the information and parking plans. Commissioner Raymond was absent at the January meeting, but he read the minutes and understood the concerns. If the parking spaces were striped, there would be some parking organization. They appreciated Ms. Holloway’s comments that she may use the submitted map for enforcement. The Board had concerns of the traffic safety and traveling through the property. The Board had many of these applications with survey maps and the submitted map was inappropriate for the plans.

Mr. Schaut commented if the Board approves the application, the Board should stipulate the receipt of a certified surveyor’s map before the approval is final.

After inquiry by Chairman Rafaniello, the Board agreed they would be more comfortable approving the plan with the stipulation for the submitted surveyor maps.

**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 approved, with the stipulation that the approval would be withheld until the receipt of a certified surveyor’s plan.

By: Raymond

Seconded: Twombly.

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

Against: None.

Abstain: None.

The application is approved with stipulation.

- 2. Application #3700 – Variances of 1) parking within ten feet of any front lot line and 2) no parking space shall be designed or constructed in a manner that would require a vehicle to use any part of a public street to enter, back into and/or exit from such space to construct six additional parking spaces at 900 Farmington Avenue; Assessor’s Map 46, Lot 94-2; BG (General Business) zone; Legacy Adventures, LLC, applicant.

Chairman Rafaniello designated Commissioner Patton to sit in place of Commissioner Pecevich for Application #3700 with his absence this evening.

The Board acknowledged receipt of the following item in their electronic packets: a list of prior Variance approvals from the Board.

The following items were submitted into the record: fourteen photographs of the property and building, undated (submitted by Attorney Timothy Furey.)

Attorney Timothy Furey, 43 Bellevue Avenue, on behalf of the applicants, explained the previous uses and improvements to the property. He reviewed the previous approved Variances for the property for parking requirements and building additions. This evening’s request for adding six additional parking spaces along Carol Drive. The property has always had limited parking. There were no complaints received during the sign posting. With the vehicles parking on the street, the street was narrower. If approved, the six parking spaces would service customers. They had various meetings with Staff for the design plans and they encouraged them to file the application, which also required a Site Plan application with the Planning Commission. The Engineering Department and the Police Department were satisfied with the plans. These plans would make the parking more conforming.

After inquiries by the Board, Attorney Furey explained the driveway to the rear of the property was for their delivery vehicles, repair service vehicles and for the property owners. The parking space was about six feet from the building with a five foot setback requirement. There would be one mountable curb cut or an open curb cut to back the vehicles in towards the building or out onto Carol Drive.

After inquiries by the Board, Attorney Furey explained the request was to accommodate patrons of the current business. They were using all of the existing parking spaces. An alternative plan of angled parking spaces towards Route 6 was not possible because of traffic from Brook Street and Carol Drive, which had concerns from the Engineering Department and the Traffic Division. Mr. Schaut explained angled parking was discussed at Staff meetings, but they had more concern of angled parking as it limited access to the spaces from one direction.

The Board commented they had safety concerns of backing vehicles onto Carol Drive, which is a busy street in a residential area. This property is close to Route 6 and people use this area for a quicker traveling route. The Board understood Staff discussed the plans with the Traffic Division of the Police Department and the Engineering Department but wanted to have a written opinion from both departments.

No one else spoke in favor of the application.

No one spoke against the application.

**MOTION:** Move to continue Application #3700 – Variances of 1) parking within ten feet of any front lot line and 2) no parking space shall be designed or constructed in a manner that would require a vehicle to use any part of a public street to enter, back into and/or exit from such space to construct six additional parking spaces at 900 Farmington Avenue; Assessor’s Map 46, Lot 94-2; BG (General Business) zone; Legacy Adventures, LLC, applicant, to the March 5, 2019 regular meeting of the Board.

By: Twombly

Seconded: Raymond.

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

Against: None.

Abstain: None.

The application is continued.

Chairman Rafaniello asked that Mr. Schaut request the documentation from the Engineering Department and the Traffic Division.

**MISCELLANEOUS**

3. Approval of Minutes - Regular Meeting of January 2, 2019

Chairman Rafaniello designated Commissioner Patton to sit in place of Commissioner Pecevich on the January 2, 2019 minutes with his absence this evening. Commissioner Raymond abstained from voting on the January 2, 2019 minutes with his absence at that meeting.

**MOTION:** Move to approve the minutes of the January 2, 2019, regular meeting.

By: Twombly

Seconded: Radke.

For: Patton, Radke, Twombly and Rafaniello.

Against: None.

Abstain: Raymond.

4. Board Member Appointment Letter

The Board acknowledged receipt of the following item in their electronic packets: a letter dated January 9, 2019, from Therese Pac, Town and City Clerk, regarding the appointment of Tim Adamaitis as an alternate Commissioner.

Chairman Rafaniello and the Board welcomed Commissioner Adamaitis to the Board. He encouraged Commissioner Adamaitis to ask questions on applications when they are reviewing them.

5. FOIA Review

1. The Board acknowledged receipt of the following item in their electronic packets: a letter undated from Shipman & Goodwin, LLP, regarding the Connecticut Conference of Municipalities, Freedom of Information Act Workshop, Henry J. Zaccardi and the Freedom of Information Act (FOIA.)

Mr. Schaut explained this item was a refresher for all the Land Use Commissions and Boards to remind them that they should not be discussing business outside of public hearings during meetings of the Board.

2. Mr. Schaut reviewed public hearing sign postings with the Board and how appeals currently do not have sign posting requirements. He discussed with the Board the possibility of requiring a sign posting for appeal applications and will bring the DMV location approval sign to the next meeting for the Board to review further. The Board commented that they were generally in agreement that the public hearing sign process would work for appeals to notify the public.
3. Mr. Schaut explained on Monday April 29, 2019 there would be a seminar at City Hall, Council Chambers, with Bruce Hyde of UConn Clear for Land Use training.

Chairman Rafaniello encouraged Board members to attend the seminar.

**ADJOURNMENT**

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

**MOTION:** Move to adjourn at 8:23 P.M.

By: Twombly

Seconded: Raymond.

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

Against: None.

Abstain: None.

Respectfully submitted,

Nancy King  
Recording Secretary

Jerald A. Rafaniello, Chairman

Richard Raymond, Secretary