

**BRISTOL ZONING BOARD OF APPEALS
MINUTES
REGULAR MEETING OF TUESDAY, MARCH 2, 2021**

CALL TO ORDER:

By: Chairman Rafaniello

Time: 7:05 P.M.

Place: City Hall

ROLL CALL:

Chairman Rafaniello called the meeting to order at 7: 05 P.M.

MEMBERS:	NAME:	PRESENT	ABSENT
REGULAR MEMBERS:	Jerald Rafaniello (Chairman)	X	
	Jeffrey Twombly (Acting Secretary and Vice Chairman)	X	
	Richard Raymond		X
	Alfred Radke, III	X	
	David Pecevich (Secretary)	X	
ALTERNATE MEMBERS:	Rory Ghio	X	
	Tim Adamaitis	X	
	Richard Balsam	X	
STAFF:	Edward Spyros, Zoning Enforcement Officer	X	
	Robert Flanagan, AICP, City Planner	X	
	Andrew Armstrong, Assistant City Planner	X	

PUBLIC HEARINGS:

Chairman Rafaniello requested Application #3750 be heard first on the agenda to accommodate the applicant and then the six State applications would be heard next. He also designated Commissioner Twombly as Acting Secretary in place of Commissioner Pecevich because Commissioner Pecevich was not in attendance in the Council Chambers this evening.

Item #7 under Public Hearings was taken out of order.

- Application #3750 – Variance of minimum rear-yard at 177 Glendale Drive; Assessor’s Map 59, Lot 80; R-25 (Single-Family) zone, Phillip Brown, applicant.

Chairman Rafaniello designated regular Commissioners Twombly, Pecevich, Radke and Rafaniello to vote on Application #3750. He also designated alternate Commissioner Ghio to vote on Application #3750 in place of Commissioner Raymond with his absence this evening.

The following items were submitted into the record: a letter dated a letters dated February 24, 2021, from Mark Manchester and Richard and Joyce McKnight, regarding no objections to the plans (submitted by Phillip Brown.)

Phillip Brown, 177 Glendale Drive, on behalf of himself and his wife, Alyssa Brown, explained the hardship was the minimum rear yard of 40 ft. In this situation, the house was on a corner lot, but the rear yard was to the side of the house near their neighbor’s the Manchester’s. They are requesting to construct an addition in the rear yard.

After inquiries by the Board, Mr. Brown explained the trees would be removed, which the neighbors (the Manchester’s) agreed. Regarding feasibility and optional plans, based on the roof structure, if the addition were constructed to the side of the house, they would be able to construct with the current pitch of the roof versus the rear of the house because a new roof was put on the house four years ago. If the addition were to the rear of the house, part of the new roof would have to be removed. The addition would be easier to construct on the side of the house versus the rear yard; also, the size of the bedroom would have to be reduced.

No one else spoke in favor of the application.

No one else spoke against the application.

Acting Secretary Twombly read into the record the two letters dated February 24, 2021.
The hearing is closed.

By: Twombly

Seconded: Pecevich.

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

Against: None.

Abstain: None.

The Board commented that the hardship was the corner lot and the Regulations that define the rear yard. If this were not a corner lot, it would not require a 40 ft. setback and it would be a 15 ft. setback. The questions were answered for the various options to have the addition to the rear of the house.

The two letters from the neighbors were in favor of the plans with no objections. The Board agreed with these comments and the hardship was the corner lot. It was not feasible to put the addition to the rear of the house. There was no reason to deny the application. The Board agreed with these comments and there was sufficient area; there was a large buffer of 26 ft. to the property line.

MOTION: Move to approve Application #3750 – Variance of minimum rear-yard at 177 Glendale Drive; Assessor’s Map 59, Lot 80; R-25 (Single-Family) zone, Phillip Brown, applicant, in accordance with the plot plan and information submitted.

By: Twombly

Seconded: Ghio.

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

Against: None.

Abstain: None.

The application is approved.

Chairman Rafaniello requested the applicant’s representative for Applications #3744 to #3749 to give a review of a high level for the six applications and then the Board would vote on each application separately.

1. Application #3744 - Variance of minimum lot area for land acquisition to allow intersection improvements at 150 School Street; Assessor’s Map 29, Lot 85; BG (General Business) zone; Connecticut Department of Transportation, applicant.
2. Application #3745 - Variance of minimum lot area for land acquisition to allow intersection improvements at 157 School Street; Assessor’s Map 29, Lot 68-A; BG (General Business) zone; Connecticut Department of Transportation, applicant.
3. Application #3746 - Variance of minimum lot area for land acquisition to allow intersection improvements at 163 School Street; Assessor’s Map 29, Lot 67; BG (General Business) zone, Connecticut Department of Transportation, applicant.
4. Application #3747 – Variance of minimum lot area for land acquisition to allow intersection improvements at 165 School Street; Assessor’s Map 29, Lot 66; BG (General Business) zone; Connecticut Department of Transportation, applicant.
5. Application #3748 - Variance of minimum lot area for land acquisition to allow intersection improvements at 171 School Street; Assessor’s Map 29, Lot 65; BG (General Business) zone, Connecticut Department of Transportation, applicant.
6. Application #3749 - Variance of minimum lot area for land acquisition to allow intersection improvements at 176 School Street; Assessor’s Map 29, Lot 88; BG (General Business) zone, Connecticut Department of Transportation, applicant.

Chairman Rafaniello designated regular Commissioners Twombly, Pecevich, Radke and Rafaniello to vote on Applications #3744 to #3749. He also designated alternate Commissioner Adamaitis to vote on Applications #3744 to #3749 in place of Commissioner Raymond with his absence this evening.

The Board acknowledged receipt of the following item in their electronic packets: a letter of Exhibit “A” dated January 24, 1986, from Pinney, Payne, Van Lenten, Burre, Wolfe and Dillman, P.C. to Douglas Hummel, Assistant Property Agent, State of CT; a letter dated February 28, 1986, from Joseph Lieberman, Attorney General, State of CT, Office of the Attorney General, to Douglas Hummel, Assistant Property Agent, State of CT, regarding the CT Gen. Statute §48-24 with attach Statute §48-24.

Matthew Geanacopoulos, Project Coordinator, Connecticut Department of Transportation, Department of Transportation, 2800 Berlin Turnpike, Newington, on behalf of the applicant, explained the projects were basically the same, but each application had differing particulars. The request was to construct intersection improvements on Rt. 72 and Rt. 69. Part of this improvements included acquisitions of various properties in the vicinity of the intersection. The CT Gen. Statute §48-24 states whenever a condemning authority (the State in this instance) that acquires property, that the remaining area of the remaining property that is less than required by local Zoning the Department must first obtain a Variance before taking action. The need for these properties, with exception of the City of Bristol owned property, are needed for reconstruction of the sidewalk. The area is an existing urbanized corridor with sidewalks, but because the project is spending Federal money, it is required to meet the American Disabilities Act Department standards (ADA) within the State right of way. Therefore, small acquisitions are needed from the various properties on School Street. The minimum sq. ft. in the BG zone was 15,000 sq. ft., but none of these properties meet the sq. ft., which results in the requests for the Variances. If the Variance is denied, there were three options for the State. First, would be to discuss with the designers to revise the plans to eliminate the need for the acquisition, which was unlikely. Second, was a fee taking (partial taking) that was to take property within an easement or right of way of fee for the State to own the area of the roadway and the sidewalk and then the Statue was not activated. If the Variance is denied, the request is switched to an easement for highway purposes. This would allow for the project to be constructed, but the property owner would own the fee and the lot size would remain the same and then the Statue is not activated. Third, the property is acquired in total, but was unlikely, but it was a decision of the Department. Then the lot size remains the same and the Statue is not activated.

After inquiries by the Board, Mr. Geanacopoulos explained the sidewalk would be approximately 42 ft. in length. At the west end the sidewalk was 2 ft. wide and at the east end it was 1 ft. wide, which was for safety purposes for the minimum width of the highway. They would construct a stamped concrete buffer and a 5 ft. width sidewalk.

After inquiries by the Board regarding Application #3744, Mr. Geanacopoulos explained the sidewalk was about 1 ft. away from the building, but does not go up to the building. There is a metal hatchway, but this area would be filled in. The hatchway would be removed and there were no obstructions to construct the sidewalk.

Regarding Application #3745, Mr. Geanacopoulos reviewed the roadway was not changing but they need to make sure the ADA standards were met to construct the sidewalk. They need to make this acquisition within the State right of way, but the property does not meet the Zoning requirements. The 71 sq. ft. acquisition would make the property more non-conforming, which required the Variance. The plan shows the sidewalk up the building, but they were only taking the property needed for the minimum width. The building limits and the sidewalk are the same.

After inquiries by the Board, Mr. Geanacopoulos explained these plans were discussed with the various property owners. The property owners would be compensated financially for the property, but it was the City's determination to reduce the property taxes.

Regarding Application #3746, Mr. Geanacopoulos explained the roadway starts to shift away from the buildings to the north. The sidewalk and improvements would be constructed, in addition to some landscaping. The property taking was needed to construct the 5 ft. sidewalk.

Regarding Application #3747, Mr. Geanacopoulos explained this was similar to Application #3746 and the roadway shifts away from the building. With the sidewalk and improvements to be constructed, the property taking was needed to construct the 5 ft. sidewalk. The plan shows the sidewalk up to the building, but only the area needed to construct the sidewalk would be acquired. The Board commented this was the largest taking of 577 sq. ft. Mr. Geanacopoulos explained this property taking was combined of an additional property of common ownership, but this parcel would have 242 sq. ft. of acquisition.

Regarding Application #3748, Mr. Geanacopoulos explained this was a similar situation and the acquisition would be 335 sq. ft., which would allow for the construction of a 5 ft. sidewalk.

After inquiry by the Board, Mr. Geanacopoulos explained the plan was to construct a new sidewalk on both sides of the road up to the corner. It goes about 200 ft. past 157 School Street. The sidewalk would be about 500 sq. ft. from the intersection. Also, it would go across the intersection and up Park Street. They would be concrete sidewalks with a stamped concrete buffer near the roadway.

Regarding Application #3749, Mr. Geanacopoulos explained this was the City of Bristol owned property and 4,527 sq. ft. would be acquired. The roadway would be shifted into this property. The maps do not show the overall plan, but just the particular parcel. This parcel was also in the Rt. 69 right of way. There would be a loss of parking for the area, but more on street parking would be

constructed in various areas and possible a new parking lot. In response to the Board, he explained there were no concerns with the Pequabuck River.

No one else spoke in favor of Application #3744 to Application #3749.

No one spoke against Applications #3744 to Application #3749, but had inquiries: Hillary Stoudt, property owner of 165 and 171 School St., Principal for Hearthstone Holdings, LLC inquired on Applications #3747 and #3748, if the Variance is accepted, and the fee is not offered, may it not be projected to do an easement as suggested. Also, she inquired if the Variance is locked into the property.

In response to Ms. Stoudt, Mr. Geanacopoulos explained the Variance may not be locked in, but a Variance may be changed during negotiations and if warranted to make that change. But, the preference was for the taking of the property identified in these applications.

After inquiries by the Board, Mr. Geanacopoulos explained that he spoke with most of the property owners and they had no concerns with the plans. There would be more applications at their April meeting for acquisitions on Park Street.

The hearing #3744 is closed.

By: Twombly

Seconded: Pecevich.

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

Against: None.

Abstain: None.

The Board commented the State had a well laid out plan, and it is a busy intersection. There were some previous improvements, but it was lacking improvements. It would be nice for the State to clean up the area and construct sidewalks. The area property owners had not objected at the meeting and most of them were likely in favor of the plans. They were in favor of the plans. The Board agreed with the comments. This project has been in the works for many years and there was a lot of input from the community with the plan. This plan would benefit the community.

MOTION: Move to approve Application #3744 - Variance of minimum lot area for land acquisition to allow intersection improvements at 150 School Street; Assessor’s Map 29, Lot 85; BG (General Business) zone; Connecticut Department of Transportation, applicant, in accordance with the plot plan and information submitted.

By: Twombly

Seconded: Radke.

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

Against: None.

Abstain: None.

The Application #3744 is approved.

The hearing #3745 is closed.

By: Twombly

Seconded: Pecevich.

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

Against: None.

Abstain: None.

The Board commented this application was similar to the previous application for the same reasons. The lot is undersized and the hardship is the size of the property.

MOTION: Move to approve Application #3745 - Variance of minimum lot area for land acquisition to allow intersection improvements at 157 School Street; Assessor’s Map 29, Lot 68-A; BG (General Business) zone; Connecticut Department of Transportation, applicant, in accordance with the plot plan and information submitted.

By: Twombly

Seconded: Pecevich.

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

Against: None.

Abstain: None.

The Application #3745 is approved.

The hearing #3746 is closed.

By: Twombly

Seconded: Pecevich.

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

Against: None.

Abstain: None.

The Board commented the applications were all similar and the reasons would be similar on the remaining applications. This was a very small taking and there were no oppositions from the neighbors.

MOTION: Move to approve Application #3746 - Variance of minimum lot area for land acquisition to allow intersection improvements at 163 School Street; Assessor’s Map 29, Lot 67; BG (General Business) zone, Connecticut Department of Transportation, applicant, in accordance with the plot plan and information submitted.

By: Twombly

Seconded: Pecevich.

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

Against: None.

Abstain: None.

The Application #3746 is approved.

The hearing #3747 is closed.

By: Twombly

Seconded: Pecevich.

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

Against: None.

Abstain: None.

The Board commented that the hardship was the size of the property.

MOTION: Move to approve Application #3747 – Variance of minimum lot area for land acquisition to allow intersection improvements at 165 School Street; Assessor’s Map 29, Lot 66; BG (General Business) zone; Connecticut Department of Transportation, applicant, in accordance with the plot plan and information submitted.

By: Twombly

Seconded: Radke.

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

Against: None.

Abstain: None.

The Application is a#3747 is approved.

The hearing #3748 is closed.

By: Twombly

Seconded: Pecevich.

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

ADJOURNMENT:

Chairman Rafaniello designated regular Commissioners Twombly, Pecevich, Radke and Rafaniello to vote on the adjournment. He also designated alternate Commissioner Balsam to vote on the adjournment in place of Commissioner Raymond with his absence this evening.

MOTION: Move to adjourn at 7:54 P.M.

By: Twombly

Seconded: Pecevich.

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

Against: None.

Abstain: None.

Respectfully submitted,

Nancy King
Recording Secretary

Jerald A. Rafaniello, Chairman

David Pecevich, Secretary