

**APPROVED MINUTES
REGULAR MEETING
BROOKFIELD ZONING BOARD OF APPEALS**

Monday, December 5, 2011- 7:00 p.m.

MEETING ROOM 133 – TOWN HALL 100 POCONO RD

1. CONVENE MEETING

Chairman Flynn convened the meeting at 7:00 p.m. and established a quorum of members. He then reviewed the policies and procedures that govern public hearings.

Present: Chairman M. Flynn, Vice Chairman C. Timmerman, P. Donohue, G. Meyerle, Alternate and Voting Member N. Coppola

Absent: Secretary S. Wallman. Alternate J. Brown

Also Present: Recording Secretary D. Cioffi

2. REVIEW MINUTES - 11/7/11 –

Vice Chairman C. Timmerman moved to approve the Minutes of the November 7, 2011 meeting as submitted. P. Donohue seconded the motion, and it carried unanimously.

3. REVIEW CORRESPONDENCE:

a. Minutes of other Boards and Commissions: Zoning Commission 10/27/11, 11/10/11; Inland Wetlands Commission 10/31/11, 11/14/11; Planning Commission 11/3/11, 11/17/11; Zoning Sub-Committee

b. Building Permits Law Bulletin: November 2011 Issue

No discussion/no motions.

4. PUBLIC HEARINGS – 7:00 p.m.

a. 11 Indian Trail #201100983: Variance requested: §242-402A – 6’ structure to left side line; §242-402A – 17,113 sq. ft. lot area; 242-402A – 6% of lot coverage; §242-402A – 30’ lot width; §242-402A – 2’ building height for a single family Residence (*PH close date 1/9/12*)

1. “Property Survey” prepared by PAH, Inc. dated 10/26/11

2. “The Gillotte Residence” prepared by Keaney & Co. LLC dated 6/23/11

a. First Floor Plan

S. Keaney, Keaney & Co., 7 Candlewood Heights, New Milford, CT, was present. She reviewed a display showing the requested variances as listed above. The first variance relates to the need for a proper turning radius for a three-point turn exiting the garage. Ms. Keaney submitted an elevation of the garage. She further stated that the lot is pre-existing and non-conforming. L. Gillotte, Tanglewood Dr., Danbury, the owner of the property was also present. He described the house as a “traditional tidewater design” and added that the contour of land necessitates the need for the garage to be underneath the house, and for the house to be extended 6’ to the left.

Ms. Keaney then discussed the lot coverage variance of six percent. Mr. Gillotte pointed out that the house is within the standards of the neighborhood. Ms. Keaney added that the abutting property in the rear is owned by the Candlewood Lake Corporation, and is non-buildable open

space. She explained that the third variance request relates to the height of the house. There was discussion regarding the definition of building height, and the height calculation on the applicant's plans. P. Donohue reviewed the sketch and indicated that he spoke with Mr. Gillotte on the telephone and discussed height measurements on the plan. After some review, it was noted that the drawings were to scale. The drawings were submitted for the file. Vice Chairman Timmerman read the definition of building height per Section 242-202, Definitions, in the zoning regulations.

G. Martone, 33 Rutton Road, Roxbury, CT, was present and spoke in favor of the application. No one was present to speak in opposition to the application.

Vice Chairman Timmerman moved to close the Public Hearing re: 11 Indian Trail #201100983: Variance requested: §242-402A – 6' structure to left side line; §242-402A – 17,113 sq. ft. lot area; 242-402A – 6% of lot coverage; §242-402A – 30' lot width; §242-402A – 2' building height for a single family residence at 7:19 p.m. G. Meyerle seconded the motion, and it carried unanimously.

- b. **9 Forest Trail #201100982**: Variance requested: §242-402A – 25' structure to center of road; §242-402A – 21'6" structure to left side line; §242-402A – 9' structure to right side line; §242-402A – 37,124 sq. ft. lot area; §242-402A – 11.02% of lot coverage; §242-402A – 90' lot width for an addition (*PH close date 1/9/12*)
 1. "Zoning Location Plan" prepared by Robert W. Grossenbacher L.S. dated 9/21/11
 2. "Existing Plan" received in Land Use 11/16/11

G. Martone, 33 Rutton Road, Roxbury, CT, was present on behalf of the applicant. He explained that the site is in an R40 zone, and the existing building is 1,000 square feet. Mr. Martone added that the proposal will not get any closer to the side line setbacks than what the current house is. P. Donohue noted that proposed dimension is 40 feet, plus/minus. This change was noted on the application and initialed by Mr. Martone. Mr. Martone added that no changes are proposed for the front of the house. It was also pointed out that the septic is on the east side of the property. An added improvement is the proposed crawl space foundation. There was no correspondence in the file.

G. Martone was present and spoke in favor of the application. No one was present to speak in opposition.

Vice Chairman Timmerman moved to close the Public Hearing re: 9 Forest Trail #201100982: Variance requested: §242-402A – 25' structure to center of road; §242-402A – 21'6" structure to left side line; §242-402A – 9' structure to right side line; §242-402A – 37,124 sq. ft. lot area; §242-402A – 11.02% of lot coverage; §242-402A – 90' lot width for an addition, at 7:28 p.m. G. Meyerle seconded the motion, and it carried unanimously.

DELIBERATIONS

- a. **11 Indian Trail #201100983**: Variance requested: §242-402A – 6' structure to left side line; §242-402A – 17,113 sq. ft. lot area; 242-402A – 6% of lot coverage;

§242-402A – 30’ lot width; §242-402A – 2’ building height for a single family Residence (*PH close date 1/9/12*)

1. “Property Survey” prepared by PAH, Inc. dated 10/26/11
2. “The Gillotte Residence” prepared by Keaney & Co. LLC dated 6/23/11
 - a. First Floor Plan

Vice Chairman Timmerman moved to approve 11 Indian Trail #201100983: Variance requested: §242-402A – 6’ structure to left side line; §242-402A – 17,113 sq. ft. lot area; 242-402A – 6% of lot coverage; §242-402A – 30’ lot width; §242-402A – 2’ building height for a single family Residence. N. Coppola seconded the motion. P. Donohue pointed out that the Candlewood Lake Club reviewed the plans and found them to be satisfactory.

Vice Chairman Timmerman again went over the building height definition and calculation. Chairman Flynn noted that the structure cannot exceed what is shown in the drawing that was submitted tonight. Vice Chairman Timmerman also pointed out that the proposal is attractive and fitting with the neighborhood. Motion carried unanimously. *Variance approved.* Reason: The lot is nonconforming and was upzoned. The applicant made the proposal fit as much as possible considering the turning radius requirement, and is in keeping with the neighborhood.

- b. **9 Forest Trail #201100982:** Variance requested: §242-402A – 25’ structure to center of road; §242-402A – 21’6” structure to left side line; §242-402A – 9’ structure to right side line; §242-402A – 37,124 sq. ft. lot area; §242-402A – 11.02% of lot coverage; §242-402A – 90’ lot width for an addition (*PH close date 1/9/12*)
 1. “Zoning Location Plan” prepared by Robert W. Grossenbacher L.S. dated 9/21/11
 2. “Existing Plan” received in Land Use 11/16/11

Vice Chairman Timmerman moved to approve 9 Forest Trail #201100982: Variance requested: §242-402A – 25’ structure to center of road; §242-402A – 21’6” structure to left side line; §242-402A – 9’ structure to right side line; §242-402A – 37,124 sq. ft. lot area; §242-402A – 11.02% of lot coverage; §242-402A – 90’ lot width for an addition. G. Meyerle seconded the motion. It was noted that the lot is pre-existing, non-conforming, and was upzoned; and that the applicant is not expanding beyond setbacks. Chairman Flynn added that it is a reasonable request, and the Board members agreed it is an improvement to what is there now. Motion carried unanimously. *Variance approved.* Reason: Pre-existing, non-conforming, the request not going beyond setbacks that are there now; and the lot has been upzoned.

5. **TABLED ITEMS:** None.
6. **NEW BUSINESS:** None.
7. **INFORMAL DISCUSSION:** None.
8. **ADJOURN**

Vice Chairman Timmerman moved to adjourn the meeting at 7:32 p.m. N. Coppola seconded the motion, and it carried unanimously.

****Next meeting Scheduled for January 9, 2012****