

**APPROVED MINUTES  
REGULAR MEETING  
BROOKFIELD ZONING BOARD OF APPEALS  
Monday, May 7, 2012- 7:00 p.m.  
MEETING ROOM 133 – TOWN HALL 100 POCONO RD**

---

**1. CONVENE MEETING**

Chairman Flynn convened the meeting at 7:03 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, Secretary S. Wallman, G. Meyerle, Alternate and Voting Member J. Brown (until P. Donohue's arrival at 7:10 p.m.)

**Absent:** Alternate N. Coppola

**Also Present:** Recording Secretary D. Cioffi

**2. REVIEW MINUTES – 4/2/12**

Vice Chairman Timmerman moved to approve the Minutes of the April 2, 2012 meeting. G. Meyerle seconded the motion, and it carried, 3-0-1, with Secretary Wallman abstaining.

**3. REVIEW CORRESPONDENCE:**

- a. **Minutes of other Boards and Commissions: Zoning Commission 3/22/12, 4/12/12; Inland Wetlands Commission 3/19/12 special, 3/26/12, 4/9/12; Planning Commission 4/5/12; Zoning Sub-Committee**
- b. **Building Inspectors Report: March 2012 issue**
- c. **Building Inspectors Report: April 2012 issue**

No discussion/no motions.

**4. PUBLIC HEARINGS – 7:00 p.m.**

- a. **49 Mist Hill Drive #201200277: Variance requested: §242-402A – 4' structure to center of road for an addition of a 2 car garage (ph close date 6/11/12)**
  1. **"Property Survey"** prepared by Paul A. Hiro dated 2/5/08 revised 3/28/12

*Attorney W. Donaldson, and his client, F. Aguayo, 49 Mist Hill Dr., were present. Attorney Donaldson reviewed the prior variance history, stating that the 4 foot variance on this application was approved alongside another variance, but was not appropriately published. Attorney Donaldson indicated that he has spoken with Town Counsel regarding this issue. Town Counsel recommended the re-application for the 4 foot variance. Chairman Flynn indicated that the 4 foot variance request was not on the 2009 application. That file was not available for the Board to review this evening. Vice Chairman Timmerman recalled that the extra space for the garage was going to be brought to the left. Attorney Donaldson indicated that he was in possession of the 2009 application, for five feet. His copy was reviewed by the members of the Board.*

*P. Donohue arrived at 7:10 p.m., at which time J. Brown was no longer a Voting Member.*

Attorney Donaldson continued that the variance is now for a smaller amount of space. Another variance from April 2007, with a request for a 5-foot structure to the center of Tommy's Lane, which was approved, was briefly discussed.

Attorney Donaldson contends that the 4 foot variance was requested (in November of 2009 it was a request for 5 feet) and discussed in the deliberations of that meeting, but was not published. He further contended that his client was not aware that it did not include the 5 feet that he had requested.

Chairman Flynn would like to review the Town's copy of the 2009 application. Chairman Flynn returned Attorney Donaldson's copy of the 2009 application to him.

Attorney Donaldson reviewed the request currently before the Board, of 4 feet, making the distance from the street 56 feet. There was discussion regarding the two earlier requests related to the garage and porch overhang. The 2007 variance requested a five-foot variance to accommodate 65 feet to 60 feet. Chairman Flynn reviewed the initial request, noting that Mr. Aguayo exceeded that, necessitating another application.

Mr. Aguayo discussed the status of construction on his property. Chairman Flynn noted that a portico was added, and exceeded variance from 2007; necessitating his return in 2009. There was discussion regarding a letter from B. Schappert in one of the earlier files. It was reiterated that the 2007 request was for the one car garage, and the 2009 was for the porch overhang, which had already been built. P. Donohue discussed his recollection of the applications.

**Attorney Donaldson and the Board agreed that this matter will be continued until the next regularly scheduled meeting in order for the Board members to review the previous applications: #200700105 and #200900810.**

**b. 934 Federal Road #201200304: Repairers License (ph close date 6/11/12)**

*G. Brigman, 8 Archers Lane, New Milford, and D. Espinal, 157 Shelter Rock Rd., Unit 74, Danbury, CT were present.* They discussed their proposal for an auto detailing business at this site. P. Donohue inquired if there would be painting done at the site, and Mr. Brigman indicated it would be minimal. Chairman Flynn noted that there are no limitations on painting in the zone.

*No one was present to speak 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: 934 Federal Road, #201200304: Repairers' license, at 7:31 p.m. G. Meyerle seconded the motion, and it carried unanimously.**

**c. 4 Toby Lane #201200305: Variance requested: §242-308G – 18' structure to right side line for a pool (ph close date 6/11/12)**

1. **"Zoning Location Survey"** prepared by Brautigam Land Surveyors, P.C. dated 4/11/12

*Kevin and Maram Conrad, 4 Toby Lane, were present.* Chairman Flynn noted that he visited the site today. Mr. Conrad explained that the pool and the fence were installed by Namco, and that business was unaware that it needed a permit for a side line set back. Chairman Flynn indicated that this is a one-acre lot in a two-acre zone. Neighbors at 2 Toby Lane have written a letter in support of the application.

Upon inquiry, Mr. Conrad explained that alternate locations would not work because of the location of septic and woods.

P. Donohue noted a discrepancy with the square footage on the application, and this was corrected and initialed by Mr. Conrad.

*No one was present to speak in favor of the application, nor was anyone present to speak in opposition.*

Secretary Wallman read a letter dated April 29, 2012, indicating no objection B. and J. Perwinc.

**Vice Chairman Timmerman moved to close the Public Hearing re: 4 Toby Lane, #201200305: Variance requested: §242-308G – 18’ structure to right side line for a pool at 7:39 pm. Secretary Wallman seconded the motion, and it carried unanimously.**

*\*Mr. Brigman returned to the meeting at this time (Agenda Item 4.b. 934 Federal Road #201200304: Repairers License), and Chairman Flynn advised him he would sign the repairers’ license and put it in the file.*

- d. **10 Whisconier Road #201200306: Variance requested: §242-402A – 2% of lot coverage for a shed (ph close date 6/11/12)**
  - 1. **“Property Survey”** prepared by Paul Hiro, L.S. dated 3/11/11

*N. Lavoie was present.* The Board members unanimously agreed that the application was different enough from the previous application to be heard this evening.

It was noted that the shed has been moved away from the property line. The applicant is now seeking a lot coverage variance. Vice Chairman Timmerman advised that this is a half-acre lot in a one-acre zone.

*No one was present to speak in favor of the application, nor was anyone present to speak in opposition to the application.*

**Vice Chairman Timmerman moved to close the Public hearing re: 10 Whisconier Rd., #201200306, Variance requested: §242-402A – 2% of lot coverage for a shed at 7:42 p.m. G. Meyerle seconded the motion, and it carried unanimously.**

- e. **27 Huckleberry Hill Road #201200307: Variance requested: §242-402A – 20’ structure to rear lot line, §242-402A – 25’ structure to left side line for a shed (ph close date 6/11/12)**
  - 1. **“Property Survey”** handed into Land use 4/18/12

*S. Turco, 27 Huckleberry Hill Rd., was present.* Chairman Flynn indicated that he visited the site this afternoon. The front of the house was discussed. It was noted that because this application has not been legally advertised regarding the right side, this matter will have to be continued.

**Vice Chairman Timmerman moved to continue 27 Huckleberry Hill Rd., #201200307: Variance requested: §242-402A – 20’ structure to rear lot line, §242-402A – 25’ structure to left side line for a shed. G. Meyerle seconded the motion, and it carried unanimously.**

- f. **527 Federal Road (Lang’s Auto) #201200318: Variance requested: §242-501 – 15,000 sq. ft. lot area for a used car dealer license (ph close date 6/11/12)**
  - 1. **“Property Survey”** handed into Land Use 4/20/12

*Mr. A. Lang, was present.* The square footage and current use was discussed. The lot is pre-existing and non-conforming, and Mr. Lang is looking for additional lot area for parking. The area has been upzoned with more stringent requirements since Mr. Lang has been operating on the site.

*No one was present to speak in favor of the application, nor was anyone present to speak in opposition to it.*

**Vice Chairman Timmerman moved to close the Public Hearing re: 527 Federal Rd., (Lang’s Auto) #201200318: Variance requested: §242-402A – 20’ structure to rear lot line, §242-402A – 25’ structure to left side line for a shed, at 7:50 p.m. Secretary Wallman seconded the motion, and it carried unanimously.**

- g. **316 Federal Road (Layla’s Restaurant) #201200319: Variance requested: §242-501E(1)(b) – 65’ structure to center of road to build a handicap ramp for a restaurant (ph close date 6/11/12)**
  - 1. **“Property Survey”** handed into Land Use 4/20/12

*J. Nejadi, 427 Ridgebury Rd., Ridgefield, CT, was present.* He is seeking approval of this variance for a required handicapped access ramp. The shape of the lot (triangular) is difficult.

*No one was present to speak in favor of this application, nor was anyone present to speak in opposition to it.*

**Vice Chairman Timmerman moved to close the Public Hearing re: 316 Federal Rd., (Layla’s Restaurant) #201200319: Variance requested: §242-501E(1)(b) – 65’ structure to center of road to build a handicap ramp for a restaurant, at 7:53 p.m. Secretary Wallman seconded the motion, and it carried unanimously.**

**5. TABLED ITEMS: None.**

**6. NEW BUSINESS: 1 High Ridge Road – Vice Chairman Timmerman moved to accept the application, and set a Public Hearing for 1 High Ridge Road, for June 4, 2012, at 7:00 p.m. G. Meyerle seconded the motion, and it carried unanimously.**

*A short recess was taken at 7:54 p.m. until 8 p.m.*

**DELIBERATIONS**

- a. **49 Mist Hill Drive #201200277**: Variance requested: §242-402A – 4’ structure to center of road for an addition of a 2 car garage (*ph close date 6/11/12*)

Continued.

- b. **934 Federal Road #201200304**: Repairers License (*ph close date 6/11/12*)

Vice Chairman Timmerman moved to approve 934 Federal Rd., #201200304: Repairers license. Secretary Wallman seconded the motion, and it carried unanimously.

- c. **4 Toby Lane #201200305**: Variance requested: §242-308G – 18’ structure to right side line for a pool (*ph close date 6/11/12*)

Vice Chairman Timmerman moved to approve 4 Toby Lane, #201200305: Variance requested: §242-308G – 18’ structure to the right side line for a pool. Secretary Wallman seconded the motion. P. Donohue inquired if it was necessary to send a letter to the pool installer regarding its failure to get a permit. Chairman Flynn noted that the property owner was responsible regardless. Motion carried unanimously. *Variance approved.* Reason: Upzoning, odd lot shape.

- d. **10 Whisconier Road #201200306**: Variance requested: §242-402A – 2% of lot coverage for a shed (*ph close date 6/11/12*)

Vice Chairman Timmerman moved to approve 10 Whisconier Rd., #201200306, Variance requested: §242-402A – 2% of lot coverage for a shed at 7:42 p.m. Secretary Wallman seconded the motion. It was noted that the current location of the shed is better than where it was, and there is no impact on the surrounding properties. Additionally, the property upzoned. Motion carried unanimously. *Variance approved.* Reason: Upzoning and the lot has topography issues.

- e. **27 Huckleberry Hill Road #201200307**: Variance requested: §242-402A – 20’ structure to rear lot line, §242-402A – 25’ structure to left side line for a shed (*ph close date 6/11/12*)

Continued.

- f. **527 Federal Road (Lang’s Auto) #201200318**: Variance requested: §242-501 – 15,000 sq. ft. lot area for a used car dealer license (*ph close date 6/11/12*)

Vice Chairman Timmerman moved to approve 527 Federal Rd., #201200318: Variance requested: §242-501, 15,000 sq. ft. lot area for a used car dealer license. Secretary Wallman seconded the motion, and it carried unanimously. *Variance approved.* Reason: Pre-existing, nonconforming lot, adding accessory use does not make impact. Property has always been kept properly. The activity has been allowed.

- g. **316 Federal Road (Layla’s Restaurant) #201200319**: Variance requested: §242-501E(1)(b) – 65’ structure to center of road to build a handicap ramp for a restaurant

**Vice Chairman Timmerman moved to approve 316 Federal Rd., #201200319: Variance requested §242-501E(1)(b) – 65’ structure to center of road to build a handicapped access ramp. G. Meyerle seconded the motion, and it carried unanimously. Variance approved. Reason: The ramp is a requirement of the Americans with disabilities Act, and the shape and size of the lot are difficult.**

**7. INFORMAL DISCUSSION:**

**8. ADJOURN**

**Secretary Wallman moved to adjourn the meeting at 8:07 p.m. G. Meyerle seconded the motion, and it carried unanimously.**

*\*\*\* Next regular meeting Scheduled for June 4, 2012\*\*\**