

**APPROVED MINUTES
REGULAR MEETING
BROOKFIELD ZONING BOARD OF APPEALS
Monday, January 7, 2013- 7:00 p.m.
MEETING ROOM 133 – TOWN HALL 100 POCONO RD**

1. CONVENE MEETING –

Present: Chairman M. Flynn, Vice Chairman C. Timmerman, G. Meyerle, N. Coppola

Absent: Secretary S. Wallman, P. Donohue

Also Present: Recording Secretary D. Cioffi

Chairman Flynn convened the meeting at 7:05 p.m. and established a quorum of members. He then reviewed the policies and procedures that govern public hearings.

2. REVIEW MINUTES - 11/5/12

Vice Chairman C. Timmerman moved to approve the Minutes of the November 5, 2012 meeting as submitted. N. Coppola seconded the motion, and it carried unanimously.

3. REVIEW CORRESPONDENCE:

- a. **Minutes of other Boards and Commissions: Zoning Commission**
10/25/12special, 10/25/12, 11/8/12, 11/29/12, 12/13/12; **Inland Wetlands Commission** 11/9/12, 11/26/12, 12/10/12, 12/17/12; **Planning Commission** 11/1/12, 11/2/12 special, 11/15/12, 11/23/12 site walk, 12/6/12; **Zoning Sub-Committee**
- b. Letter from Neil Marcus to Marty Flynn dated 12/18/12 Re: Brookfield Zoning Board of Appeals advs. Capanna
- c. Memo from Joan Locke, Town Clerk, to ZBA dated 12/4/12 Re: Schedule of Meetings for 2013
- d. Legal Briefings for Building Inspectors: December 2012
- e. E-mail from ZBA Commissioner Jim Brown to Town Clerk dated 12/18/12 Re: Resignation from ZBA

Discussion/no motions. See below.

4. PUBLIC HEARINGS – 7:00 p.m.

- a. **4 Josephs Lane #201201055: Variance Requested - §242-402A – 2% of lot coverage for a patio and deck** (*ph close date 2/11/13*)
 - Map titled “Proposed Plot Plan” prepared by CJOJ, LLC dated 11/9/12

J. Bruno, Elite Builders, was present on behalf of the applicants, J. and M. Iezin, 4 Joseph’s Lane. He signed the consent form to have this matter heard before a four-member Board. Chairman Flynn indicated that he visited the property today. Mr. Bruno reviewed previous work done at the site. He advised the proposed work involves a patio and deck to go around the pool. Mr. Bruno went over the elevations on the property, and noted that it is part of a conservation subdivision. He further pointed out that it is the smallest lot on Joseph’s Lane in an R80 zone. Mr. Bruno advised that currently, there is gravel around the pool. He indicated that even during the winter, you are unable to see neighbors’ homes.

Chairman Flynn explained that the lot coverage restriction does not relate to percolation of soil, but rather, surfaces that will hold items such as tables and chairs. Upon inquiry from Chairman Flynn, Mr. Bruno advised that two percent of the lot equates to approximately 1,200 square feet. Mr. Bruno submitted documentation regarding the size of the other lots on Joseph’s Lane. Upon

inquiry from Vice Chairman Timmerman, Mr. Bruno advised that he does not know how large the conserved area is. He noted that the next smallest lot on the street is 1.77 acres, and if the proposed patio and deck were built on any other lot, it would not require a variance. It was further pointed out that the variance request is only for lot coverage, and that the proposal is within the setbacks.

The architect's proposal showing the deck and patio was reviewed. Chairman Flynn advised Mr. Bruno that the site will have to be surveyed after the work is done to ensure that what is built has stayed within the confines of the variance.

N. Coppola noted that the request is reasonable, with little, if any impact on the neighbors.

Chairman Flynn noted that the hardship relates to the small size of the lot and its location in the conservation subdivision; reiterating that if the proposal was built on any other lot on Joseph's Lane, it would not require variance.

Vice Chairman Timmerman moved to close the Public Hearing re: 4 Joseph's Lane, #201201055: Variance requested - §242-402A – 2% of lot coverage for a patio and deck, at 7:21 p.m. N. Coppola seconded the motion, and it carried unanimously.

DELIBERATIONS

- a. **4 Joseph's Lane #201201055: Variance Requested - §242-402A – 2% of lot coverage for a patio and deck** (*ph close date 2/11/13*)

Vice Chairman Timmerman moved to approve 4 Joseph's Lane, #201201055, Variance requested - §242-402A – 2% of lot coverage for a patio and deck. N. Coppola seconded the motion. Vice Chairman Timmerman noted the unique nature of the property, advising that it is constrained by the small lot size. He added that it is mitigated by conserved land among the other properties, and that the impact is minimal. Chairman Flynn pointed out that if the proposal was added to any other lot in the subdivision, it would not need a variance; therefore, it is in keeping with the neighborhood. Motion carried unanimously. Variance approved. Reason: Uniquely small size of lot relative to the other, and if it was built on any other lot in the neighborhood, it would not require a variance.

3. REVIEW CORRESPONDENCE: (continued)

- b. Letter from Neil Marcus to Marty Flynn dated 12/18/12 Re: Brookfield Zoning Board of Appeals advs. Capanna – It was noted that the appeal has been withdrawn, and the regulation will have to be reviewed. The proposal will also have to go before the Inland Wetlands Commission.
- a. **Minutes of other Boards and Commissions: Zoning Commission 10/25/12 special, 10/25/12, 11/8/12, 11/29/12, 12/13/12; Inland Wetlands Commission 11/9/12, 11/26/12, 12/10/12, 12/17/12; Planning Commission 11/1/12, 11/2/12 special, 11/15/12, 11/23/12 site walk, 12/6/12; Zoning Sub-Committee** – There was brief discussion regarding the Inland Wetlands Commission Minutes and the information noted regarding 1 High Ridge Road.
- e. E-mail from ZBA Commissioner Jim Brown to Town Clerk dated 12/18/12 Re: Resignation from ZBA – Noted.

5. TABLED ITEMS: None.

6. NEW BUSINESS:

a. Land Use Commission Regular Meeting Schedule for 2013 DRAFT: Review for Approval – Chairman Flynn moved to approve the cut-off dates and the calendar for the 2013 year for the Zoning Board of Appeals. Vice Chairman Timmerman seconded the motion, and it carried unanimously.

b. Nomination and Election of Officers for 2013 – Vice Chairman Timmerman nominated M. Flynn as Chairman. G. Meyerle seconded the nomination. Vice Chairman Timmerman moved to close the nominations for the position of Chairman. G. Meyerle seconded the motion, and it carried unanimously.

Chairman Flynn nominated C. Timmerman as Vice Chairman. N. Coppola seconded the nomination. Vice Chairman Timmerman moved to close the nominations for the position of Vice Chairman. G. Meyerle seconded the motion, and it carried unanimously.

G. Meyerle nominated S. Wallman as Secretary. Vice Chairman Timmerman seconded the nomination. Vice Chairman Timmerman moved to close the nominations for the position of Secretary. N. Coppola seconded the motion, and it carried unanimously.

The motions for the nomination of M. Flynn as Chairman, C. Timmerman as Vice Chairman and S. Wallman as Secretary carried unanimously.

7. INFORMAL DISCUSSION: Chairman Flynn noted that Steve Harding, Jr. is being appointed tonight as an Alternate Member for the Zoning Board of Appeals.

6. NEW BUSINESS: (continued)

c. Memo from Land Use Office dated 11/29/12 Re: ZBA fees

- ZBA fee schedule attached – The memo discussing the state statute was reviewed. Chairman Flynn moved to approve the Fee Schedule Draft for 2013. Vice Chairman Timmerman seconded the motion, and it carried unanimously.**

8. ADJOURN

Vice Chairman Timmerman moved to adjourn the meeting at 7:31 p.m. G. Meyerle seconded the motion, and it carried unanimously.

****Next meeting Scheduled for February 4, 2013****