

**APPROVED MINUTES
REGULAR MEETING
BROOKFIELD ZONING BOARD OF APPEALS
Monday, June 3, 2013- 7:00 p.m.
MEETING ROOM 133 – TOWN HALL 100 POCONO RD**

1. CONVENE MEETING

Present: Chairman M. Flynn, Secretary S. Wallman, G. Meyerle, Alternate and Voting Members N. Coppola and S. Harding

Absent: Vice Chairman C. Timmerman, P. Donohue

Also Present: Recording Secretary D. Cioffi

Chairman Flynn convened the meeting at 7:02 p.m. and established a quorum of members. He then reviewed the policies and procedures that govern public hearings.

2. REVIEW MINUTES - 04/01/13 – N. Coppola moved to approve the Minutes of the April 1, 2013 meeting. S. Harding seconded the motion, and it carried unanimously.

3. REVIEW CORRESPONDENCE:

a. Minutes of other Boards and Commissions: Zoning Commission 3/14/13, 3/21/13 special, 3/28/13, 4/4/13 special, 4/11/13, 4/25/13, 5/9/13; Inland Wetlands Commission 3/25/13, 4/8/13, 4/22/13; Planning Commission 3/7/13, 3/21/13, 4/4/13, 4/18/13, 5/2/13; Zoning Sub-Committee

b. Legal Briefings for Building Inspectors: April 2013

No discussion/no motions.

4. PUBLIC HEARINGS – 7:00 p.m.

a. 450 & 460 Federal Road #201300277: Variance requested: §242-501C(2) – 22’ residential buffer for proposed commercial building parking area within the 100’ residential buffer (ph close date 7/7/13)

1. “Zoning Location Survey” prepared by CCA, LLC dated 3/28/13 – sheet 1 of 1 Ms. A. Adams, Registered Landscape Architect, CCA, 40 Old New Milford Rd., was present on behalf of Minino Homes. She stated that the variance request relates to the 100’ buffer, pursuant to Section 242-501C(2). She further advised that her client requested and received the same variance a year ago on an abutting property. Upon inquiry from Chairman Flynn, Ms. Adams explained that the site will likely be developed as retail. She reviewed the narrowness of the lot, and cited the need for need for space to allow for tractor trailer loading. Chairman Flynn noted the steepness of the slope in the rear of the property.

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

Secretary Wallman moved to close the Public Hearing re: 450 & 460 Federal Road #201300277: Variance requested: §242-501C(2) – 22’ residential buffer for proposed commercial building parking area within the 100’ residential buffer at 7:08 p.m. S. Harding seconded the motion, and it carried unanimously.

b. 78 North Lake Shore Drive #201300312: Variance requested: §242-402A – 8% of lot coverage for a patio with raised counter and stone wall (ph close date 7/7/13)

1. GIS map of property showing proposed patio handed into Land Use 4/12/13
2. Letter signed by neighbors attached to application

Mr. A. Apgar, 78 North Lake Shore Dr., was present. He explained that he would like to install a patio and knee-high wall, with a countertop and grill. Mr. Apgar advised that on the site, all of the land forward of 440' line is owned by First Light Power. He stated that he explored the possibility of putting the patio by lake, and spoke with B. Wood of First Light, but the base in that area was not conducive for a patio. A GIS photograph of the lot was reviewed, and Mr. Apgar explained the proposal to the Board, noting that it will also alleviate some drainage issues on the site.

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

N. Coppola moved to close the Public Hearing re: 78 North Lake Shore Drive #201300312: Variance requested: §242-402A – 8% of lot coverage for a patio with raised counter and stone wall at 7:12 p.m. Secretary Wallman seconded the motion, and it carried unanimously.

- c. **176 Long Meadow Hill Rd #201300300: Variance requested: §242-402A – 11.5' structure to left side line for the addition of a garage (ph close date 7/7/13)**
 - 1. "Zoning Location Survey" prepared by Berkshire Engineering dated 5/27/08 revised 3/27/13 – Project No. 03-914-ZLS

E. and K. Rajcula, 176 Long Meadow Hill Road, were present. Chairman Flynn noted that he visited the property. K. Rajcula explained that they wish to add on to existing one-car garage. She indicated that alternate solutions were denied by Town Engineer because of the presence of high density drainage tanks. A map of the area was reviewed. Upon inquiry from G. Meyerle, K. Rajcula explained that the property was sold to her parents upon the completion of Rajcula Farm Road. Three feet of the proposed garage will be put into the space occupied by the existing garage, and it will also be set forward so as to not infringe on the rear lot line. K. Rajcula noted the existence of a septic tank in the front of the lot. She also advised that the property is a corner lot.

K. Rajcula advised that the neighbors were here at last month's meeting (canceled due to lack of quorum) to speak in favor of the application. The neighbors were unable to attend the meeting this evening.

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

Secretary Wallman moved to close the Public Hearing re: 176 Long Meadow Hill Rd #201300300: Variance requested: §242-402A – 11.5' structure to left side line for the addition of a garage at 7:16 p.m. S. Harding seconded the motion, and it carried unanimously.

- d. **1 Clover Court #201300393: Variance requested: §242-402A – 13% of lot coverage for a deck extension by 10' (ph close date 7/7/13)**
 - 1. "Property Survey" prepared by CCA, LLC dated 4/23/04 with proposed deck extension handed into Land Use 5/9/13

M. Thakur, 1 Clover Court, was present. Chairman Flynn advised he was unable to find the property. Mr. Thakur explained the location. He further advised that he would like to extend the existing deck by ten feet. The lot is in an R80 zone, and has been upzoned. Additionally, it is a corner lot.

Secretary S. Wallman read a letter from a neighbor, J. Locke, dated June 3, 2013, indicating that she has no objection to the application.

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

N. Coppola moved to close the Public Hearing re: 1 Clover Court #201300393: Variance requested: §242-402A – 13% of lot coverage for a deck extension by 10’ at 7:19 p.m. S. Harding seconded the motion, and it carried unanimously.

- e. **9 Signal Hill Rd #201300398: Variance requested: §242-402A – 18’ structure to left side line and §242-402A – 5’ separation distance between structures for a 2 car garage (ph close date 7/7/13)**

W. and J. Vitetta, 9 Signal Hill Rd., were present. W. Vitetta discussed a proposal to add a two-car garage. Chairman Flynn indicated that he visited the site. The garage will have a gable pitched roof, with nothing above it. Upon inquiry from N. Coppola, W. Vitetta explained that he cannot attach the garage to the house because of the configuration of the house, the necessity of the turnaround and the sloping at the front. W. Vitetta further stated that the neighbor’s house, to the left side of this site, sits below their house. Chairman Flynn explained the need for a hardship related to the land. W. Vitetta explained that he is unable to put garage in another location because of the sloping, which would prevent the ability to plow the site, leading to a safety issue. The location and steepness of slope was discussed. Upon inquiry from G. Meyerle, Mr. Vitetta explained that he is unable to expand the existing garage because of the in-law apartment above it.

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

Secretary Wallman moved to close the Public Hearing re: 9 Signal Hill Rd #201300398: Variance requested: §242-402A – 18’ structure to left side line and §242-402A – 5’ separation distance between structures for a 2-car garage at 7:26. N. Coppola seconded the motion, and it carried unanimously.

- f. **25 Rocky Road #201300427: Variance requested: §242-402A – 17.5’ structure to rear lot line for a 10 x 16 storage shed (ph close date 7/7/13)**

- 1. “Plot Plan” prepared by New England Land Surveying, P.C. dated 6/22/87 revised 7/10/87 – Job No 028

S. Schatz, 25 Rocky Road, was present. Chairman Flynn indicated that he visited the site, noting the swing set, the well, two parallel driveways and the odd shape of the lot. S. Schatz noted the wooded buffer. The proposed shed would be 12.5’ from the property line. Chairman Flynn advised that any overhangs for the shed would be included in the measurement. It was noted that only the rear lot line is involved.

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

S. Harding moved to close the Public Hearing re: 25 Rocky Road #201300427: Variance requested: §242-402A – 17.5’ structure to rear lot line for a 10 x 16 storage shed at 7:29 p.m. Secretary Wallman seconded the motion. Motion carried unanimously.

7. INFORMAL DISCUSSION:

- a. **44 Old Middle Road #201300069:** Letter referred to ZBA from Zoning, received at the 5/9/13 Zoning Commission meeting during a show cause hearing regarding property located at 44 Old Middle Road which is an Enforcement Issue at this time.

- File #201300069 is on cart

D. and R. Corbin, 44 Old Middle Rd., were present. Mr. Corbin noted the petition signed by neighbors, which is in the file. He indicated that he cannot put the boat in the driveway because it would restrict the turnaround space, and backing out onto this particular road is dangerous. Chairman Flynn indicated that this Board does not generally have “informal discussions” because variance applications involve legal notice to abutting property owners. He further explained the variance process. Mr. Corbin advised that the person that complained about the boat is on the Zoning Commission, and did not appear at the meeting. Upon inquiry from N. Coppola, Mr. Corbin stated that the boat and trailer are registered.

Chairman Flynn advised the Corbins that they can appeal decision of ZEO to this Board, or apply for a variance. He further indicated that they can get a copy of the regulation they are in violation of, listed on the Cease and Desist, in the Land Use Office. Mrs. Corbin discussed her dissatisfaction with the Zoning Commission’s rationale behind the regulation. She also advised the Board of the loss of a family member in another state due to violence that resulted over a land use dispute.

Mr. Corbin indicated that the boat will be leaving this site, to be put in the water, in three days.

A five-minute recess was taken at 7:39 p.m.

DELIBERATIONS

- a. **450 & 460 Federal Road #201300277: Variance requested: §242-501C(2) – 22’ residential buffer for proposed commercial building parking area within the 100’ residential buffer** (*ph close date 7/7/13*)
1. “Zoning Location Survey” prepared by CCA, LLC dated 3/28/13 – sheet 1 of 1

Secretary Wallman moved to approve the variance for 450 & 460 Federal Road, #201300277: Variance requested: §242-501C(2) – 22’ residential buffer for proposed commercial building parking area within the 100’ residential buffer. G. Meyerle seconded the motion. It was noted that the same variance for the abutting property was approved last year. **Motion carried unanimously. Variance approved. Reason: Topography.**

- b. **78 North Lake Shore Drive #201300312: Variance requested: §242-402A – 8% of lot coverage for a patio with raised counter and stone wall** (*ph close date 7/7/13*)
1. GIS map of property showing proposed patio handed into Land Use 4/12/13
 2. Letter signed by neighbors attached to application

Secretary Wallman moved to approve 78 North Lake Shore Drive, #201300312 Variance requested: §242-402A – 8% of lot coverage for a patio with raised counter and stone wall. N. Coppola seconded the motion. The size of the lot, and its upzoning, were noted. G. Meyerle pointed out that there is no impact to any neighbors. Chairman Flynn further cited the

440' line. **Motion carried unanimously. Variance approved. Reason: Topography, shape of the lot, and the upzoning.**

- c. **176 Long Meadow Hill Rd #201300300: Variance requested: §242-402A – 11.5' structure to left side line for the addition of a garage (ph close date 7/7/13)**
 - 1. "Zoning Location Survey" prepared by Berkshire Engineering dated 5/27/08 revised 3/27/13 – Project No. 03-914-ZLS

Secretary Wallman moved to approve 176 Long Meadow Hill Road, #201300300: Variance requested: §242-402A – 11.5' structure to left side line for the addition of a garage. N. Coppola seconded the motion. Chairman Flynn advised that he visited the property last month and noted the problems with the alternatives and the minimal impact. **Motion carried unanimously. Variance approved. Reason: The shape of the lot.**

- d. **1 Clover Court #201300393: Variance requested: §242-402A – 13% of lot coverage for a deck extension by 10' (ph close date 7/7/13)**
 - 1. "Property Survey" prepared by CCA, LLC dated 4/23/04 with proposed deck extension handed into Land Use 5/9/13

Secretary Wallman moved to approve 1 Clover Court, #201300393: Variance requested: §242-402A – 13% of lot coverage for a deck extension by 10'. S. Harding seconded the motion. It was noted that the property was upzoned and is a corner lot. **Motion carried unanimously. Variance approved. Reason: Upzoning and corner lot.**

- e. **9 Signal Hill Rd #201300398: Variance requested: §242-402A – 18' structure to left side line and §242-402A – 5' separation distance between structures for a 2 car garage (ph close date 7/7/13)**

Secretary Wallman moved to approve 9 Signal Hill Road, #210300398: Variance requested: §242-402A – 18' structure to left side line and §242-402A – 5' separation distance between structures for a 2 car garage. N. Coppola seconded the motion. Chairman Flynn discussed the sloping on the property. G. Meyerle pointed out the number of garages on the site, but it was noted that there is no impact to abutting neighbors. S. Harding noted the sloping of the lot. **Motion carried unanimously. Variance approved. Reason: The topography and the steep slope.**

- f. **25 Rocky Road #201300427: Variance requested: §242-402A – 17.5' structure to rear lot line for a 10 x 16 storage shed (ph close date 7/7/13)**
 - 1. "Plot Plan" prepared by New England Land Surveying, P.C. dated 6/22/87 revised 7/10/87 – Job No 028

Secretary Wallman moved to approve 25 Rocky Road, #201300427: Variance requested: §242-402A – 17.5' structure to rear lot line for a 10 x 16 storage shed. N. Coppola seconded the motion. Chairman Flynn cited his visit, and the lack of impact to the neighbors. Board members Meyerle and Coppola noted the odd shape of the lot. **Motion carried unanimously. Variance approved. Reason: Shape of the lot.**

5. **TABLED ITEMS: None.**

6. **NEW BUSINESS: None.**

8. ADJOURN

Secretary Wallman moved to adjourn at 7:53 p.m. N. Coppola seconded the motion, and it carried unanimously.

****Next meeting Scheduled for July 1, 2013****