

**APPROVED MINUTES
REGULAR MEETING
BROOKFIELD ZONING BOARD OF APPEALS
Monday, September 9, 2013- 7:00 p.m.
MEETING ROOM 133 – TOWN HALL 100 POCONO RD**

1. CONVENE MEETING

Chairman M. Flynn convened the meeting at 7:01 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 S. Harding

Absent: None

Also Present: Recording Secretary D. Cioffi

2. REVIEW MINUTES – 8/5/13

Vice Chairman Timmerman moved to approve the Minutes of the August 5, 2013 meeting. G. Meyerle seconded the motion, and it carried, 4-0-1, with Secretary Wallman abstaining.

3. REVIEW CORRESPONDENCE:

- a. **Minutes of other Boards and Commissions: Zoning Commission 7/25/13, 8/8/13; Inland Wetlands Commission 7/22/13, 8/12/13; Planning Commission 8/1/13, 8/15/13; Zoning Sub-Committee**
- b. **Legal Briefings for Building Inspectors: August 2013**

No discussion/no motions.

4. PUBLIC HEARINGS – 7:00 p.m.

- a. **12 Pocono Ridge Road #201300663: Variance requested: §242-402A – 41' structure to center of road for a deck (ph close date 10/13/13)**

Attorney M. McGetrick, Danbury, CT was present along with his clients, the property owners, Mr. and Mrs. Valentine. Attorney McGetrick reviewed the application, noting that it was similar to the previous application for the shed, which was approved. He further indicated that when the violation for the shed was investigated, his clients were not made aware of the violation for the deck, and it was built. A photograph of the deck was submitted. Attorney McGetrick advised that the 121 square foot deck cannot be seen from the road, and added that it is “crucial” for access to the previously approved shed. Upon inquiry from Vice Chairman Timmerman, Mr. Valentine indicated that the deck is approximately 3.5 feet off of the ground due to a slight slope. He added that when the Building Inspector came to inspect the shed, he asked Mr. Valentine to dig up one of the footings for the deck, and advised him to “keep building” and that he didn’t believe there would be not be any problem with the Town. Mr. Valentine stated that if he had been asked to stop building, he would have complied. Additionally, Mr. Valentine has spoken with his neighbors, and they have submitted letters indicating they had “zero issues” with the proposal. S. Harding inquired if there was anything different from this property compared to others in Brookfield. Attorney McGetrick replied that there is no other location that is viable due to where the septic fields and pool are located. He added that the shed cannot be accessed without the deck. He reiterated that his client relied on the directive from the Building Inspector to continue working, and noted that a report showing an “OK” by the Inspector was submitted for the file during the hearing for the shed. Upon inquiry from G. Meyerle, it was noted that the deck is not any closer to the road than the shed. Mr. Meyerle opined that the deck is an “integral” part of the shed.

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 for 12 Pocono Ridge Road #201300663: Variance requested: §242-402A – 41’ structure to center of road for a deck at 7:13 p.m. Secretary Wallman seconded the motion, and it carried unanimously.

- b. 134 North Lakeshore Drive #201300768: Variance requested: §242-402A – 7” structure to left side line, §242-402A – 12” structure to right side line and §242-402A – 7.9% of lot coverage for the addition of a garage (ph close date 10/13/13)**
 - 1. “Property Survey” prepared by PAH, Inc. Land Surveyors dated 6/28/13 revised 8/21/13 to show proposed addition

R. Logan, 134 North Lakeshore Dr., and S. Yates, Architect, were present. Mr. Logan indicated that the first two of the three variance requests related to the existing deck being replaced with a more conforming structure. The addition of the garage is addressed in the last variance request. Chairman Flynn advised that he inspected the site today. The garage will result in taking five cars off of the street for parking. Chairman Flynn inquired if the second story would exceed the roof line of original house, and Mr. Yates advised it is taller, but is within the zoning regulations. The proposed garage was pointed out on the plans by Mr. Yates. It was further noted that overhang will be reduced, and the land below the 440’ line was not included in the lot coverage calculation. Mr. Logan pointed out an error related to the small expansion of the deck on the plans as a shaded area. He advised he would be speaking with the Land Use Office about options.

B. Nanna, 132 North Lake Shore Dr., was present. She inquired regarding the 12” variance. The applicant explained that the deck is currently 8’ 8”, and will now be 9’ away from her property line. Ms. Nanna further inquired if there would be living space above the garage, and the applicant indicated he was not sure at this time. Ms. Nanna expressed her concern regarding the septic, and Chairman Flynn indicated that any septic issues would be addressed by the Town Sanitarian. Mr. Logan added that regardless, the house would remain a five-bedroom home because of renovations occurring inside the house. Ms. Nanna also asked if the new roof line would be close to existing roof line, and Mr. Logan reiterated that the garage would be higher but within the regulations. Lastly, Ms. Nanna expressed her concern regarding the hemlock trees on one side of the house, and Mr. Logan stressed that any disturbance would be via access from the other side. With regard to concerns regarding the septic tank and reserve, Chairman Flynn advised that Zoning, Building and the Sanitarian review the building plans. Mr. Logan indicated that the Town Sanitarian was happy with the soils found on the site, so he may expand septic tank. Ms. Nanna wished the applicant luck with the site.

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: 134 North Lakeshore Drive #201300768: Variance requested: §242-402A – 7” structure to left side line, §242-402A – 12” structure to right side line and §242-402A – 7.9% of lot coverage for the addition of a garage, at 7:28 p.m. G. Meyerle seconded the motion, and it carried unanimously.

DELIBERATIONS

- a. **12 Pocono Ridge Road #201300663: Variance requested: §242-402A – 41’ structure to center of road for a deck (ph close date 10/13/13)**

Vice Chairman Timmerman moved to approve **12 Pocono Ridge Road #201300663**: Variance requested: §242-402A – 41’ structure to center of road for a deck. S. Harding seconded the motion. Vice Chairman Timmerman noted that the deck does not go any closer to the house, and the sloping was noted. He further stated that the shed would be “useless” without the deck; at the least, steps would be required that would also require a variance. Additionally, the deck is not visible from the road. It was noted that Counsel initially did not provide the appropriate variance requests for the shed in the front yard and the deck, so the approval rectifies this situation. Motion carried unanimously. *Variance approved. Reason: Topography, and in keeping with the rest of the neighborhood.*

- b. **134 North Lakeshore Drive #201300768: Variance requested: §242-402A – 7” structure to left side line, §242-402A – 12” structure to right side line and §242-402A – 7.9% of lot coverage for the addition of a garage (ph close date 10/13/13)**
 - 1. “Property Survey” prepared by PAH, Inc. Land Surveyors dated 6/28/13 revised 8/21/13 to show proposed addition

Vice Chairman Timmerman moved to approve **134 North Lakeshore Drive #201300768**: Variance requested: §242-402A – 7” structure to left side line, §242-402A – 12” structure to right side line and §242-402A – 7.9% of lot coverage for the addition of a garage. G. Meyerle seconded the motion. Chairman Flynn noted that the garage makes the property safer. Additionally, the steepness of property was pointed out. Chairman Flynn further indicated that there are many other houses in the area with higher levels of lot coverage. Vice Chairman Timmerman noted the land below the 440’ line that cannot be used. Overall, the variance makes the right side more conforming. Motion carried unanimously. *Variance approved. Reason: Slope of the land, in keeping with the neighborhood, and safety.*

Miscellaneous - There was discussion regarding a letter from Land Use Office relating to hearings before a four-member Board, and associated re-advertising fees. Chairman Flynn noted the additional level of review a supplemental form would cause. G. Meyerle pointed out that lack of attendance by a full Board is out of the applicant’s control, and he/she should not be charged for re-advertising. The Board members will review the letter and discuss this matter at the next meeting.

- 5. **TABLED ITEMS: None.**
- 6. **NEW BUSINESS: None.**
- 7. **INFORMAL DISCUSSION: None.**
- 8. **ADJOURN: Vice Chairman Timmerman moved to adjourn the meeting at 7:37 p.m. S. Harding seconded the motion, and it carried unanimously.**