

**APPROVED AMENDED MINUTES
REGULAR MEETING
BROOKFIELD ZONING BOARD OF APPEALS
Monday, October 7, 2013- 7:00 p.m.
MEETING ROOM 135 – TOWN HALL 100 POCONO RD**

1. CONVENE MEETING

Chairman M. 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, G. Meyerle, N. Coppola, Alternate and Voting Member J. Eagan

Absent: Secretary S. Wallman, Alternate S. Harding

Also Present: Recording Secretary D. C ioffi

2. REVIEW MINUTES - 9/9/13 – Vice Chairman Timmerman moved to approve the Minutes of the September 9, 2013 meeting. G. Meyerle seconded the motion, and it carried, 3-0-2, with N. Coppola and J. Eagan abstaining.

3. REVIEW CORRESPONDENCE:

a. Minutes of other Boards and Commissions: Zoning Commission 9/12/13; Inland Wetlands Commission 8/26/13; Planning Commission; Zoning Sub-Committee

No discussion/no motions.

4. PUBLIC HEARINGS – 7:00 p.m.

a. 38 Stony Hill Road #201300865: Variance requested: §242-402A – 31’ structure to center of road for an addition (ph close date 11/10/13)

1. Map titled “Lot Line Revision” prepared by DeRosa Land Surveying dated 6/17/13

N. and L. Whitmore, 38 Stony Hill Road, were present. Mr. Whitmore explained that he wishes to add a small bathroom and laundry room to the existing structure. Chairman Flynn noted that the home is pre-existing and non-conforming, and pointed out that the applicant must consider the overhangs in his calculations. The proposal will not make the structure any closer than it already is. Mr. Whitmore advised that the house was built in 1743.

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

Vice Chairman Timmerman moved to close the Public Hearing for 38 Stony Hill Road, #201300865: Variance requested: §242-402A – 31’ structure to center of road for an addition, at 7:06 p.m. N. Coppola seconded the motion, and it carried unanimously.

b. 330 Candlewood Lake Road #201300864: Repairers License (ph close date 11/10/13)

1. GIS map of 330 Candlewood Lake Road area

Anthony and Steven Coppolino, New York, Lessees for 38 Kellogg St., were present. Mr. S. Coppolino explained that he and his son wish to reopen the service station at the site. The station has been closed for approximately two years, but had previously been open for thirty years.

No one was present to speak in favor of the application.

Attorney J. Jowdy, Danbury, was present on behalf of W. Reid, an abutting property owner at 4 Kellogg Street, to speak in opposition to the application. There was discussion regarding the Board's authority to vary a use. Chairman Flynn explained the Board's authority by State statute to grant repairers' licenses, and noted that this is the first time in ten years that he has heard opposition to this type of application. He also pointed out that the property had the pre-existing, non-conforming use of the service station for over thirty years, and there is no evidence of abandonment of that use. Attorney Jowdy referred to the applicant's testimony that the shop had been closed for two years. Chairman Flynn explained that the abandonment needs to be well-documented.

Attorney Jowdy further pointed out that there is no water source to this building. Chairman Flynn explained that issue would be better addressed via the Sanitarian. He also encouraged Attorney Jowdy to address his client's concerns and issues he had with the previous repair shop with the Zoning Commission and/or the Zoning Enforcement Officer. Attorney Jowdy reiterated his concerns of this type of business being in a residential zone. Chairman Flynn discussed a previous issue of documenting an abandonment of use in a Certificate of Zoning Compliance.

Mr. Coppolino indicated that the owner of the gas station sold the property at 4 Kellogg Street to Mr. Reid, so Mr. Reid had full knowledge of the proximity of the gas station and its use. He also mentioned discussion of possible sharing of Mr. Reid's well for monetary compensation.

There was discussion regarding what would be a reasonable amount of time to constitute abandonment of a use.

Attorney Jowdy contested Mr. Coppolino's statement regarding the possibility of his client sharing a well with the gas station for monetary compensation.

W. Reid, 4 Kellogg St., was present. He stated he does not believe he should have to supply this commercial property with water. Chairman Flynn pointed out that the Health Department would oversee water source issues at the site. Mr. Reid further inquired what type of vehicles would be repaired there, and expressed concern regarding large trucks. Mr. Coppolino noted that the small size of the building would limit it to repair of cars.

Chairman Flynn reiterated that the abutting property owner would have the opportunity to express his concerns with the Zoning Commission and/or Zoning Enforcement Officer.

Mr. Reid added that the previous owner had a body shop at the site which emitted strong fumes to neighboring properties.

M. Lembo, 336 Candlewood Lake Rd., was present. He inquired what the hours of the repair shop would be, and what type of work it would do. He also expressed his concern regarding the previously operated body shop and the fumes. Mr. Lembo advised that the Coppolino's had previously discussed with him the possibility of using the site as a deli. Chairman Flynn repeated that these concerns could be addressed with the Zoning Commission and/or Zoning Enforcement Officer. Mr. Lembo reiterated his opposition to any body shop use, and noted a previous gas spill at the site.

J. Tiburske, 333 Candlewood Lake Rd., echoed the concerns of Mr. Lembo. She also noted a concern of towing operations during the night. Ms. Tiburske inquired what the hours of the gas station would be, and Mr. Coppolino advised he does not know yet.

Chairman Flynn again stated that the activity at the site will be reviewed by the Zoning Commission when the application comes before that group.

Vice Chairman Timmerman moved to close the Public Hearing re: 330 Candlewood Lake Road, #201300864: Repairers’ License, at 7:26 p.m. G. Meyerle seconded the motion, and it carried unanimously.

DELIBERATIONS

a. 38 Stony Hill Road #201300865: Variance requested: §242-402A – 31’ structure to center of road for an addition (ph close date 11/10/13)

1. Map titled “Lot Line Revision” prepared by DeRosa Land Surveying dated 6/17/13

Vice Chairman Timmerman moved to approve 38 Stony Hill Road, #201300865: Variance requested: §242-402A – 31’ structure to center of road for an addition. G. Meyerle seconded the motion. Vice Chairman Timmerman pointed out that the house is not within the setback lines, but was built in 1743. He further noted that the proposal does not make the house any more non-conforming. Vice Chairman Timmerman and Chairman Flynn discussed the odd shape of the lot, and the upzoning. Motion carried unanimously. *Variance approved. Reason: Odd shaped lot, proposal will not make house any more non-conforming than it already is.*

b. 330 Candlewood Lake Road #201300864: Repairers License (ph close date 11/10/13)

1. GIS map of 330 Candlewood Lake Road area

Vice Chairman Timmerman moved to approve 330 Candlewood Lake Road, #201300864: Repairers’ License. N. Coppola seconded the motion. Chairman Flynn discussed the Board’s authority for repairers’ license applications, and the necessary documentation and/or actions to show abandonment of use. He pointed out that the concerns expressed by the abutting neighbors could be addressed with the Zoning Commission. Motion carried unanimously. *Repairers’ License granted.*

5. Tabled Items: None.

**6. New Business: None.
a.**

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.