

**AMENDED APPROVED MINUTES  
REGULAR MEETING  
BROOKFIELD ZONING BOARD OF APPEALS  
Monday, December 2, 2013- 7:00 p.m.  
MEETING ROOM 135 – TOWN HALL 100 POCONO RD**

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**1. Convene meeting**

Acting and Vice Chairman C. Timmerman 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.

**Present:** Acting and Vice Chairman C. Timmerman, G. Meyerle, N. Coppola, Alternate and Voting Member J. Eagan

**Absent:** Secretary S. Wallman, S. Harding

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

**2. Review Minutes – 11/4/13 – G. Meyerle moved to approve the Minutes of the November 4, 2013 meeting. N. Coppola seconded the motion, and it carried unanimously.**

**3. Review Correspondence:**

- a. **Minutes of other Boards and Commissions: Zoning Commission** 10/24/13, 11/7/13 special, 11/14/13; **Inland Wetlands Commission** 10/7/13, 10/28/13; **Planning Commission** 10/17/13, 11/7/13;
- b. **Legal Briefings for Building Inspectors:** November 2013

No discussion/no motions.

**4. PUBLIC HEARINGS – 7:00 p.m.**

- a. **15 Pritten Hill Road #201301051:** Variance requested: §242-402A – 32’ structure to center of road, §242-402A – 890 sq. ft., §242-401A(5) – accessory structure in front yard for a detached garage (*ph close date 1/5/14*)
  1. **“Zoning Location survey”** prepared by Charles Farnsworth & Assoc. dated 10/15/13

*J. Kost, 111 Church Hill Rd., Sandy Hook, CT, was present, on behalf of the Nassars. He discussed the proposed application for a detached garage. He further advised that the road the applicants live on has not been maintained by the Town for the past 15 years, as verified by letter from Mr. Tedesco, the Director of Public Works. The other frontage of the house sits on Surrey Drive.*

Mr. Kost advised that the hardship relates to a substantial slope, the location of the septic, wetlands, and additional variances would also be required on other sides of the property. The proposed location will keep the garage low-lying, and is such that the garage can be built into the slope of the hill. Mr. Kost shared photographs of the property from various angles.

*Mr. R. Nassar, 15 Pritten Hill Rd., was present, and noted that the road is a single lane road. Acting and Vice Chairman Timmerman agreed, having seen the site for inspection. He also noted the steepness of the sloping at the site. Upon inquiry from G. Meyerle, Mr. Nassar indicated that there will be no living quarters over the new garage.*

A rough sketch of the proposed garage was reviewed.

*S. Nassar was present*, and indicated that there is a stream in the back. She provided the details surrounding the events that led to the Town not maintaining the road.

There was discussion regarding fire and emergency access. Mrs. Nassar indicated that the fire department has been to the house, but the post office will not deliver on the road.

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

Acting and Vice Chairman Timmerman read letter in favor of the application from David and Michelle Jonas dated November 23, 2013.

Mr. Nassar signed the consent to be heard before a four-person Board.

**N. Coppola moved to close the Public Hearing for 15 Pritten Hill Road #201301051: Variance requested: §242-402A – 32’ structure to center of road, §242-402A – 890 sq. ft., §242-401A(5) – accessory structure in front yard for a detached garage, at 7:16 p.m. J. Eagan seconded the motion, and it carried unanimously.**

- b. 3 West Whisconier Road #201301055: Variance requested: §242-402A – 32.8’ structure to left side line for a “lean two” to store a tractor (*ph close date 1/5/14*)**
  1. “Property Survey” handed into Land Use 11/12/13

*P. Adams, 3 West Whisconier Rd., was present.* He signed the consent to be heard before a four-person Board. Mr. Adams indicated that he built a lean two and received a notice from the Building Department. He shared photographs of the material he is storing in the lean two. Upon inquiry, he advised that he did not know he needed a permit.

Acting and Vice Chairman Timmerman explained the need to demonstrate a hardship for the variance. Mr. Adams showed photographs of where the material used to be, which was in view of the neighbor. He further advised that the lean two was built “to code” by a master builder. Acting and Vice Chairman Timmerman advised Mr. Adams that he will need the variance to get the lean two permitted by the Building Department. Four photographs were submitted for the record.

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

*W. Malkin, 42 Whisconier Rd., was present, and spoke in opposition to the application.* He submitted a map and photograph showing that the lean two backs up to his property. He indicated that Mr. Adams has sufficient room to allow the structure to have been put on the west side of the garage. Mr. Malkin indicated that there is also a golf tee on the property he believes is being used for instruction. Mr. Adams advised that the tee is shared with friends and family. Mr. Timmerman advised that the variance only relates to structures on the site. With regard to putting the lean two on the other side, Mr. Adams indicated it was not possible due to the roof pitch. There was discussion regarding the lowest part of the roof.

Mr. Timmerman gave examples of hardships related to property.

Mr. Adams indicated that he felt that cleaning up the side of the property was beneficial for the neighbors. Mr. Malkin indicated that the property had been “impeccable” prior to Mr. Adams’ purchase.

G. Meyerle inquired if a landscaping barrier would satisfy Mr. Malkin, and Mr. Malkin indicated he would prefer for the lean two to be on the other side, noting the remaining amount of property that does not encroach on the sideline.

**N. Coppola moved to close the Public Hearing 3 West Whisconier Road #201301055: Variance requested: §242-402A – 32.8’ structure to left side line for a “lean two” to store a tractor at 7:37 p.m. J. Eagan seconded the motion, and it carried unanimously.**

- c. **9 Stage Road #201301056**: Variance requested: §242-402A – 19.3’ structure to center of road for the addition of a foyer. (*ph close date 1/5/14*)
  - 1. “Plot Plan” prepared by K. W. Rogers, surveyor dated March 1972 – handed into Land Use 11/12/13

*M. Melillo, 9 Stage Rd., was present.* He signed consent to be heard before a four-person Board. N. Coppola inquired if the applicant was in possession of a survey of the property, and Mr. Melillo indicated that a survey would be done upon completion of the construction. He would like to add a foyer to the front of the house. Acting and Vice Chairman Timmerman indicated that the structure is pre-existing and non-conforming. Mr. Melillo stated that the existing “stoop” is four feet long. Acting and Vice Chairman Timmerman advised that the measurements would be included in the overhang. Mr. Melillo indicated that the foyer would not only be more attractive, but would provide protection to keep water off of the door. It will be 12’ to 13’ wide, and the 9’ was requested because the house is not “square” to the road. Acting and Vice Chairman Timmerman indicated he inspected the site. There was discussion regarding the need for a survey, and the Board encouraged the applicant to get an A2 survey completed prior to construction, so that the measurements for the structure are accurate.

*D. Morey, 11 Stage Rd., was present and spoke in favor of the application. No one was present to speak in opposition to the application.*

Acting and Vice Chairman Timmerman read a letter from M. Miska, 10 Stage Road, dated 12/1/13, in favor of the application.

**G. Meyerle moved to close the Public Hearing re: 9 Stage Road #201301056: Variance requested: §242-402A – 19.3’ structure to center of road for the addition of a foyer, at 7:48 p.m. N. Coppola seconded the motion, and it carried unanimously.**

### **DELIBERATIONS**

- a. **15 Pritten Hill Road #201301051**: Variance requested: §242-402A – 32’ structure to center of road, §242-402A – 890 sq. ft., §242-401A(5) – accessory structure in front yard for a detached garage (*ph close date 1/5/14*)

**J. Eagan moved to approve 15 Pritten Hill, #201301051, variance as advertised.** Acting and Vice Chairman Timmerman noted the proposed location is the only possible location for the

garage. He indicated that the road serves only the applicant and a neighbor. The garage will be more than thirty feet back from the road. N. Coppola pointed out that there are two front yards at the site. The slope, wetlands and small amount of digging associated with the work were also noted. N. Coppola expressed his satisfaction with the rendering provided. **N. Coppola seconded the motion, and it carried unanimously. Variance approved. Reason:** Two front yards and topography.

- b. **3 West Whisconier Road #201301055:** Variance requested: §242-402A – 32.8’ structure to left side line for a “lean two” to store a tractor (*ph close date 1/5/14*)  
1. “Property Survey” handed into Land Use 11/12/13

**J. Eagan moved to approve 3 West Whisconier Rd., #201301055, variance as advertised.** Vice Chairman Timmerman noted that he understands why the location of the “lean two” was chosen. N. Coppola pointed out it is not encroaching any more on the property line. G. Meyerle indicated that he believes the issue is that no building permit was applied for, and the neighbors were not given the opportunity to comment. He recommended that the applicant devise a different plan for a shed, or offer shielding for the abutting neighbor, such as landscaping, when weather permits. There was discussion regarding the setback, and the measurement of 17.2’.

**N. Coppola moved to amend the motion to approve 3 West Whisconier Rd., #201301055, per Section 242-402A, to include the installation of 6 arborvitaes when seasonal conditions permit, to shield the neighbors’ view of the lean-two, within six months, or June, 2014. J. Eagan seconded the motion to amend. Motion carried unanimously.**

Acting and Vice Chairman Timmerman noted that had the arborvitaes been installed first, the neighbor would not have to view the lean-two. The variance would still be necessary for permitting purposes. **The variance is for the setback, dictated on the plan given on the application. The vote on the amended motion for approval was unanimously in favor. Variance granted. Reason: Pre-existing, non-conforming, recording the pre-existing setbacks, and the slope and topography, make this the most appropriate place for the “lean two” and cleans up the property.**

- c. **9 Stage Road #201301056:** Variance requested: §242-402A – 19.3’ structure to center of road for the addition of a foyer. (*ph close date 1/5/14*)  
1. “Plot Plan” prepared by K. W. Rogers, surveyor dated March 1972 – handed into Land Use 11/12/13

**J. Eagan moved to approve 9 Stage Rd., #201301056, variance requested as advertised. G. Meyerle seconded the motion.** Acting and Vice Chairman Timmerman noted that the extra foyer will not bring the house any closer to the road. The house is already non-conforming. N. Coppola pointed out this will make the house more like the existing homes on the street. Acting and Vice Chairman Timmerman also noted that the foyer will prevent unsafe, icy conditions on the porch. **Motion carried unanimously. Variance approved. Reason: Safety, and the proposal brings the house into conformance with the neighborhood, and improves the neighborhood.**

5. **Tabled Items: None.**

6. **New Business:**
  - a. **Draft Meeting Calendar for 2014:** Acting and Vice Chairman Timmerman pointed out that the November meeting date is incorrect, and should be November 3, 2014. **N. Coppola moved to accept the Draft of the 2014 Land Use Meeting Schedule as printed with the one correction for November 3, 2014. J. Eagan seconded the motion, and it carried unanimously.**
  
7. **Informal Discussion:** There was discussion regarding filling Board vacancies. **No motion.**
  
8. **Adjourn – N. Coppola moved to adjourn the meeting at 8:03 p.m. J. Eagan seconded the motion, and it carried unanimously.**

*\*\*\*Next meeting Scheduled for January 6 2014\*\*\**