

**APPROVED MINUTES  
REGULAR MEETING  
BROOKFIELD ZONING BOARD OF APPEALS  
Monday, January 6, 2014- 7:00 p.m.  
MEETING ROOM 133 – TOWN HALL 100 POCONO RD**

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**1. Convene meeting**

Acting and Vice Chairman C. Timmerman convened the meeting at 7:04 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, N. Coppola, G. Meyerle, Alternate and Voting Member J. Eagan, Alternate and Voting Member S. Harding

**Absent:** Secretary S. Wallman

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

- 2. Review Minutes – 12/2/13 –** C. Timmerman noted that S. Harding is not listed as absent under Agenda Item 1. **Acting and Vice Chairman Timmerman moved to approve the Minutes of the December 2, 2013 as amended. N. Coppola seconded the motion, and it carried, 4-0-1, with S. Harding abstaining.**

**3. Review Correspondence:**

- a. Minutes of other Boards and Commissions: Zoning Commission 11/21/13, 12/12/13; Inland Wetlands Commission 11/18/13, 11/25/13, 12/9/13; Planning Commission 12/5/13;**
- b. Legal Briefings for Building Inspectors: December 2013**

**No discussion/no motions.**

**4. PUBLIC HEARINGS – 7:00 p.m.**

- a. 315 Candlewood Lake Road #201301166: Variance requested: §242-402A – 14’ structure to center of road, §242-402A – 13.3’ structure to right side line, §242-401A(5) – Front yard use for an accessory garage (*ph close date 2/9/14*)**
  - 1. Map showing “Plot Plan” of 315 Candlewood Lake Road prepared by CJOJ, LLC dated 10/29/13

*J. Mooney, 315 Candlewood Lake Rd., was present.* He indicated that the above-listed variance is being requested because the topography at the site limits possible locations for the proposed garage. Acting and Vice Chairman Timmerman stated that he drove by the lot and noted the sloping. N. Coppola advised that he also visited the site. The proposal is for a one-car garage with a storage area above. Acting and Vice Chairman Timmerman indicated that only the plot plan is in the file. Mr. Mooney pointed out the location of an existing oil tank. Upon inquiry, he advised that he will install or construct the most cost-effective structure. Additionally, he is not planning on wiring the building for electric. The plot plan was reviewed by the Board members. Acting and Vice Chairman Timmerman inquired regarding any other possible locations, and Mr. Mooney responded that the location of the existing septic prohibits building in another spot on the lot. The driveway was delineated. G. Meyerle inquired if the garage could be rotated, and Mr. Mooney indicated it would not because of the hill and the location of septic tank. There was discussion regarding the property line and a 60’ distance from the center of the road. Mr. Mooney advised that his septic consultant is aware of the proximity of the fields and proposed structure. N. Coppola pointed out that any overhang on the garage would have to be included in the measurements, and Mr. Mooney indicated no overhang is planned.

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

**G. Meyerle moved to close the Public Hearing re: 315 Candlewood Lake Road #201301166: Variance requested: §242-402A – 14’ structure to center of road, §242-402A – 13.3’ structure to right side line, §242-401A(5) – Front yard use for an accessory garage, at 7:16 p.m. N. Coppola seconded the motion, and it carried unanimously.**

Mr. Mooney submitted possible proposed dimensions for the file.

- b. 4 Pine Street #201301169:** Variance requested: §242-402A – 1% of lot coverage for a deck (*ph close date 2/9/14*)
  1. “Property Survey” prepared by Danbury Land Surveying, LLC dated 12/4/13

*J. Blansfield, 4 Pine St., was present.* N. Coppola indicated he inspected the site today. Mr. Blansfield has begun making improvements to the home, and would like to add a deck. The variance request is for lot coverage. It was noted that this half-acre lot is in a one-acre zone, and upzoning has occurred. N. Coppola stated that the proposed deck would not encroach on any neighboring properties.

Mr. Eagan read a letter in support of the application, to the ZBA, from T. Pacific, 2 Pine Street, dated December 24, 2013.

*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: 4 Pine Street #201301169: Variance requested: §242-402A – 1% of lot coverage for a deck, at 7:21 p.m. G. Meyerle seconded the motion, and it carried unanimously.**

- c. 337 Federal Road #201301183:** Variance requested: §242-501E(1)(b) – structure to front lot line (commercial) for a proposed restaurant building within the front yard setback (*ph close date 2/9/14*)
  1. Map titled “Demolition Plan” prepared by CCA, LLC dated 11/26/13 – sheet C1
  2. “Zoning Location Survey Showing Proposed Improvements” prepared by CCA, LLC dated 12/5/13 – sheet 1 of 1

*Ms. A. Adams, Landscape Architect, CCA, 40 Old New Milford Rd., was present on behalf of the applicant.* She reviewed the portions of the site that have been previously developed, and noted the east and northeast sections are steep. Photographs were submitted. Ms. Adams indicated that the requested variance will allow the development to occur away from the steep slopes. The proposed restaurant will be 2,080 square feet with a drive-through, and will still be set back 57-67 feet from Federal Road. Upon inquiry, Ms. Adams advised that no elevations have been prepared yet, but indicated the design will likely be typical of other Dunkin Donuts’ buildings. A traffic study will have to be completed for the Zoning Commission application.

*Mrs. D. Rafferty, 336 Federal Rd., was present.* She inquired if there was a plan to widen Federal Road, and where the driveway would exit, as there is currently a blind side. The Board is not aware of any road widening, which is not in its purview. Ms. Adams pointed out where

the entrance would be, and where the current driveway is. There was discussion regarding difficulties turning from Mrs. Rafferty's site related to the grade of the land.

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

**J. Eagan moved to close the Public Hearing re: 337 Federal Road #201301183: Variance requested: §242-501E(1)(b) – structure to front lot line (commercial) for a proposed restaurant building within the front yard setback, at 7:30 p.m. G. Meyerle seconded the motion, and it carried unanimously.**

- d. **1 High Acres Road #201301184**: Variance requested §242-402A – 35' structure to center of road, §242-402A – 1% of lot coverage and §242-401A(5) – structure in front yard for a new 1.5 story structure (*ph close date 2/9/14*)
  - 1. Hand drawn plot plan handed into Land Use 12/17/13

*P. and A. Beccaria, 1 High Acres Rd., were present. A letter from P. Fiore, to the ZBA, dated January 6, 2014, was submitted.*

The application relates to the installation of a pre-fabricated Barnyard 1.5-story building. The proposed use of the building is for A. Beccaria's practice as a licensed acupuncturist. P. Beccaria explained that the site is a corner lot, with two front yards. The portion of the yard fronting High Acres is the issue. Mr. Beccaria explained that the building could be moved back further, however, there is a large Cedar tree present, as well as the septic. N. Coppola advised that he inspected the site and confirmed the location of the septic. The applicants plan on installing power to the structure, with a half-bath (no shower). The actual variance is for .7% lot coverage, but the applicants are requesting 1% to consider overhangs. It was also noted that the lot was upzoned. Mr. Beccaria added that the site will be surveyed and there will be some digging into a hill on the lot. N. Coppola inquired if the proposed use is approved for the zone, and Acting and Vice Chairman Timmerman advised that the applicants would have to go to Zoning Commission regarding the use, and to discuss parking and other concerns.

J. Eagan read the above letter from P. Fiore, in support of the application.

There was brief additional discussion regarding the Board's inability to vary use. It was clarified that the Board is only approving the building.

It was also noted that the proposed structure will be 46 feet from the house, and will allow access for emergency vehicles.

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

N. Coppola suggested that the applicants obtain a better drawing and/or an updated A2 survey before the construction begins.

**J. Eagan moved to close the Public Hearing re: 1 High Acres Road #201301184: Variance requested §242-402A – 35' structure to center of road, §242-402A – 1% of lot coverage and §242-401A(5) – structure in front yard for a new 1.5 story structure, at 7:41 p.m. G. Meyerle seconded the motion, and it carried unanimously.**

**DELIBERATIONS**

- a. **315 Candlewood Lake Road #201301166:** Variance requested: §242-402A – 14’ structure to center of road, §242-402A – 13.3’ structure to right side line, §242-401A(5) – Front yard use for an accessory garage (*ph close date 2/9/14*)
1. Map showing “Plot Plan” of 315 Candlewood Lake Road prepared by CJOJ, LLC dated 10/29/13

**J. Eagan moved to approve 315 Candlewood Lake Rd., #201301166, Variance requested, as advertised. S. Harding seconded the motion. It was noted that the variance pertains to a small, one-car garage that cannot be seen; and that topography is a factor. Motion carried unanimously. Variance granted. Reason: Topography and minimal impact to neighbors.**

- b. **4 Pine Street #201301169:** Variance requested: §242-402A – 1% of lot coverage for a deck (*ph close date 2/9/14*)
1. “Property Survey” prepared by Danbury Land Surveying, LLC dated 12/4/13

**J. Eagan moved to approve 4 Pine St., #201301169, Variance requested, as advertised. S. Harding seconded the motion. It was noted that the lot had been upzoned, and the request has no impact on the neighbors. Motion carried unanimously. Variance granted. Reason: Upzoning, and the request improves the neighborhood.**

- c. **337 Federal Road #201301183:** Variance requested: §242-501E(1)(b) – structure to front lot line (commercial) for a proposed restaurant building within the front yard setback (*ph close date 2/9/14*)
1. Map titled “Demolition Plan” prepared by CCA, LLC dated 11/26/13 – sheet C1
  2. “Zoning Location Survey Showing Proposed Improvements” prepared by CCA, LLC dated 12/5/13 – sheet 1 of 1

**J. Eagan moved to approve 337 Federal Rd., #201301183, Variance requested, as advertised. N. Coppola seconded the motion. The topography and steep slope were noted. There was discussion regarding the driveway affecting the sight line, and increased traffic. It was pointed out that the traffic issue is a more relevant discussion for the Zoning Commission. Motion carried unanimously. Variance granted. Reason: Narrow lot and topography in the back with the steepness makes it necessary to push development forwards toward the road.**

There was discussion regarding whether the abutting property owners will be notified when this matter comes before the Zoning Commission. Mrs. Rafferty was advised to refer to the News Times and the Town website for the legal notice and meeting agenda. She indicated that she was not notified of the variance request by certified mail, to Post Office Box 828, Brookfield.

- d. **1 High Acres Road #201301184:** Variance requested §242-402A – 35’ structure to center of road, §242-402A – 1% of lot coverage and §242-401A(5) – structure in front yard for a new 1.5 story structure (*ph close date 2/9/14*)
1. Hand drawn plot plan handed into Land Use 12/17/13

**J. Eagan to approve 1 High Acres Rd., #201301184, Variance requested as advertised. S. Harding seconded the motion. It was noted that there are two front yards at the lot, and it was upzoned. Additionally, there will be minimal impact to the neighborhood. There was discussion regarding the need for the applicant to go before the Zoning Commission**

regarding the proposed use. Motion carried unanimously. *Variance granted.* Reason: Upzoning, two front yards and topography.

5. Tabled Items: None.

6. New Business:

a. Nomination and Election of Officers for the 2014 Calendar Year:

C. Timmerman nominated J. Eagan for the position of Secretary for the 2014 Calendar Year. S. Harding seconded the motion, and it carried unanimously.

C. Timmerman nominated N. Coppola for the position of Vice Chairman for the 2014 Calendar Year. S. Harding seconded the motion, and it carried unanimously.

S. Harding nominated C. Timmerman for the position of Chairman for the 2014 Calendar Year. N. Coppola seconded the motion, and it carried unanimously.

7. Informal Discussion: None.

8. Adjourn

G. Meyerle moved to adjourn the meeting at 7:57 p.m. J. Eagan seconded the motion, and it carried unanimously.

*\*\*\*Next meeting Scheduled for February 3, 2014\*\*\**