

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

1. Convene meeting

Chairman C. Timmerman 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 C. Timmerman, Vice Chairman N. Coppola, Secretary J. Eagan, G. Meyerle, Alternate and Voting Member L. Bibbo, Alternate P. Murphy

Absent: None

Also Present: Recording Secretary D. Cioffi

2. Review Minutes – 3/3/14 – G. Meyerle moved to approve the Minutes of the 3/3/14 meeting. N. Coppola seconded the motion. He noted the following correction: on Page 1, Item 4.a., first paragraph, third/fourth line, to change “Secretary Coppola” to “Vice Chairman Coppola”; and on Page 2, third complete paragraph, third line, to change “Secretary Coppola” to “Vice Chairman Coppola”. Motion to approve the Minutes as amended carried, 5-0-1, with P. Murphy abstaining.

3. Review Correspondence:

- a. **Minutes of other Boards and Commissions: Zoning Commission 2/27/14, 3/13/14, 3/20/14 special; Inland Wetlands Commission 3/10/14; Planning Commission 2/20/14; Zoning Sub-Committee**
- b. Legal Briefings for Building Inspectors: February 2014, March 2014

No discussion/no motions.

4. PUBLIC HEARINGS – 7:00 p.m.

- a. **39 Candlewood Shores Road #201400171: Variance requested: §242-402A – 9’ structure to rear lot line; §242-402A – 1’ structure to left side line, §242-402A – 1’ structure to right side line, §242-402A – 30 sq. ft. lot area and §242-402A – 6% of lot coverage for a new home with deck.**
 - 1. Plan of proposed new construction handed into Land Use 3/18/14

L. Bibbo was appointed the Voting Alternate.

Mr. and Mrs. I. DeOliveira, 39 Candlewood Shores Rd., were present. Mr. DeOliveira stated that the variance relates to the overhang, which has been approved for 6.5 inches. He would like to use different materials, which will increase the size of the overhang. Additionally, he would like to build a deck in the rear of the house. Currently the site is an empty lot.

Plans for the proposed construction were reviewed. Chairman Timmerman noted the contours in the front and rear of the lot. Mr. DeOliveira stated that the house will be raised in the front, and there will be a walk out basement. Chairman Timmerman explained the need to prove a hardship for the variance. He noted the close proximity to the abutting property line (two feet). Upon inquiry from Chairman Timmerman about options for moving the house forward, Mr. DeOliveira stated that he is unable to do that because of the location of the septic system. Vice

Chairman Coppola inquired if the applicant is proposing stairs off the deck, and Mr. DeOliveira stated that he is not. Chairman Timmerman inquired regarding the discrepancy with the footprint and the 1,899 feet listed on the application. Mr. DeOliveira stated that the building plans have been approved by the Building Department and the difference relates to the overhang. The “48” listed on the application was changed to “47”, and this change was initialed by Mr. DeOliveira.

Chairman Timmerman inquired regarding the square footage of living space. Mr. DeOliveira advised that the first floor would have 9’ ceiling heights, the second floor would have 8’ ceiling heights, with 6’ for an attic, and 10’ for the master bedroom. G. Meyerle inquired why the house was being raised, and Mr. DeOliveira noted it was to allow for the walkout basement. Chairman Timmerman discussed another property in the area where the house looks disproportionately taller than others in the neighborhood. It was noted that the maximum building height is 30 feet.

Mr. DeOliveira reviewed more specifics of the plans, including the side door to the garage, and using a sliding door to the deck. Chairman Timmerman noted that if there were stairs off of the deck it would provide a second means of egress. The square footage was reviewed, as well as the required space from the septic. Vice Chairman Coppola reviewed the distance from the septic. Mr. DeOliveira indicated he would bring dirt in to raise the grade of the front of the house.

G. Meyerle inquired regarding putting the deck in the front of the house, and Mrs. DeOliveira indicated the preference was to have it off of the kitchen. Mr. DeOliveira stated that the porch in the front was reduced due to lot coverage issues. He discussed plantings to assist with privacy.

No one was present to speak in favor of the application. J. Schmalvach, 31 Hickory Hill Rd., was present and spoke in opposition to the application. He explained that there are very large trees on his property, a foot from the neighboring property line. Additionally, the proposed raising of the house will cause water runoff onto his property, which he fears will jeopardize the already fragile roots of the trees and increase the potential for the trees falling. Lastly, he is concerned about the lack of privacy.

G. Meyerle inquired regarding the possibility of moving the septic reserve and the house forward approximately fifteen feet.

There was discussion between Mr. DeOliveira and Mr. Schmalvach regarding the trees.

Secretary Eagan moved to close the Public Hearing re: 39 Candlewood Shores Road, #201400171, as advertised, at 7:28 p.m. G. Meyerle seconded the motion, and it carried unanimously.

DELIBERATIONS

- a. **39 Candlewood Shores Road #201400171: Variance requested: §242-402A – 9’ structure to rear lot line; §242-402A – 1’ structure to left side line, §242-402A – 1’ structure to right side line, §242-402A – 30 sq. ft. lot area and §242-402A – 6% of lot coverage for a new home with deck.**

Secretary Eagan moved to approve 39 Candlewood Shores Road, #201400171, as advertised. L. Bibbo seconded the motion. Chairman Timmerman discussed the proximity to the property line in the back. With regard to raising the property, the Board noted that other properties in the area have to be looked at. There was discussion regarding moving

the reserves and rotating the house. Vice Chairman Coppola noted that parts of the reserves are under the driveway. Chairman Timmerman indicated that if the house is moved 9', no variance is needed in the back. He also pointed out that the height of the house is not in fitting with the neighborhood. The Board was satisfied with the left and right sideline variances.

Vice Chairman Coppola moved to amend the motion to approve the left and right sideline variances, and the lot area and coverage variances. L. Bibbo seconded the motion. The vote on the motion to amend carried unanimously. The vote on the amended motion also carried unanimously. *Variance granted.* Reason: Narrow lot for sideline.

The Board advised the applicant that it did not feel the house should be as tall as it, and that it should be more fitting with the neighborhood.

5. **Tabled Items:** None
6. **New Business:**
 - a. None
7. **Informal Discussion:** P. Murphy was welcomed to the Board.
8. **Adjourn:**

Vice Chairman Coppola moved to adjourn the meeting at 7:37 p.m. G. Meyerle seconded the motion, and it carried unanimously.

****Next meeting Scheduled for May 5, 2014****