

**APPROVED MINUTES
REGULAR MEETING
BROOKFIELD ZONING BOARD OF APPEALS
Monday, May 5, 2014- 7:00 p.m.
MEETING ROOM 135 – TOWN HALL 100 POCONO RD**

1. Convene meeting

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

Absent: Alternate L. Bibbo

Also Present: Recording Secretary D. Cioffi

2. Review Minutes – 4/7/14 – N. Coppola moved to accept the Minutes of the 4/7/14 Meeting. J. Eagan seconded the motion, and it carried unanimously.

3. Review Correspondence:

a. Minutes of other Boards and Commissions: Zoning Commission 3/27/14, 3/27/14 special, 4/10/14; Inland Wetlands Commission 3/24/14; Planning Commission 4/3/14; Zoning Sub-Committee

b. Legal Briefings for Building Inspectors: April 2014

No discussion/no motions.

4. PUBLIC HEARINGS – 7:00 p.m.

a. 2 Patricia Drive #201400225: Variance requested: §242-402A – 23’ structure to rear lot line, §242-402A – 0.9% of lot coverage for the replacement of an existing deck.

1. “Property Survey” prepared by Paul Hiro, P.C. dated 12/7/07 revised thru 3/7/12 *K. and V. Erdmann, 2 Patricia Dr., were present.* V. Erdmann advised that the current shed, built in 1973, is in in disrepair, and showed a photograph. The shed was modified over the years. V. Erdmann stated that the current location is the most logical due to sloping on the property and the location of the septic fields. The proposed shed will be in darker color, and is being put in the southeast corner to maintain the distance from the center of road (which is compliance). V. Erdmann noted that the shed is being built to be proportionate to the machines that it will house. She added that the house has no garage. G. Meyerle inquired regarding the property to the north, and Ms. Erdmann advised that there is a 15 foot buffer that belongs to Woodcreek Village Condominiums. Chairman Timmerman also noted that the property has two front yards, as the house faces Patricia Drive and Old Prange Road. The applicants advised that the proposed shed will be handcrafted, and similar in appearance to the barn-shaped shed.

No one was present to speak in favor of the application, nor was anyone present to speak in opposition. No correspondence was received regarding this matter.

G. Meyerle moved to close the Public Hearing re: 2 Patricia Drive, #201400225: Variance requested: §242-402A – 23’ structure to rear lot line, at 7:09 p.m. J. Eagan seconded the motion, and it carried unanimously.

b. 67 Candlewood Lake Road #201400248: Variance requested: §242-401A(5) – Accessory Uses for a 12’ x 20’ garage in the front yard.

1. Site Plan Map handed into Land Use 4/14/14

Laura and Stephen Macchiaverna, 67 Candlewood Lake Road, Brookfield, CT, were present. They indicated that they are proposing to install a 20' garage at the end of the driveway. The survey was submitted, and Mr. Macchiaverna advised that the location has been staked. Photographs of the house were reviewed, and the proposed location was pointed out. The applicants also showed the pre-built garage that they are considering (Victorian), in either white or red. There are a number of trees on the property, and Mrs. Macchiaverna advised that the remainder of the lot is sloped. Two other nearby houses on Candlewood Lake Road have garages in similar locations. There was brief discussion regarding the fence and right-of-way. P. Murphy inquired regarding a letter from the abutting property owners, the Lindemayers, of 7 Old White Turkey Road. It was noted that the letter is in favor of the application. Lastly, Mrs. Macchiaverna advised that the garage will be utilized for her son's fitness equipment.

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

N. Coppola moved to close the Public Hearing re: 67 Candlewood Lake Road, #201400248: Variance requested: §242-401A(5) – Accessory Uses for a 12' x 20' garage in the front yard at 7:17 p.m. P. Murphy seconded the motion, and it carried unanimously.

c. **6 Hickory Hill Road #201400249:** Variance requested: §242-402A – 13' structure to center of road and §242-401A(5) – Accessory Use in front yard for a garage.

1. "Property/Boundary Survey" prepared by T. Michael Alex, Land Surveyor dated April, 2014

T. Zinnick, Permit Me Please, Project Consultant Expeditor, and the property owners, K. Eden and J. Lawrence, were present. Ms. Zinnick explained that the proposal is for a 24' X 24' garage. The plans were reviewed. Ms. Zinnick noted that the house was built in 1952 and does not meet the setback for the center of the road, and is pre-existing and non-conforming. Additionally, the lot is irregularly-shaped. The garage cannot be placed on the other side of the lot due to the location of the septic. The proposal does meet the side and rear setbacks. Chairman Timmerman inquired regarding attaching the garage to the building, and Ms. Zinnick advised that is not feasible. She also clarified that the application meets building separation requirements. *K. Eden, 6 Hickory Hill Rd., was present,* and advised the garage is being proposed to be tilted for aesthetics and to provide a barrier for headlights to the neighbor. Additionally, access on the side yard for the septic is necessary. *J. Lawrence, 6 Hickory Hill Rd., Treasurer of Hickory Hill Association, was present,* and indicated that the property owners have advised the Association and neighbors, and they are in favor of the proposal. Two letters in favor of the application were noted: from W. Gleissner, 2 Hickory Hill Rd., and J. Stipak, 4 Hickory Hill Rd. Mr. Eden explained that the house is originally a lake cottage built on a slab. Ms. Zinnick reiterated that the hardship relates to the pre-existing, non-conforming house, the irregular-shaped lot, and the location of the septic.

No one was 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: 6 Hickory Hill Road #201400249: Variance requested: §242-402A – 13' structure to center of road and §242-401A(5) – Accessory Use in front yard for a garage, at 7:24 p.m. N. Coppola seconded the motion, and it carried unanimously.

DELIBERATIONS

- a. **2 Patricia Drive #201400225**: Variance requested: §242-402A – 23’ structure to rear lot line, §242-402A – 0.9% of lot coverage for the replacement of an existing deck.

- 1. “Property Survey” prepared by Paul Hiro, P.C. dated 12/7/07 revised thru 3/7/12

J. Eagan moved to approve 2 Patricia Drive, #201400225, as advertised. P. Murphy seconded the motion. N. Coppola pointed out that the agenda lists an additional variance for the replacement of an existing deck. It was noted that the agenda is wrong, but the application was advertised properly. Chairman Timmerman pointed out the odd-shaped lot, that it is undersized for the R40 zone, and the site has two front yards. He noted that the application reduces the pre-existing non-conformity. The buffer was also acknowledged. Motion carried unanimously. *Variance granted.* Reason: Odd-shaped lot, upzoning, two front yards, and the plan reduces the non-conformity.

- b. **67 Candlewood Lake Road #201400248**: Variance requested: §242-401A(5) – Accessory Uses for a 12’ x 20’ garage in the front yard.

- 1. Site Plan Map handed into Land Use 4/14/14

J. Eagan moved to approve 67 Candlewood Lake Rd., #201400248, as advertised. N. Coppola seconded the motion. Chairman Timmerman indicated the proposed site is logical. There are two similar arrangements on nearby properties. G. Meyerle added it is the only possible location, and it will not be very visible from the road. Motion carried unanimously. *Variance granted.* Reason: Shallow lot, two front yards, only possible location for garage.

- c. **6 Hickory Hill Road #201400249**: Variance requested: §242-402A – 13’ structure to center of road and §242-401A(5) – Accessory Use in front yard for a garage.

- 1. “Property/Boundary Survey” prepared by T. Michael Alex, Land Surveyor dated April, 2014

J. Eagan moved to approve 6 Hickory Hill Road, #201400249: as advertised. N. Coppola seconded the motion. Chairman Timmerman noted that it is an odd-shaped lot, and the applicants have made an effort to keep the garage off of the sidelines. Two neighbors have written in favor of the application. The encroachment is on the front, rather than the sides. Motion carried unanimously. *Variance granted.* Reason: Odd-shaped lot.

5. Tabled Items: None

6. New Business: None

7. Informal Discussion: None

8. Adjourn: P. Murphy moved to adjourn the meeting at 7:29 p.m. G. Meyerle seconded the motion, and it carried unanimously.