

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

1. Convene meeting

Chairman C. Timmerman convened the meeting at 7:03 p.m. and established a quorum of members. He then reviewed the policies and procedures that govern public hearings, as well as the consent process for having applications heard before a four-person Board.

Present: Chairman C. Timmerman, Vice Chairman N. Coppola, G. Meyerle, Alternate and Voting Member P. Murphy

Absent: Secretary J. Eagan, Alternate L. Bibbo

Also Present: Recording Secretary D. Cioffi

2. Review Minutes – 6/2/14 – N. Coppola moved to approve the Minutes of the June 2, 2014 meeting. G. Meyerle seconded the motion, and it carried, 3-0-1, with P. Murphy abstaining.

3. Review Correspondence:

- a. **Minutes of other Boards and Commissions: Zoning Commission 5/22/14, 6/12/14; Inland Wetlands Commission 6/9/14; Planning Commission 6/5/14, 6/19/14; Zoning Sub-Committee**
- b. **CT Federation Of Planning & Zoning Agencies Quarterly Newsletter: Spring 2014**
- c. **Legal Briefings for Building Inspectors: May 2014**

No discussion/no motions.

4. PUBLIC HEARINGS – 7:00 p.m.

- a. **9 Arrowhead Point Road #201400498: Variance requested §242-402A – 20.1' structure to center of road for an addition.**

1. **Zoning Location Survey prepared by Sydney A. Rapp Land Surveying, P.C. dated 9/23/13 revised 5/12/14**

Attorney N. Marcus was present on behalf of the applicants. He advised that he would prefer to have the application heard in August with a full Board.

M. Travis, 19 Arrowhead Point Rd., was present, and inquired regarding how public comment can be made if she is unable to be present at the August 4, 2014 meeting. Chairman Timmerman advised her to write a letter with her opinion and concerns for the file and the record.

S. Mellis, 1 Chester St., was also present, and will not be able to attend the August 4, 2014 meeting. He was also advised to write a letter for the file and the record.

- b. **850 Federal Road #201400499: Variance requested §242-505 H(5)(b) – Location of roadside sign in the Town Center District.**

1. GIS map showing sign location handed into Land Use 6/9/14

J. Thengumthyl (owner of the business at the site), was present. W. McKean (the property owner), 18 Richter Dr., Danbury, CT, and R. McKean (the property owner's son), 2 Trailing Ridge Rd., Brookfield, were also present. Mr. W. McKean signed the consent to have the application heard before a four-person Board.

Mr. R. McKean explained that the application relates to the reinstalling of the sign. He stated that the sign was removed by the paving company when the parking lot was re-paved, Zoning Enforcement Officer A. Dew drove by that day and noticed that sign had been removed. She advised the applicant that the sign could not be reinstalled because of a new zoning regulation for sidewalks in the Town Center District (TCD). Chairman Timmerman read Section 242-505H(5)(b) of the regulations. G. Meyerle inquired how long the sign was down, and Mr. R. McKean indicated it was down for “about an hour”. Mr. R. McKean further advised that he did not request that the sign be removed; that the paving company took it down so they would not back over it with a machine.

Chairman Timmerman indicated that upon speaking with ZEO Dew, she reported that the applicant was advised not to complete the paving because of the pending new regulations for the TCD. Mr. R. McKean asked if the sign could be reinstalled now, and when the sidewalk comes into existence, it could be removed. Chairman Timmerman discussed the need for a hardship associated with the land. Mr. Thengumthuil advised that since the sign has been down, his sales have decreased by twenty percent. Chairman Timmerman explained that the hardship considered for the variance cannot be financial, and reiterated that it has to be associated with the property.

W. McKean was present. He advised that in recent years, the Town installed a water line from the New Milford border to the Four Corners. He indicated that it is his understanding that none of the area businesses have tied into the water line. Mr. W. McKean inquired how that would occur if there is a sidewalk, and Chairman Timmerman advised that a connection to the water line would likely be accomplished by digging under the sidewalk.

Chairman Timmerman reiterated the need for a hardship N. Coppola pointed out that if the paving company worked around the sign the applicants would not have to be present tonight. G. Meyerle advised he thinks the property owner should be able to install the sign. He stated that given the short duration it was down, and the property owner’s lack of awareness that it was removed, it is pre-existing, non-conforming issue. P. Murphy inquired if sidewalks were installed, and the sign had to be moved, if there was another location on the site the sign could be put. Chairman Timmerman advised it could not be put on the sidewalk or streetscape, and further noted that the current sign does not meet the guidelines adopted with the new regulation.

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

N. Coppola reiterated that if ZEO Dew had not driven by that particular day, the application would not be before the Board.

N. Coppola moved to close the Public Hearing re: 850 Federal Road, #201400499: Variance requested Section 242-505H(5)(b) – Location of roadside sign in the Town Center District, at 7:21 p.m. P. Murphy seconded the motion, and it carried unanimously.

DELIBERATIONS

- a. 9 Arrowhead Point Road #201400498: Variance requested §242-402A – 20.1’ structure to center of road for an addition.**

- 1. Zoning Location Survey prepared by Sydney A. Rapp Land Surveying, P.C. dated 9/23/13 revised 5/12/14

This matter will be heard at the August 4, 2014 meeting.

b. 850 Federal Road #201400499: Variance requested §242-505 H(5)(b) – Location of roadside sign in the Town Center District.

1. GIS map showing sign location handed into Land Use 6/9/14

N. Coppola moved to approve application as advertised at 850 Federal Rd., #201400499, Variance requested 242-505H(5)(b). G. Meyerle seconded the motion. N. Coppola suggested that the applicant be allowed to reinstall the sign with a stipulation that when the sidewalks are constructed, that the applicant remove the sign. Chairman Timmerman pointed out the pre-existing, non-conforming nature of the sign, stating that such a stipulation is necessary. G. Meyerle advised that a stipulation would prejudice the property owner from applying for another sign. Chairman Timmerman noted that the Board is mandated to work toward making properties more conforming. G. Meyerle countered that inasmuch as the sign was taken down for paving, for an hour, the applicant should be allowed to reinstall. Chairman Timmerman reiterated his preference for a stipulation. P. Murphy agreed. Chairman Timmerman and G. Meyerle agreed that the Village concept is appealing, but Mr. Meyerle does not feel the property owner should be penalized. P. Murphy inquired what will occur when the sidewalks are done, and what the process would be for related changes, and Chairman Timmerman indicated he believed the process would involve a site plan modification application. Mr. Coppola inquired if a car hit the sign, and it fell down, would the property owner have to apply for a variance. G. Meyerle indicated this application is the result of an accidental occurrence. Chairman Timmerman indicated the intention was not to remove sign, only to work around it. Motion carried unanimously. *Variance granted.* Reason: Because the sign was not taken down intentionally, only temporarily for paving, there was no intention to lose the pre-existing, non-conforming nature of the sign, and that the approval is with the understanding that the property owner may be forced to take down the sign in the future when the sidewalks are installed.

5. Tabled Items: None.

6. New Business: None.

7. Informal Discussion: None.

8. Adjourn: P. Murphy moved to adjourn the meeting at 7:28 p.m. N. Coppola seconded the motion, and it carried unanimously.

****Next meeting Scheduled for August 4, 2014****