

**APPROVED MINUTES
REGULAR MEETING
BROOKFIELD ZONING BOARD OF APPEALS
Monday, September 8, 2014- 7:00 p.m.
MEETING ROOM 135 – TOWN HALL 100 POCONO RD**

1. Convene meeting

Chairman C. Timmerman convened the meeting at 7:04 pm. 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, Alternates and voting members where indicated L. Bibbo and P. Murphy

Absent: None

Also Present: Recording Secretary N. Mack

2. Review Minutes – 8/4/14 – Commissioner Meyerle moved to approve the minutes of the 8/4/14 meeting. Secretary Eagan seconded the motion and it carried unanimously with N. Coppola abstaining.

3. Review Correspondence:

- a. **Minutes of other Boards and Commissions: Zoning Commission 7/24/14, 8/14/14; Inland Wetlands Commission 7/14/14, 7/28/14, 8/11/14; Planning Commission 7/17/14, 8/7/14, 8/21/14; Aquifer Protection Agency 7/10/14**

No discussion/no motions

- b. **Ct Federation of Planning & Zoning Agencies Quarterly Newsletter: Summer 2014**

- c. **Legal Briefings for Building Inspectors: August 2014 –**

Discussion/no motions

- d. Citation: Arrowhead Point v. ZBA dated 8/19/14

Chairman Timmerman briefly informed the Commissioners of the nature of this Citation and said this matter would be handled by Tom Beecher, Town Attorney.

4. CONTINUED PUBLIC HEARING:

- a. **117 Long Meadow Hill Road #201400613: Variance requested: §242-402A – 20' structure to right side line for a carport**

1. Site Plan Map prepared by CJOJ dated 6/11/96 revised 8/20/14

J. Durkin, 117 Long Meadow Hill Rd. was present.

He went back to the engineer who originally did his A-2 survey and had him show exactly where the 10 foot line would be on the site plan map. He stated that the 10 feet requested is really going to be 11.5' up from the end of the driveway. He also said that the area is covered by trees. Chairman Timmerman explained the application to Vice Chairman Coppola since he wasn't at the last meeting. He said this is a refreshed survey because at the last meeting he had a concern that the applicant might need more than he was really asking for. This was the reason he suggested the applicant get an A-2 survey.

Vice Chairman Coppola moved to close the Public Hearing re: 117 Long Meadow Hill Road, #201400613: Variance requested: §242-402A – 20' structure to right side line for a carport, Secretary Eagan seconded the motion, and it carried unanimously.

5. PUBLIC HEARINGS – Following Continued Public Hearing:

- a. 202 Candlewood Lake Road (Danbury Slovak Gymnastic Union Sokol, Inc.)
#201400640: Variance requested: §242-401B – Permitted Uses in Residential
Zones: Other Permitted uses: Parking in the front yard**

1. “Improvement Location Survey” prepared by Sydney Rapp Land Surveying dated 12/19/13 – handed into Land Use 7/22/14

Attorney Mazzucco, 39 Old Ridgebury Rd Danbury, representing Danbury Slovak Gymnastic Union Sokol, Inc. was present. Also present was Al Morey, Club President along with several members of the club. Attorney Mazzucco reviewed the history of this particular property which is in an R40 zone. A photograph (referred to as photo #1) with a picture of the house was submitted. He said there is no practical opportunity to park behind the house and that the front yard is enlarged from what it formally consisted of. The Club bought the property in 1981 and some additional property that was a former road that was conveyed from the State in 1998. They pursued the private club permit in the late 1980’s. They had applied to the Zoning Board of Appeals for a variance before they ever went to the Zoning Commission for a Special Permit. He suspects what happened was there was a certain number of non-conforming parking that existed in conjunction with the house and the board recognized the hardship of no space in the rear for parking. They were then approved for front yard parking [for the Club as opposed to the house] and limited to 13 spaces.

Attorney Mazzucco said the area is more commercial now than in prior years. Photograph #2 (an arial photograph) was submitted to show how far back the house is placed on the property. He said it has one of the largest front lots in the neighborhood.

Attorney Mazzucco said in weighing the hardship to expand parking in the front yard he would explain what the club does. He said there is about 45 active members and that they meet six times a year. There is also about five or more times a year that a member will have a family event or party bringing it to a total of about twelve events a year at this property.

Commissioner Bibbo asked how the number of events are monitored. Attorney Mazzucco said there is a schedule of meetings and that events must be applied for and approved in advance by the Board. Chairman Timmerman asked where this additional parking would be and Attorney Mazzucco said there would not be any change to the property so they would sometimes park on the grass. He said they have a grid system to help provide extra traction for vehicles parked on the grass if needed. Commissioner Murphy asked for clarification on the parking. Chairman Timmerman asked why they asking for a variance. Attorney Mazzucco explained that the Special Permit for this Club says they can only park 13 cars at any one time. The applicants are asking for there to be no limit on the amount of cars parking there. There was discussion about the number of cars that would park there at any given time. Attorney Mazzucco said there had been a change in leadership at the Club and they just want to make sure they are doing things the right way. He said that on an off season they can sometimes use the Candlewood Marina for parking to handle the overflow but he doesn’t feel this is very safe especially since many of the members are seniors. He said the functions happening at the Club can compare to events that occur in a normal household such as birthday and graduation parties.

John Kennedy (Club Member) – 63 Elbow Hill Rd was present. He said the meeting room can hold 150 people. Commissioner Meyerle asked if he had a specific number of cars he was requesting to be allowed to park and Attorney Mazzucco said it would be too hard to predict how many cars would be there at any given time. Commissioner Meyerle said a variance is being

asked for without a specific number of cars. He said this is open ended and needs a cap. Attorney Mazzucco said that even though they want to have an open-ended amount of cars parking at the Club, this would be for no more than twelve times a year and that could be a stipulation for them.

Chairman Timmerman asked if anyone was there who wished to speak in favor of this application. *John Kennedy* said he is in favor of this application for many reasons. He said all the other houses in the neighborhood have parties and that most of the time there is no one at the club. He said he cleans everything up and keeps the property clean. Secretary Eagan asked what they do for parking if there is a wedding or large event and he said they park some cars on the pavement and double park other cars. J. Kennedy re-iterated that most of the time there is no one there. It is the issue of a family function when there can be a lot of people are there. Commissioner Meyerle said to clarify the function of this application is to remove the restriction of the amount of cars parked at the Club on any given time.

Alexander Morey, Club President said when they agreed with the Town for the 13 car limit, it was in 1988 and things have changed since then. He said when the club moved to Brookfield they thought the restriction of 13 cars was ok because there was no reason for members to be there. Since then, there are regular meetings taking place. There is an application that members must fill out for the use of the building for personal use and the person must put down how many guests they are expecting.

Eric Handau – 17 Mountainview Rd was present. H spoke in favor or the Club. He said he has lived in the town 15 years and that the Club has been a good neighbor. He talked about how the neighborhood has changed and he compared the Club to many of the other homes in the neighborhood who have parties. He is in support of this application and he is not a member of the Sokol Club. He feels this is a very reasonable request especially since they are asking to use this parking request not more than twelve times a year.

Mitch O’Hara, 204 Candlewood Lake Rd was present. He said he has been living in the neighborhood for 31 years and has no problem with the Club or its application.

At this point Chairman Timmerman asked if there was anyone who would like to speak in opposition to the application.

Mark Vacirca, 200 Candlewood Lake Rd was present. He handed out paperwork to the Commissioners which outlines the issues that he has with the Sokol Club. His original understanding of the Club was that it was just a few guys’ playing cards. He said now, many years since then, this is no longer the case. He reviewed some of the regulations that were in place for the Club as far as parking and said the maximum number of spaces permitted for this property was supposed to be 13 and that the permit was supposed to become null and void upon new ownership of the property.

M. Vacirca said he feels the overuse of the Club is ruining his property value. He feels the Club is not in harmony with the neighborhood and has concerns because alcohol is served at many of the events. He is also concerned about emergency access in case of a fire. He owns the cottages near there and many of his tenants have complained to him that a bottleneck of cars gets created when an event lets out. He quoted some of the current Zoning Regulations and said the town would be held responsible for any accidents that happen because of the number of cars if more are allowed. He also stated that his privacy has been compromised and that the Sokol Club has turned into a “party house”. He said the Town has not enforced the 13 cars stipulation that was

imposed. Mr. Vacirca said he no longer can have quiet enjoyment at his own home due to excessive noise, car alarms and the yelling that occurs at the Club. He feels the Sokol club has outgrown this space. He stated he has been a good neighbor and was told to stay off the beach which he spent time cleaning. He feels he has been shut out from this club and that the character of the club has changed. He said the parking of only 13 cars has never been enforced and that the decision on this application is a lifetime decision for him.

Jeff Strang 91 North Lake Shore Dr. was present. He has safety concerns about this application. He said he has witnessed close calls on that road, especially late at night with a lot of cars leaving at the same time. Another safety concern he has is septic overflow, particularly to the lake. He said this is a residential area and that 13 cars is a lot to park at one residential location. He is wondering how the number of cars and events would be monitored and that he has also witnessed inappropriate behavior.

Rebuttals: *J. Kennedy* said he would like to address some of the statements made by Mr. Vacirca. Mr. Kennedy said he is a firefighter and that some of the concerns are exaggerated. He feels partying is a police matter and that this whole issue stemmed from a complaint. He said a lot of cars parking at a property is the nature of the area and that he doesn't feel the club is asking for anything crazy. He said the debris is garbage that washes up from the lake, but that the club is not causing this garbage.

Eric Handau said there are no police or fire reports of incidents having taken place at the Club. He said there is no history of DWI's there. He said the Club is approved for an occupancy maximum of 150 people and that parking a few more cars should not be a problem.

Amil Fusek, member of the Club said he is in favor of the application.

Paul Novak, member of Sokol Club 4 West Pine Dr. Danbury was present. He is in favor of the Application.

Attorney Mazzucco said it's unfortunate that personality issues have gotten in the way. He said the nature of the lake is for activity and that the objective of the club is for occasional events.

Commissioner Meyerle moved to close the Public Hearing re: 202 Candlewood Lake Road (Danbury Slovak Gymnastic Union Sokol, Inc.) #201400640: Variance requested: §242-401B – Permitted Uses in Residential Zones: Other Permitted uses: Parking in the front yard. Commissioner Bibbo seconded the motion and it carried unanimously.

- b. 6 Galloping Hill Road #201400689: Variance requested: §242-402A – 31' structure to rear lot line; §242-402A – 35' structure to right side line; §242-402A – 1' building separation for a 24' x 36' detached garage.**

- 1. Copies of GIS map with one showing existing conditions and the other showing "proposed setbacks"

Richard Hardin, 6 Galloping Hill was present. He said he worked with the Barnyard to plan an additional garage that would also have an upstairs for an office for him. He is asking to put the garage at end of driveway which is right by the edge of the property line. He said the septic is in the middle of the yard and the back of the property has wetlands. Chairman Timmerman inquired about the main reason for the garage and Mr. Hardin said he needs more space. The file map was reviewed. Vice Chairman Coppola said he drove through the neighborhood and there was only one

other house with an extra garage. He is concerned about the character of the neighborhood. Chairman Timmerman asked if he thought about moving the garage a little to the left and Mr. Hardin said the garage placement was the suggestion of the Barnyard. He said he is willing to make the garage closer to the house. Chairman Timmerman said if he made a covered breezeway, it would make the garage into an addition to the house plus it would make it more even with the house. Chairman Meyerle asked what he's planning to use the upstairs of the garage for and Mr. Hardin said a business office for himself. Chairman Timmerman said with the pivot and breezeway he suggested, the variance request would be reduced. The garage would then be 5 feet from the house, connected, and he wouldn't need a building separation variance. Mr. Hardin said he has spoken to his neighbors, some of who are present. He said he told them he would fill in with shrubs for privacy. Chairman Timmerman said he would like to continue the public hearing to make sure he gets the variance number that he would need correct. He feels pivoting will be an improvement. Chairman Timmerman feels strongly that the garage should be attached to the house and he reminded him that overhangs count in setbacks. Chairman Timmerman said Mr. Hardin should come back next month with a new updated design and new numbers for his variance.

Vice Chairman Coppola said a picture of the front elevation view would be good to have.

Bill Fedorko (neighbor), 4 Galloping Hill (neighbor) was present. He said he is ok with this application in principle since he is in the same predicament at his home. He would like there to be some privacy screening.

Francis Anderson (neighbor), 43 Obtuse Rd So. was present. She said she has no problem with this addition. She likes the idea of moving the garage closer to the house.

No one was present to speak in opposition to the application.

Commissioner Murphy moved to continue the Public Hearing re: 6 Galloping Hill Road #201400689: Variance requested: §242-402A – 31' structure to rear lot line; §242-402A – 35' structure to right side line; §242-402A – 1' building separation for a 24' x 36' detached garage to the next regularly scheduled meeting. Vice Chairman Coppola seconded the motion and the motion carried unanimously.

- c. **186 Whisconier Rd #201400758: Variance requested: §242-402A – 6.9' structure to left side line; §242-402A – 9.1 structure to right side line; §242-402A – 105' lot width and §242-401A(5) – accessory structure in front yard to construct a new home and rebuild an existing cottage structure.**
1. Map titled "Site and Septic System Replacement Plan" prepared by James R. Palmer, P.E. dated 6/12/13 – sheet 1 of 2
 2. "Property Survey Map" prepared by CJOJ LLC dated 5/28/13

David Cole, 192 Whisconier was present. He explained that the cottage which will remain in the front yard will be reconstructed to look like a barn which it originally was. The house would be located at the back of the property. The variance he needs is for an accessory structure in the front yard. He will be building on the same footprint but instead of a cottage there will be an accessory structure like a barn. The new house will be on a different footprint which doesn't need any variances since it will comply with the Zoning Regulations. Mr. Cole has been working with The Historic District about the additional barn in the back of the property.

Chairman Timmerman said there is a letter in support of this application from Anita Barney, Director of the library.

Vice Chairman Coppola moved to close the Public Hearing re: 186 Whisconier Rd #201400758: Variance requested: §242-402A – 6.9’ structure to left side line; §242-402A – 9.1 structure to right side line; §242-402A – 105’ lot width and §242-401A(5) – accessory structure in front yard to construct a new home and rebuild an existing cottage structure. Commissioner Meyerle seconded the motion and it carried unanimously.

- d. **96 North Lake Shore Dr. #201400759: Variance requested: §242-402A – 21’ structure to center of road; §242-402A – 5’ structure to right side line; §242- 402A – 3% of lot coverage; §242-401A(5) – accessory structure in front yard and §242-402A – 17’ building separation to build a one (1) car garage.**
 - 1. Property Survey dated 6/20/14 – handed into Land Use 8/20/14

Jeff Strang and Linda Reddington, 96 No. Lake Shore Dr. were present. Mr. Strang said he would like to build a one car garage in the front of his home and that he would make the garage blend in to existing dwelling. He said he is land locked on his property. He will use the existing driveway and there will be a path around the house in two directions. Vice Chairman Coppola said he is concerned about how close the garage will be to the road. Mr. Strang said there would be about twelve (12) feet of driveway remaining and that he wouldn’t be pulling out into the road blindly. This is the minimum size he could get away with comfortably. Vice Chairman Coppola questioned how high the garage would be. Chairman Timmerman asked how many cars he has at the house and Mr. Strang said three or four. Secretary Eagan asked how the garage would be installed and Mr. Strang said the floor would be same level of the road as well as storage space underneath. Mr. Strang said this is a safety issue for him since much of his lawn equipment and gas is currently kept in the house.

No one was present to speak in favor or opposition to this application.

Commissioner Bibbo motioned to close the Public Hearing re: 96 North Lake Shore Dr. #201400759: Variance requested: §242-402A – 21’ structure to center of road; §242-402A – 5’ structure to right side line; §242-402A – 3% of lot coverage; §242-401A(5) – accessory structure in front yard and §242-402A – 17’ building separation to build a one (1) car garage. The motion was seconded by Vice Chairman Coppola and it carried unanimously.

DELIBERATIONS:

- 4.
 - a. **117 Long Meadow Hill Road #201400613: Variance requested: §242-402A – 20’ structure to right side line for a carport.**

Secretary Eagan moved to approve 117 Long Meadow Hill Road #201400613: Variance requested: §242-402A – 20’ structure to right side line for a carport. The motion was amended to stipulate that this structure remains a carport with no walls [a roof only carport]. Also stipulated is that there will be additional shrubbery planted. The amended motion was seconded Commissioner Murphy and carried unanimously. Reason: Narrow lot, driveway placement

- 5.
 - a. **202 Candlewood Lake Road (Danbury Slovak Gymnastic Union Sokol, Inc.) #201400640: Variance requested: §242-401B – Permitted Uses in Residential Zones: Other Permitted uses: Parking in the front yard**

1. “Improvement Location Survey” prepared by Sydney Rapp Land Surveying dated 12/19/13 – handed into Land Use 7/22/14

Secretary Eagan motioned to approve 202 Candlewood Lake Road, application #201400640 as advertised (*he then recused himself and Commissioner Murphy became a voting member*). The Commission further discussed this variance and what the applicant was actually asking for as a special exception. Vice Chairman Coppola discussed that this use was a “Special Permit” granted by the Zoning Commission and he said this puts the brakes on any change in use for the Zoning Board of Appeals Commission. Commissioner Meyerle and Chairman Timmerman said the real issue is that the thirteen car maximum parking in the front yard is not being enforced. They further feel that the frequency of events will not be enforceable. Chairman Timmerman feels this variance request is a “self-induced hardship” [the land has not changed]. **Motion failed.**

Variance was denied unanimously without prejudice. It was suggested that the Sokol Club apply to the Zoning Commission for a Zone change.

Reason for Denial: No hardship found and the Zoning Board of Appeals must uphold the Special Permit associated with this property.

5. c. **186 Whisconier Rd #201400758: Variance requested: §242-402A – 6.9’ structure to left side line; §242-402A – 9.1 structure to right side line; §242-402A – 105’ lot width and §242-401A(5) – accessory structure in front yard to construct a new home and rebuild an existing cottage structure.**
 1. Map titled “Site and Septic System Replacement Plan” prepared by James R. Palmer, P.E. dated 6/12/13 – sheet 1 of 2
 2. “Property Survey Map” prepared by CJOJ LLC dated 5/28/13

Secretary Eagan moved to approve 186 Whisconier Rd #201400758 as advertised. Vice Chairman Coppola seconded the motion and it carried unanimously. Chairman Timmerman said this is a pre-existing, non-conforming lot which needs a major repair on an existing structure and it will be reverting back to its original nature. It was also noted that this lot is in the Historic District.

Variance granted. Reason: Pre-existing setbacks, non-conforming lot with an existing structure needing a major repair.

- d. **96 North Lake Shore Dr. #201400759: Variance requested: §242-402A – 21’ structure to center of road; §242-402A – 5’ structure to right side line; §242- 402A – 3% of lot coverage; §242-401A(5) – accessory structure in front yard and §242-402A – 17’ building separation to build a one (1) car garage.**
 1. Property Survey dated 6/20/14 – handed into Land Use 8/20/14

Commissioner Eagan moved to approve 96 No. Lakeshore Drive as advertised. The motion was seconded by Vice Chairman Coppola and it carried unanimously. The Commission noted a similar variance they gave in another situation like this one. Chairman Timmerman further noted this is a safety issue since it will get some of the flammable liquids out of the basement of the home. *Variance granted.*

Reason: Geographical hardship, topography and it will make the property safer by getting the cars off the road and the gasoline out of the house.

6. Tabled Items:

8. New Business:

9. Informal Discussion:

10. Adjourn: Vice Chairman Coppola motioned to adjourn, seconded by G. Meyerle and carried unanimously. Meeting adjourned 9:03pm.

****Next meeting Scheduled for October 6, 2014****