

**APPROVED MINUTES  
REGULAR MEETING  
BROOKFIELD ZONING BOARD OF APPEALS  
Monday, October 6, 2014 - 7:00 p.m.  
MEETING ROOM 135 – TOWN HALL 100 POCONO RD**

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**1. Convene meeting**

Chairman C. Timmerman convened the meeting at 6:50 p.m. and established a quorum of members. He then reviewed the policies and procedures that govern public hearings.

**Present:** Chairman C. Timmerman, Secretary J. Eagan, G. Meyerle, P. Murphy and Alternate L. Bibbo, (*Prospective new member L. Ruschmeyer was in the audience*)

**Absent:** Vice Chairman N. Coppola

**Also Present:** Recording Secretary N. Mack

**2. Review Minutes – 9/8/14 – Commissioner Murphy made a correction to page 5 to change the beginning of the motion to read “Commissioner Murphy”. Secretary Eagan motioned to approve the minutes of 9/8/14 with this one correction. Motion carried unanimously.**

**3. Review Correspondence:**

**a. Minutes of other Boards and Commissions: Zoning Commission 8/28/14; 9/11/14; Inland Wetlands Commission 8/25/14, 9/8/14; Planning Commission; Aquifer Protection Agency 8/28/14**

**b. Freedom of Information Workshop Flyer: Monday, 10/20/14 Town Hall at 7 P.M.**

**c. Legal Briefings for Building Inspectors: September 2014**

**No Discussion/No motions**

**4. CONTINUED PUBLIC HEARINGS – 7:00 p.m.**

**a. 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 setback

*No one was present to represent the application. This application will continue to the November 3<sup>rd</sup> agenda.*

**5. Public Hearings – Following Continued Public Hearing:**

**a. 156 North Lake Shore Drive #201400855: Variance requested: §242-402A – 2’ structure to left side line and §242-402A – 10.19% of lot coverage to remove an existing house and rebuild on existing front foundation with a new foundation in rear (on same footprint).**

1. Property Survey dated 6/26/00 handed into Land Use 9/17/14

*Peter Schneider, Builder Contractor Inc. Bethel CT was present to represent property owners David & Bridget Lutterbach. He explained that they want to add a second story to the house. He said when the planning process began they found the existing footprint is within the side*

setbacks. He said there is a little overhang on the left hand side of the house that projects thirty inches more than the footprint and they want to use that existing part of the foundation to build up without increasing the footprint. This is what initiated the application. He explained that although they are asking for lot coverage, they are actually reducing the lot coverage from the existing structure. Chairman Timmerman inquired when the house was built and Mr. Lutterbach, property owner, said 1959. Chairman Timmerman said the year 1959 predates Zoning Regulations. Mr. Schneider prepared a grid that he handed to the commissioners showing before and after proposed lot coverage figures.

Chairman Timmerman asked about the proposed elevations. Mr. Schneider said that the neighboring house to the left is very tall in comparison to what he is proposing to do. He also thinks his ridge line will be lower than the house to the right as well. He said he kept the height as low as possible. Chairman Timmerman expressed concerns the Commission has with many homes in the shores that have put very tall homes on small lots. He said he likes that the encroachment is being limited and that this house is pre-existing non-conforming.

Commissioner Meyerle asked about the existing concrete retaining wall on the property. Mr. Schneider said they are going to try to keep that and is planning to build some new walking surfaces on top of it.

Chairman Timmerman asked if anyone wanted to speak in favor of the application. The property owner *Bridget Lutterbach, 156 North Lake Shore Dr. was present* and expressed her gratitude to her representative and builder.

Chairman Timmerman asked if anyone wanted to speak in opposition. *Edward Malecki, 139 North Lake Shore Dr. was present.* He lives across the street from the applicant. He said he did not receive notice about the meeting and found out about it from his neighbor who did receive notice. He presented pictures of some of the neighboring homes. He feels this addition will block his current view of the lake. Commissioner Meyerle said property owners couldn't be stopped from building because of view. After reviewing a GIS map that was used in obtaining addresses for notification, it was discovered that the GIS didn't have the proper address for this property. Mr. Schneider reviewed elevations for Mr. Malecki to give him a better idea of how the height will look once the addition is done.

**Commissioner Murphy moved to close the Public Hearing, 156 North Lake Shore Drive as advertised, Secretary Eagan seconded the motion and it carried unanimously.**

**DELIBERATIONS:**

- a. **156 North Lake Shore Drive #201400855: Variance requested: §242-402A – 2' structure to left side line and §242-402A – 10.19% of lot coverage to remove an existing house and rebuild on existing front foundation with a new foundation in rear (on same footprint).**
  - 1. Property Survey dated 6/26/00 handed into Land Use 9/17/14

**Secretary Eagan motioned to approve 156 North Lake Shore Drive #201400855 as advertised. The motion was seconded by Commissioner Meyerle. Chairman Timmerman said this application will actually make the new setbacks better than the existing setbacks. He commented that the height is within the restrictions which are 30 feet for residential properties and that the applicant is making an effort to keep the height down by using eight foot ceilings.**

**Motion carried unanimously. *Variance Granted.* Reason: Reducing non-conformity to make the structure more conforming and the small size of the lot.**

**6. New Business:**

**7. Informal Discussion:**

**8. Adjourn: Commissioner Bibbo moved to adjourn seconded by Commissioner Meyerle and carried unanimously. Meeting adjourned 7:20 pm.**

*\*\*\*Next meeting Scheduled for November 3 2014\*\*\**