

**Zoning Board of Appeals  
MINUTES  
7:00 PM Monday, May 04, 2015  
Brookfield Town Hall - Room 135**

**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, L. Bibbo, G. Meyerle, L. Ruschmeyer

**Absent:** J. Eagan, P. Murphy

**Also Present:** Recording Secretary D. Cioffi

**2) Review Minutes:**

**G. Meyerle moved to approve the Minutes of the April 6, 2015 meeting. N. Coppola seconded the motion. Chairman Timmerman noted the following correction: to add, to Informal Discussion: “The Board had a detailed and lengthy discussion in regards to Item 3.b., on the need for valid hardships, and what constitutes a hardship.” Motion carried unanimously.**

**3) Review Correspondence:**

No discussion/no motion.

a) Minutes of other Boards and Commissions:  
[no item]

b) Legal Briefings for Building Inspectors:  
[no item]

**4) PUBLIC HEARINGS - 7:00 p.m.**

[no item]

a) 355 Federal Rd #201500240: Variance requested: §242-501G(3) - 2,824 sq. ft. of lot area to use existing space for a church

a) *F. Candido was present.* He is proposing to start a Congregational Baptist Church at this site. He advised that the total lot area is smaller than what is required. Mr. Candido is utilizing one area of the strip mall. The square footage of the space he proposes to use is 1,800 square feet. The Fire Marshal has advised that due to there being only one door, the maximum occupancy is 50. The section of the building that he proposes to use is upstairs, near Route 7 Guitars. Chairman Timmerman noted that the zone is IRC 40/80. He indicated that the minimum requirement for a church is 120,000 square feet, or approximately 3 acres. He added that requirement is more applicable to a free standing building. Mr. Candido indicated that there are 101 parking spots in the lot for strip mall, and he is requesting use of 18 of them. L. Bibbo inquired if there would be enough parking for the other businesses if the church was full, and Mr. Candido stated that most of the businesses in the strip mall are closed on Sunday mornings.

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

**L. Bibbo moved to close the Public Hearing re: 355 Federal Road, #201500240: Variance requested: §242-501G(3) – 2,824 sq. ft. of lot area to use existing space for a church, at 7:09 p.m. N. Coppola seconded the motion, and it carried unanimously.**

**DELIBERATIONS**

a) **355 Federal Rd #201500240: Variance requested: §242-501G(3)-2,824sq.ft.of lot area to use existing space for a church (ph close date 6/7/15) – N.Coppola moved to approve #201500240, §242-501G(3)-2,824sq.ft.of lot area to use existing space for a church G. Meyerle seconded the motion. Chairman Timmerman noted that the 120,000 square foot requirement for a church is usually for a free standing building. G. Meyerle likened the proposed use to an “office use”, and noted it will not be used during regular business hours. L. Ruschmeyer inquired who will enforce the capacity of the space, and Chairman Timmerman noted the limitation of Fire Marshal regulations. Additionally, the Zoning Enforcement Officer will enforce parking. Motion carried unanimously. Variance granted. Reason: The small percentage of use of the building would dictate relief on the 120,000 square foot requirement is justified.**

- b) 184 Long Meadow Hill Rd #201500246: Variance requested: §242-402A - 12.8' structure to center of road, §242-402A - 23.6' structure to left side line, §242-402A - 18' structure to right side line and §242-402A - 23.87' lot width for a second story house and garage addition

*E. Kukk, 30 Merwin Brook Rd., Attorney for Dakota Holdings, and C. Nehring, Architect for Dakota Holdings, were present. Mr. Nehring advised that the property has two structures on it. It was foreclosed upon, and purchased by Dakota Holdings. Mr. Nehring indicated that the structures are in poor condition and there have been blight issues at the site. Chairman Timmerman stated that he has driving by the site and saw this to be the case. Dakota Holdings plans on removing the roof and adding a second story. The garage roof will be increased by five feet. Mr. Nehring advised that this is a pre-existing, non-conforming use. Chairman Timmerman noted the Town Attorney's recent opinion that the enlargement of a non-conforming use requires a variance. There was discussion regarding the ledge in the basement. Chairman Timmerman pointed out the narrowness of the lot. Attorney Kukk noted that the proposal is only to add up, and not out. Vice Chairman Coppola reminded him that gutters and overhangs are included in calculations for setbacks.*

Mr. Nehring advised that the applicant is in possession of a letter from Dennis McMorrow, 182 Long Meadow Hill Road indicating that he has no objection to the application. This letter was submitted for the file.

Chairman Timmerman noted his satisfaction with the elevations, and G. Meyerle agreed that the proposal would be an improvement. There was brief discussion regarding the driveway and the steepness of the walk in its current condition.

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

**L. Bibbo moved to close the Public Hearing re: 184 Long Meadow Hill Road, #201500246: Variance requested: §242-402A-12.8' structure to center of road, §242-402A-23.6' structure to left sideline, §242-402A-18' structure to right sideline and §242-402A-23.87' lot width for a second story house and garage addition at 7:17 p.m. G. Meyerle seconded the motion, and it carried unanimously.**

#### **DELIBERATIONS**

**N. Coppola moved to approve #201500246: Variance requested as advertised. G. Meyerle seconded the motion. Chairman Timmerman advised that the proposal will be good for the neighborhood. It was noted that the request would have not required a variance, but does now as it is intensification. Motion carried unanimously. Variance granted. Reason:** Recording pre-existing conditions for pre-existing, non-conforming structures. ZBA feels the rebuilding of the house, on the same footprint, will make the neighborhood better. Additionally, the narrow lot topography.

#### **5) Tabled Items:**

[no item]

- a) 17 Long Meadow Hill Rd #201500022: Variance requested: §242-402A - 45' structure to left side line to install a ground based Solar Array  
*No one present. Keep as Tabled Item.*

#### **6) New Business:**

None.

#### **7) Informal Discussion:**

Chairman Timmerman noted that approvals are related only to plans submitted on an application. Language has been added to the introduction to take care of this.

Discussion/no motion.

#### **8) Adjourn**

**L. Bibbo moved to adjourn the meeting at 7:27 p.m. L. Ruschmeyer seconded the motion, and it carried unanimously.**