

Zoning Board of Appeals
MINUTES
7:00 PM Monday, July 06, 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, Secretary J. Eagan, G. Meyerle, Alternate and Voting Member L. Bibbo

Absent: Alternate L. Ruschmeyer

Also Present: Recording Secretary D. Cioffi

2) Review Minutes: 6/1/15

Chairman Timmerman noted the following correction: On Page 2, during the Public Hearing for 39 Candlewood Shores Rd., in the second sentence, so that it reads, "Chairman Timmerman noted that a variance for the deck in the rear was denied about a year ago." Vice Chairman Coppola moved to accept the Minutes with the aforementioned correction. G. Meyerle seconded the motion, and it carried, 4-0-1, with L. Bibbo abstaining.

Chairman Timmerman also noted that, related to 39 Candlewood Shores Rd., a nearby property owner had complained that she did not receive notice of the application. Chairman Timmerman looked into this, and it was determined that she is not an abutter.

Additionally, he noted that an application that came before the Board a few months ago, and was denied without prejudice, re: 17 Long Meadow Hill Rd., was approved at the Zoning Commission meeting on June 25, 2015.

Chairman Timmerman moved to move Agenda Item 4.d., 35 Obtuse Rd., South, ahead of Agenda Item 4.a. L. Bibbo seconded the motion, and it carried unanimously.

3) Review Correspondence:

- a) Minutes of other Boards and Commissions:
- b) Legal Briefings for Building Inspectors: June 2015
No discussion/no motions.

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

- a) 270 Federal Rd #201500476: Variance requested: §242 - 306C(4)(a) - 6 sq. ft. for a building sign

P. Huyge, Advanced Auto Parts, was present. Advance Auto Parts is moving into the old Thomasville tenant location at this site. The variance being requested is for an extra six feet. Mr. Huyge explained that the business will only have 65 feet of frontage, and it is requesting a 71-square-foot sign. A packet dated May 26, 2015 was submitted, and it reviewed the reasons for the request, which included better notification to customers of the site's location and the existence of vegetation that blocks the building. The packet also included the elevations the existing sign, and sign specifications. Mr. Huyge noted the busy traffic on Federal Road, and advised the larger sign will help notify customers so that they do not make unsafe maneuvers to navigate the current entrance to the site. Chairman Timmerman noted that there are also trees in front of the building that do block the façade at least half of the year.

Upon inquiry from Secretary Eagan, Mr. Huyge advised that the business would be new to Brookfield, with its closest current location being in New Milford. It was also noted that Thomasville's sign was permitted, and did not receive a variance because that business had more frontage.

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

Secretary Eagan moved to close the Public Hearing re: 270 Federal Rd., #201500475, as advertised, at 7:18 p.m. G. Meyerle seconded the motion, and it carried unanimously.

DELIBERATIONS

Secretary Eagan moved to approve 270 Federal Rd., #201500476, as advertised. Vice Chairman Coppola seconded the motion. Chairman Timmerman noted that upon driving by the site, he noted the difficulty seeing the sign, and he agrees that it can be easily missed. The Zoning Commission required the trees with the site plan approval. There was also discussion regarding the shared entrance for two plazas. G. Meyerle noted that the application is for a sign smaller than the existing sign. **Motion carried unanimously. Variance granted. Reason:** There is blockage by vegetation which hides the sign, and the entrance is odd (one for two plazas make it difficult to see). It was noted that the tree blocking the sign will get bigger.

- b) 14 South Lake Shore Dr. #201500516: Varia requested: §242-402A - 2' structure to left side line for a generator and propane tanks.

J. and E. Goin, 14 South Lake Shore Dr., were present. They advised that they wish to install a generator at the site. The specifications for the generator were reviewed. Vice Chairman Coppola questioned if there was a need for a variance. There was discussion regarding the location of the fire place, chair storage, and the deck. Mr. Goin advised that he plans on installing lattice around the generator to shield it from neighbors. Vice Chairman Coppola noted that the air conditioning unit is on the same side, and there is no need for a variance for that. Mrs. Goin explained that she would have preferred another location for the generator, however, she was advised there was insufficient room. Vice Chairman Coppola added that the location for the generator is ideal because the lines will not have to be installed under any walkways.

No one was present to speak in favor of the application, nor was anyone present to speak in opposition. C. Lewis was present on behalf of her mother, Betsy Lewis, a neighbor. She inquired if there would be covering for the generator, as it will be near her mother's bedroom. There was discussion regarding the size and shape of the generator and tanks, and Vice Chairman Coppola noted that lattice, about four feet tall, will be installed around the apparatus.

L. Bibbo moved to close the Public Hearing re: 14 South Lake Shore Dr., #201500516, as advertised, at 7:29 p.m. Vice Chairman Coppola seconded the motion, and it carried unanimously.

DELIBERATIONS

Secretary Eagan moved to approve 14 South Lake Shore Dr., #201500516, as advertised. Vice Chairman Coppola seconded the motion. The Board members inquired if a variance was even necessary. Chairman Timmerman pointed out that the generator takes care of a safety issue for the property owners. G. Meyerle noted that the only other option would be to bury the tanks, but Chairman Timmerman stated that may not be possible due to the water table for the lake. There was discussion regarding stipulating the requirement of lattice or some type of covering. There was discussion regarding difficulty accessing the location by machine. Chairman Timmerman noted that the air conditioning unit is under a shelter. **Secretary Eagan also read a letter to the ZBA from C. Bailey, in support of the application. Motion carried unanimously. Variance granted. Reason:** Safety of the occupants of the home during a power outage. The Board members do not think the property owners need variance, and will check to see if tanks and generators require a variance.

- c) 29 Mist Hill Dr #201500520: Variance requested: §242-402A - 4% of lot coverage for an above ground pool with deck

Shannon and James Murphy, 29 Mist Hill Dr., were present. Mrs. Murphy advised that they are looking for a 4% variance that will involve 18 feet of more deck, and 12 feet for the pool. She indicated that the existing deck is 18 feet wide. The plans were drawn in on a GIS map. Mrs. Murphy has ensured that there are no wetlands on the site. Chairman Timmerman advised them that the prior variance on the land for a garage, that was not constructed beyond the slab phase, runs with the land, should they choose to construct a garage in the future.

The Murphy children, and a neighbor's children, were present, and spoke in favor of the application. H. Panero, 13 Mist Hill Rd., was present, and spoke in favor of the application. Secretary Eagan read a letter from D. and J. Treadwell, 36 Mist Hill Dr., in favor of the application. No one was present to speak in opposition.

Secretary Eagan moved to close the Public Hearing re: 29 Mist Hill Dr., #201500520, as advertised, at 7:28 p.m. G. Meyerle seconded the motion, and it carried unanimously.

DELIBERATIONS

Secretary Eagan moved to approve 29 Mist Hill Dr., #201500520, as advertised. L. Bibbo seconded the motion.

Chairman Timmerman noted the similarity to another variance granted last month. There was discussion regarding the acreage, and that that it might be favorable to have half-acre zoning for the lots in this area, as well as current lot coverage requirements. Vice Chairman Coppola noted that the variance requested pertains to an area behind the house, and noted the support from the neighbors. **Motion carried unanimously. Variance granted. Reason:** Upzoning.

- d) 35 Obtuse Rd So. #201500531: Variance requested: §242-402A - 40' structure to left side line and §242-309C(2) - second story addition for a front porch and to add a second story to a structure which previously received a variance.

M. and J. Donovan, 35 Obtuse Rd. So., were present, with their contractor, L. Delvecchio. Mr. Donovan advised that he would like to build above an existing single-level, two-car garage that has a variance. It is a pre-existing, non-conforming structure. Additionally, Mr. Donovan stated that he plans to tear down an existing deck and rebuild to wrap around an entry way. Chairman Timmerman noted that the variance area is on the left side of the house, and will only involve building up, and not moving any closer to the property line. Mr. Donovan noted an incorrect measurement on the plans that he believes is 20 feet, not 10 feet. Chairman Timmerman reiterated that regardless, the proposal will not get any closer to the property line. He discussed getting an A2 survey and an as-built, post-construction.

In response to an inquiry from Chairman Timmerman, Mr. Donovan advised that the front of the house is staying "as is", noting that the porch is well within the setbacks. Mr. Donovan further noted that a title search determined that the former owners sued and won a dispute over the property line. Vice Chairman Coppola pointed out that this is another important reason to get an A2 survey. Chairman Timmerman advised he inspected the site, and the applicants are not able to reside in the house yet.

L. Delvecchio submitted photos of the existing conditions, and proposed elevations for the application. There was discussion regarding Section 242-309 of the Zoning regulations, which discusses the need to get a variance for the enlargement of a non-conforming use.

B. Sikorski, Long Meadow Hill Rd., was present and spoke in favor of the application. Dr. Donald Gardner, 82 Obtuse S. Rd., was also present, and spoke in favor of the application. No one was present to speak in opposition to the application.

L. Bibbo moved to close the Public Hearing re: 35 Obtuse Rd. So., #201500531, as advertised, at 7:11 p.m. Secretary Eagan seconded the motion, and it carried unanimously.

DELIBERATIONS

Secretary Eagan moved to approve 35 Obtuse Rd. So., #201500531, as advertised. Vice Chairman Coppola seconded the motion. Chairman Timmerman noted that the lot width is undersized. He explained that it is pre-existing, and non-conforming, and building up is an "enlargement" of this non-conformity per Section 242-309C. Chairman Timmerman indicated that a one-story section on the left is not going to be built up. Vice Chairman Coppola pointed out that after the A2, the ten feet may not be an issue. Chairman Timmerman and G. Meyerle noted that the proposal will improve the house and the neighborhood. **Motion carried unanimously. Variance granted. Reason:** Upzoning and narrow lot.

- e) 112 Candlewood Lake Rd #201500536: Variance requested: §242-402A - 14' building separation for a carport

i. Neighbor letters of support handed in with application on 6/18/15 from:

1. Laura Reynolds of 1 AlexanderDr.
2. Melinda Kelley of 2 AlexanderDr.
3. Mathias Traisci of 6 Apple HillRd
4. Hugh Hanratta of 4 Apple HillRd
5. Paul Martin of 118 Candlewood LakeRd
6. Richard Lange of 114 Candlewood LakeRd
7. Angeline Martino of 117 Candlewood LakeRd
8. John & Jacqueline Martino of 115.5 Candlewood LakeRd
9. K. Grouse of 116 Candlewood LakeRd

Ronaldo Oliveira, 112 Candlewood Lake Rd., was present. He explained that he is proposing to add a car port, and rebuild the garage. The drawings of the proposal, as well as the elevations and roof line were reviewed. Chairman Timmerman noted the importance of including the gutters in the setback measurements, and Mr. Oliveira advised the gutters would only be in the front. Chairman Timmerman noted an A2 survey would have to be obtained anyway. G. Meyerle inquired regarding the specifications of the garage, and Mr. Oliveira utilized the drawings to explain. It was noted that the car port will be 28 feet long, and house two cars.

J. Martino, 115.5 Candlewood Lake Road, was present, and spoke in favor of the application. No one was present to speak in opposition to the application.

L. Bibbo moved to close the Public Hearing re: 112 Candlewood Lake Rd., #201500536, as advertised, at 7:34 p.m. Vice Chairman Coppola seconded the motion, and it carried unanimously.

Secretary Eagan noted the above-listed letters in the file, in support of the application.

DELIBERATIONS

Secretary Eagan moved to approve 112 Candlewood Lake Rd., #201500536, as advertised. L. Bibbo seconded the motion. Chairman Timmerman noted the favorable work that has been done to improve the house by the homeowner. There was discussion that after reviewing the elevations and setbacks, this current proposal would be an improvement as well. There was a great deal of support shown by the neighboring property owners. The proposal will involve covering an existing driveway. **Motion carried unanimously. Variance granted. Reason:** There is no good place to put the proposal on the right side; it improves the property and neighborhood; and there was a great deal of support from the neighbors.

5) Tabled Items:

None.

6) New Business:

- a) 9 Arrowhead Rd./Chester St.: Proposed Settlement and Stipulated Judgment in Superior Court Appeal of Arrowhead Point Homeowners Assoc., Inc. v. Jeffrey and Anne Levine et al. related to a variance for a garage granted to Jeffrey and Anne Levine on March 3, 2014

Chairman Timmerman reviewed the history of this application and the litigation that resulted. *Town Attorney T. Beecher was present.* He advised that when the application was initially heard, an appeal by the Association was not taken in time fashion. Because of that, the ZBA moved to dismiss the appeal. However, the Court ruled that the owner of road was an abutter and should have been notified. Attorney Beecher pointed out that abutters are usually determined via a review of the Tax Assessor records. He advised that the settlement is not going to impact the Board. The variance will remain as it was granted. He further indicated that the involved parties have an agreement as to when, how, and what height garage will be when it is built. He read Paragraph Four of the Settlement Agreement. Once signed, the Court will enforce the Agreement. Chairman Timmerman noted that he believed the Board saw elevations the application was reviewed.

Chairman Timmerman moved to approve and sign the Settlement Agreement and Stipulated re: 9 Arrowhead Point/Chester St., in Superior Court Appeal of Arrowhead Point Homeowners Assoc., Inc., v. Jeffrey and Anne Levine, et al., related to a variance for a garage granted to Jeffrey and Anne Levine on March 3, 2014. Vice Chairman Coppola seconded the motion. Attorney Beecher administered a sworn oath to Chairman Timmerman prior to his signing. Motion carried unanimously.

7) Informal Discussion:

Chairman Timmerman referred to his earlier discussion under Approval of the Minutes.

8) Adjourn

Vice Chairman Coppola moved to adjourn the meeting at 7:56 p.m. L. Bibbo seconded the motion, and it carried unanimously