

**Zoning Board of Appeals
MINUTES
7:00 PM Monday, February 01, 2016
Brookfield Town Hall - Room 135**

APPROVED

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 R. Marconi, G. Meyerle, S. Villodas, Alternate L. Ruschmeyer

Absent: Alternate L. Bibbo

Also Present: D. Cioffi, Recording Secretary

2) Review Minutes:

Secretary Marconi moved to approve the Minutes of the January 4, 2016 meeting. S. Villodas pointed out the following correction: He is listed as Present and Absent at the meeting. He was PRESENT at the meeting. G. Meyerle seconded the motion. Motion to approve the Minutes as corrected carried unanimously.

3) Review Correspondence:

[no item]

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

b) Legal Briefings for Building Inspectors:
No discussion/no motions.

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

[no item]

a) 140 North Lakeshore Dr. #201600022

Variance requested: §242-402A - 9.34% of lot coverage to expand deck in rear, addition of front entry portico and addition to house stairs to new second floor (*ph close date 3/7/16*)

- "ProposedConstructionBuildingLocationMap"preparedbyArthurHowlanddated9/16/15-sheetPR-ZL
- "Proposed Basement Plan"prepared by Scott Yate Design dated 11/20/15- sheet SK100
- "Proposed First Floor Plan" dated 11/20/15 - sheet SK101
- "ProposedSecondFloorPlan-Option1dated11/20/15-sheetSK102
- "Proposed Exterior Elevations dated 11/20/15 - sheet SK201
- "Proposed Exterior Elevations" dated 11/20/15 - sheet SK202

Scott Yates, Architect, Warwick Rd., New Fairfield, was present on behalf of the property owners. He noted the small size of the lot, stating that the coverage is currently 29%. The property owners wish to add a second floor, a stairway, a covered-entry portico at the existing main entrance, and remove a balcony and expand the deck in the rear. Upon inquiry from Chairman Timmerman, Mr. Yates reviewed an A2 survey and pointed out the deck. The expansion of the deck will bring the coverage up from 29.73% to 34.34%. Mr. Yates advised that at present, there is no covering of steps to the house, and the second floor only runs from backside of the garage to the rear. Additionally, the height of the house, per the zoning regulations, is 23 feet. Chairman Timmerman noted that the house is already non-conforming, and the plan does not go beyond the setbacks. Chairman Timmerman indicated that the 440 line was determined when the valley was flooded, but is actually another ten feet beyond that. There was discussion regarding the placement of the 440 line and changing grades. Vice Chairman Coppola advised that First Light Power recently completed surveying the 440 lines of lake properties this past summer. It was noted that the stated hardship is in the file, attached to the application. Chairman Timmerman inquired if some of the slate patio could be given up to reduce the coverage. Secretary Marconi inquired if the applicants have seen the letter dated January 20, 2016 from the neighbors. Mr. Yates advised that they had not. Chairman Timmerman noted that the coverage is only increasing 4.73%. It was noted that the egress from the deck increases safety at the house.

No one was present to speak in favor of the application, nor was anyone present to speak in opposition. Secretary Marconi read a letter dated January 20, 2016 from Francis and Maureen Oakes, 138 North Lakeshore Drive, in opposition to the application.

Secretary Marconi moved to close the Public Hearing for 140 North Lakeshore Dr., #201600022, at 7:18 p.m. G. Meyerle seconded the motion, and it carried unanimously.

DELIBERATIONS

Secretary Marconi moved to approve 140 North Lakeshore Dr., #20160022. G. Meyerle seconded the motion. Mr. Meyerle pointed out the ambiguity associated with the 440 line on this property. He further noted that there is no sideline issue. Mr. Meyerle stated that the property owner has the right to remove trees on his own lot. Mr. Ruschmeyer indicated that the houses north of this lot are all much bigger. Chairman Timmerman advised that the stairs provide safe egress from the existing deck, and that the proposed stairs and addition are on the other side of the neighbors who have stated an opposition. G. Meyerle noted that the issues between the neighbors are out of the Board's jurisdiction. Secretary Marconi pointed out that the close proximity of the homes is the nature of that community. Mr. Ruschmeyer stated that the proposed work is good for the neighborhood. Chairman Timmerman discussed the land issues associated with the 440 line. Motion carried unanimously. *Variance approved.* Reason: Safety, egress for stairs, and not being able to include the land down to the true 440 line.

b) 52 & 53 Commerce Rd #201600029:

Variance requested: §242-501E(1)(b) - 22.2' structure to front lot line (commercial), §242-501C(3)(a) - 17.6' front yard buffer strip, §242-501C(3)(b) - 1 driveway within the buffer and §242-501J(3)(c) - 5' building separation for two (2) proposed industrial buildings with warehouse and office areas (*ph close date 3/7/16*).

- "Zoning Location Survey Showing Proposed Improvements" prepared by CCA, LLC dated 6/17/15 - sheet A2-1 –

R. Posthauer, PE, CCA, LLC, 40 Old New Milford Rd., was present on behalf of the applicant. He explained the uniqueness of the lot, which contains a small lot across the street due to "Super 7". Mr. Posthauer advised that the lot across the street is all wetlands, and is unable to accommodate parking like most of the other lots on this road have. The applicant needs more parking than zoning requires. Mr. Posthauer explained how the proposal will allow the flow of traffic around the building. Upon inquiry from G. Meyerle, Mr. Posthauer advised that the site is not designed for a tractor trailer. Chairman Timmerman noted that the zoning requires a 25-foot buffer for a commercial buffer to the edge of the street. He inquired how far the parking spots are from the edge. Mr. Posthauer advised that they are approximately 40 feet, and the berm is 21 feet wide. L. Ruschmeyer inquired how wide the islands on the road are, and Mr. Posthauer indicated that they would be approximately 21 feet wide. Additionally, the islands will be landscaped. The building will be utilized for small contractors to house their commercial vehicles. Mr. Posthauer stated that the hardship relates to the wetlands on the adjoining lots, and the need for additional parking.

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

Secretary Marconi read an email from H. Tananbaum, Greentree Toyota, to Nina Mack, cc: B. Tananbaum, re: Brookfield ZBA meeting, indicating no objection to the proposal, "if safeguards are in place which will not interfere or impede with our service department at 44-45 Commerce Drive".

Mr. Posthauer indicated that he designed that particular site, and there is parking across the street there, so this proposal will not impact Mr. Tananbaum's site.

Secretary Marconi moved to close the Public Hearing re: 52 & 53 Commerce Rd., #20160029. S. Villodas seconded the motion, and it carried unanimously.

DELIBERATIONS

Secretary Marconi moved to approve 52 & 53 Commerce Rd., #201600029. G. Meyerle seconded the motion. There was discussion regarding access of tractor trailers to the site. Chairman Timmerman indicated that stipulations could be made for plantings on the berm. Vice Chairman Coppola noted the need for a center driveway to back in between the buildings. It was noted that the street is not well-traveled. The plan will also be reviewed for safety and fire issues by the Zoning Commission. Motion carried unanimously. *Variance approved.* Reason: The wetlands across the street make parking difficult on the site, and the applicant needs to have adequate parking that is necessary above and beyond zoning requirements.

5) Tabled Items:

None.

6) New Business:

None.

7) Informal Discussion:

Chairman Timmerman welcomed L. Ruschmeyer back to the Board.

8) Adjourn

Secretary Marconi moved to adjourn the meeting at 7:37 p.m. G. Meyerle seconded the motion, and it carried unanimously.

APPROVED