

**Zoning Board of Appeals
MINUTES
7:00 PM Monday, March 07, 2016
Brookfield Town Hall - Room 135**

APPROVED

1) Convene Meeting

Chairman C. Timmerman convened the meeting at 7:02 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:

2/1/16 - Secretary Marconi moved to accept the Minutes of the February 1, 2016 meeting. Vice Chairman Coppola seconded the motion, and it carried unanimously.

3) Review Correspondence:

[no item]

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

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

c) CT Federation of Planning & Zoning Agencies Quarterly Newsletter:
No discussion/no motions.

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

[no item]

a) 94 No. Lakeshore Dr. #201600064:

Ms. A. Adams, Landscape Architect, A2 Land Consulting, LLC, Brookfield, CT, was present on behalf of the property owners. She reviewed the property's location and lot size, and noted it is in the R7 zone. The application calls for proposed construction of a detached, two-car garage. Ms. Adams noted that there are steep slopes on the site, and that is the hardship. Currently, the property owners have access to the house solely via a 25-step stairway. Ms. Adams indicated that her clients are in their 60's and are concerned about safe access to the house as they age. She indicated that the proposed garage will house a lift to the house, for handicapped accessibility. There will also be new retaining walls, away from the septic reserve, as well as pedestrian railings. The existing steps would remain as a secondary access route. Ms. Adams then reviewed the architecture of the garage that is in keeping with the neighborhood. The garage will also provide storage for equipment that is currently kept outside. Ms. Adams then showed the Board members photographs of the property. She presented a photograph of an accident that occurred during inclement weather on February 2, 2016, that resulted in the property owner's car going over a retaining wall.

In summary, Ms. Adams indicated that the property owners are requesting four variances: 1) accessory structure in the front yard; 2) sideyard setback (currently pre-existing, non-conforming) of four feet for an overhang to the property line on the east side; 3) building coverage (also pre-existing, non-conforming) to 35.5%; and 4) building separation for 12.14' variance. With regard to the last variance, Ms. Adams noted that the required twenty feet is not necessary because emergency vehicles will not need access at that part of the property. She concluded that the proposed construction will result in a safer site for the property owners, and also is in keeping with the neighborhood. Ms. Adams pointed out that a similar variance was granted to 96 No. Lakeshore Drive.

Secretary Marconi inquired if it is difficult to get cars off of the road at the site, and Ms. Adams noted that it has been accomplished at the property. Chairman Timmerman inquired how wide the garage is, and Ms. Adams advised it is proposed to be 24' X 24'. Chairman Timmerman asked if the garage could be moved to the left, and Ms. Adams advised that the applicants are trying to keep space between the house and the garage. There was discussion regarding the location of the septic reserve location. Chairman Timmerman also inquired regarding the use of the garage space, and Ms. Adams indicated there will be an open area underneath, and storage above the garage. Upon inquiry from G. Meyerle, Ms. Adams stated that the garage is not being moved to the left due to the desire not to encroach on the house. She noted that the neighbor's garage is in a similar location on other side of property line. Secretary Marconi pointed out that the garage will get the cars away from the off-street parking. The steepness of the site was noted.

Jeff Strang, 96 North Lakeshore, was present, and spoke in favor of the application, noting the improvement to safety and harmonious fit with the neighborhood. No one present to speak to speak in opposition to the application.

Secretary Marconi moved to close the Public Hearing re: 94 North Lakeshore Drive, #201600064, at 7:15 p.m. S.

Villodas seconded the motion, and it carried unanimously.

Secretary Marconi moved to approve 94 North Lakeshore Drive, #201600064, as advertised. G. Meyerle seconded the motion. Chairman Timmerman noted that taking the cars out of the road will improve safety. Additionally, G. Meyerle noted that the garage will abut a neighboring garage. Secretary Marconi agreed that property will be more safe. Motion carried unanimously. Variance approved. Reason: Safety, topography, and very steep slope.

b) 28 Kellogg Street #201600077:

L. Lariviere, 28 Kellogg St., was present. He advised he would like to put addition on the house. Chairman Timmerman inquired if there were elevations for viewing, and they were presented to the Board by Mr. Lariviere. Chairman Timmerman noted that upon his inspection of the property, there are two front yards. The A2 survey was reviewed, and Mr. Lariviere stated that there are no "bump outs", but there is a two foot overhang. Chairman Timmerman explained the recent change in the interpretation of "intensification" and "enlargement" of a non-conforming property. Upon inquiry from Secretary Marconi, Mr. Lariviere stated that the footprint is not being enlarged. Additional elevations were reviewed and submitted for the file.

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

Secretary Marconi moved to close the Public Hearing re: 28 Kellogg Street, #201600077 at 7:21 p.m. G. Meyerle seconded the motion, and it carried unanimously.

Secretary Marconi moved to approve 28 Kellogg Street, #201600077. G. Meyerle seconded the motion. Chairman Timmerman noted the hardship of two front yards. Secretary Marconi pointed out that the request does not increase the footprint, but rather, is moving away in some areas. Motion carried unanimously. Variance approved. Reason: Two front yards and odd-shaped lot, and the request is not going outside of the current footprint.

c) 20 Federal Rd #201600088:

Attorney N. Marcus, Cohen & Wolf, PC, 158 Deer Hill Ave., Danbury, CT, was present with his clients, the Gaulins. He advised that his clients are seeking a location certificate to repair motorcycles. He explained statutory requirement for local zoning approval on repairers' licenses for the Department of Motor Vehicles. Attorney Marcus noted that there are no criteria that must be met. He reviewed copy of the site plan, showing the existing building. Attorney Marcus explained that the Gaulin's are attempting to develop it as high-end motorcycle showroom. He advised that the building and parking will not change, but interior renovations will be completed. The floor plan was submitted for the record, and Attorney Marcus shared photographs of what an Indian motorcycle dealership will look like. The interior plan of the 12,000 square foot building was reviewed, and Attorney Marcus advised that approximately 1,900 square feet will be utilized for the "prep" for delivery area. The State DMV requires approval for this type of area. Upon inquiry, Mr. Gaulin advised that the property should be ready in two months.

Secretary Marconi noted that there is a letter from Winn Properties in support of the application.

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

Secretary Marconi moved to close the Public Hearing re: 20 Federal Road, #201600088, at 7:28 p.m. Vice Chairman Coppola seconded the motion, and it carried unanimously.

Secretary Marconi moved to approve 20 Federal Road, #201600088, application for a repairer's license. S. Villodas seconded the motion, and it carried unanimously. Application approved. Reason: Required approval at local level for State DMV. Mr. Gaulin advised that the application must now go to the Chief of Police, and then to DMV.

5) Tabled Items:

None.

6) New Business:

None.

7) Informal Discussion:

None.

8) Adjourn

Secretary Marconi moved to adjourn the meeting at 7:34 p.m. G. Meyerle seconded the motion, and it carried unanimously.