

**Zoning Board of Appeals
MINUTES
7:00 PM Monday, April 11, 2016
Brookfield Town Hall - Room 135**

APPROVED

1) Convene Meeting

Chairperson 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, Secretary R. Marconi, G. Meyerle, S. Villodas

Absent: Vice Chairman N. Coppola, Alternate L. Ruschmeyer

Also Present: Zoning Enforcement Officer F. Lollie, Recording Secretary D. Cioffi

2) Review Minutes:

7:02 p.m.

Secretary Marconi moved to adopt the Minutes of the March 7, 2016. G. Meyerle seconded the motion, and it carried unanimously.

Secretary Marconi moved to move Agenda Item 3.a., Minutes of Other Boards and Commissions, March 10, 2016 Zoning Commission Minutes, to after the Public Hearing. G. Meyerle seconded the motion, and it carried unanimously.

3) Review Correspondence:

[no item]

a) Minutes of other Boards and Commissions:

7:03 p.m.

Chairman Timmerman advised that he wished to discuss the March 10, 2016 Zoning Commission Minutes after the Public Hearings this evening.

7:39 p.m.

Chairman Timmerman noted that there are larger homes being built in the Candlewood Shores District, which is an R7 zone. He advised he is in favor of height restrictions based on the size of the lot. G. Meyerle agreed that there is a diversity of homes in that area, but questioned if it was necessary to add a restriction after homeowners have spent a lot of money to buy the property. Secretary Marconi inquired how many stories the houses should be limited to. Chairman Timmerman noted that the height of residential structures is limited to 30 feet, but that the limitation figures in the grade of the lot, which can be adjusted by the landowner. He pointed out that there are different setbacks for lot sizes, but no difference in height limitations. He noted that the Candlewood Lake Club has restrictions so that property owners' views are not obstructed. G. Meyerle reiterated that he feels there should be no additional limitation. S. Villodas stated that improvements in homes in the area will result in additional tax revenue. Chairman Timmerman discussed the constraints by upzoning, and noted that the ZBA can restrict requests via the application process.

b) Legal Briefings for Building Inspectors:

No discussion/no motion.

c) Letter from Brian Lindquist to ZBA received 3/9/16

Noted.

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

[no item]

a) 46 Secor Rd. #201600145:

Eric Mayerson, 46 Secor Rd., was present. Chairman Timmerman explained the procedure for a hearing before a four-person Board, and Mr. Mayerson signed the consent form.

Mr. Mayerson indicated he wished to install a one-car garage/shed. The house is in an R80 zone, but his lot is only one acre. Because of the septic location, there are not many options. Mr. Mayerson advised he wished to pave part of driveway to use as entryway. Chairman Timmerman inquired why the proposed garage could not be moved back to be closer to the house. He noted that the application includes three variance requests. Chairman Timmerman questioned why the proposed garage could not be pushed away from the sideline and away from the front to minimize the request. He pointed out that the front edge of the proposed structure cannot be beyond the front edge of the house. There was discussion regarding the location of the septic. G. Meyerle suggested that the proposed garage be connected to the house by a breezeway. This will make the new building part of the existing building and negates the building separation requirement. There was discussion regarding the location of a tree. Mr. Mayerson pointed out an alternative location without the breezeway, 30' off of the edge, which would eliminate two of the variances, and reduce the remaining side yard variance to 20 feet.

The drawing was submitted for the record.

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: 46 Secor Rd., #201600145, at 7:17 p.m. S. Villodas seconded the motion, and it carried unanimously.

Secretary Marconi moved to approve the application for 46 Secor Rd., #201600145. S. Villodas seconded the motion. Chairman Timmerman discussed where the garage could be moved, which would be similar to the setback for a one-acre or R40 zone, 30' off of the sideline. This would remove the need for two of the three variances. He noted that the lot is in the R80 zone, and is a small lot, pre-existing, nonconforming. The one remaining variance would be reduced. Secretary Marconi moved to approve the application as modified by Chairman Timmerman's suggestion; reducing the right side variance request from 25' to 20', and not giving a structure to the center of the road variance, nor a structure in the front yard variance. Secretary Marconi moved to accept the amended motion. S. Villodas seconded the motion. Motion carried unanimously. Variance approved.

7:47 p.m. Reason: Upzoning; a one-acre lot in a two-acre zone.

b) 3 Vista Dr #201600146:

7:18 p.m.

Pauline Massini, 8 Hill St., Norwalk, CT 06850, was present on behalf of Brian Lindquist. She signed the consent to have the matter heard before a four-person Board.

Chairman Timmerman pointed out that the application does not say it is an appeal of the Zoning Commission. Ms. Massini noted that the issue started last August, when a neighbor at 3 Vista Drive installed a tarp on posts. Chairman Timmerman advised he watched the 9/21/15 Zoning Commission meeting on tape. He noted that the decision of the Commission that night is that when the tarp is extended, it is a violation of zoning rules. Ms. Massini stated that nothing has been done with the tarp. Chairman Timmerman pointed out that the determination of the Commission is that only extended tarp is a violation. Additionally, any appeal would have had to have been filed within fifteen days, per Connecticut General Statutes Sec. 8-6.

Chairman Timmerman advised this is a civil matter. Photographs from the file were reviewed. A Cease and Desist was issued to the property owner in September, however, the current status of just the presence of the tarp around the pole is not a violation. Secretary Marconi inquired when the tarp was last extended, and Ms. Massini advised it was just a few days ago. Chairman Timmerman reiterated that if the tarp stays as it is, it is a civil dispute between neighbors.

Secretary Marconi encouraged Ms. Massini to advise the property owner to call the ZEO if the tarp gets extended.

ZEO F. Lollie was present.

Mrs. Massini described how Mr. Lindquist put trees and landscaping up.

Secretary Marconi reiterated that Mr. Lindquist call the ZEO when the tarp is extended, or consult with an attorney. He encouraged her to tell the property owner to take time-stamped photographs if the tarp is extended.

Chairman Timmerman briefly discussed the background of why the tarp was put up.

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

Mr. Mayerson inquired how tall a fence could be, and was told it can be 6 feet without a building permit; and 8 feet with a permit.

G. Meyerle moved to close the Public Hearing re: 3 Vista Dr., #201600146, at 7:33 p.m. Secretary Marconi seconded the motion, and it carried unanimously.

Secretary Marconi moved to approve application #201600146, 3 Vista Dr. S. Villodas seconded the motion. Chairman Timmerman noted that this application, per Town Counsel, cannot be approved because: 1) it is untimely, and not filed within thirty days of the September 21, 2015 Zoning meeting; and 2) it is not an appeal of a zoning decision, therefore, not a valid application. Secretary Marconi inquired if the application is "out of order" or "denied". Chairman Timmerman advised it is denied, for those two reasons. He noted the manner in which the application was completed by the applicant. Motion to deny the application for the two aforementioned reasons, carried unanimously.

5) Tabled Items:

None.

6) New Business: No items

[no item]

7) Informal Discussion:

None.

8) Adjourn

Secretary Marconi moved to adjourn the meeting at 7:48 p.m. G. Meyerle seconded the motion, and it carried unanimously.