

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

**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, Vice Chairman N. Coppola, Secretary R. Marconi, G. Meyerle, S. Villodas, Alternate L. Ruschmeyer

**Absent:** None.

**Also Present:** First Selectman S. Dunn (until 7:17 p.m.), Recording Secretary D. Cioffi

**2) Review Minutes:**

**Secretary Marconi moved to accept the Minutes of the June 6, 2016 meeting. G. Meyerle seconded the motion, and it carried, 5-0-1, with Vice Chairman Coppola abstaining.**

**3) Review Correspondence:**

[no item]

a) Minutes of other Boards and Commissions:  
No discussion/no motions.

b) Legal Briefings for Building Inspectors: June 2016, July 2016  
No discussion/no motions.

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

[no item]

a) 64 Arrowhead Rd #Z-16-6:  
7:29 p.m.

*No one was present*, and after discussion, the Board decided to review the application. It was noted that the house is in an R7 zone. Chairman Timmerman indicated that there are stairs going toward the desired location for the generator, and shrubbery to shield it from the neighbor. Additionally, the concrete pad is already present. The available space on both sides of the house was reviewed, and it was noted that putting the generator on the other side would put it out in the open.

*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: 64 Arrowhead Point Rd., #Z-16-6, Variance requested Section 242-402A - 1' structure to left side line for a generator, at 7:31. S. Villodas seconded the motion, and it carried unanimously.**

**Secretary Marconi moved to accept as advertised the application for 64 Arrowhead Rd. S. Villodas seconded the motion. Chairman Timmerman noted the need for safety on roads such as this, when there are power outages, and the safety concern. Motion carried unanimously. Variance approved. Reason: Safety. It was also noted that the flagstone is already present.**

b) 565 Candlewood Lake Rd #Z-16-8:

7:03 p.m.

*Edward R. Ferguson, 565 Candlewood Lake Rd., was present.* He advised that the application for variance relates to replacement of a deck that is 22' long, but only 7.5' wide, and is not usable due to decay. He wishes to make the new deck deeper to make it more usable. Upon investigating that possibility with the Land Use Office, it was determined that a variance for lot coverage was necessary. Chairman Timmerman explained that even if the same footprint was utilized, the pre-existing, nonconformity would have to be recorded on the land records.

There was discussion regarding another deck on the right side of the house, which was there when Mr. Ferguson purchased the home sixteen years ago.

Upon inquiry from Chairman Timmerman, Mr. Ferguson stated that lawn area is present under the deck to be replaced.

Vice Chairman Coppola indicated that upon his inspection, he found the existing deck to be "dangerous". G. Meyerle discussed the issues with the R7 zone. Chairman Timmerman explained the rationale behind lot coverage restrictions as they relate to percolation of water.

It was noted that there was no correspondence in the file related to this application. *Winifred Ferguson, 565 Candlewood Lake Rd., was present, and spoke in favor of the application. No one was present to speak in opposition to the application.*

**Secretary Marconi moved to close the Public Hearing re: 565 Candlewood Lake Rd., #Z-16-8, Variance requested: Section 242-402A - 9% of lot coverage for a deck expansion, at 7:10 p.m. S. Villodas seconded the motion, and it carried unanimously.**

**Secretary Marconi moved to approve the variance for 565 Candlewood Lake Rd. as advertised. G. Meyerle seconded the motion. There was discussion regarding the upzoning and the two-story deck. It was noted that a portion of the variance is pre-existing. Motion carried unanimously. Variance approved. Reason: Upzoning and safety, to replace an unsafe deck.**

c) 14 Meadow Dr. #Z-16-9:

*7:10 p.m.*

*J. Fragomeli, 14 Meadow Dr., was present.* He advised that he served as the general contractor for a structure built on the house. He stated that when a survey was completed by CCA, it advised him he was 7 inches over the setback, which was not his intent. Mr. Fragomeli indicated that he had a survey done at the beginning of the process, and measured off of the house. He indicated that many of his neighbors spoke in favor of the initial application. Mr. Fragomeli advised that tearing the roof overhang down would result in no gutter on the house, which would undermine the foundation.

G. Meyerle noted that the overhang does not affect the neighbors. It was noted that the gutter is 4-5" wide. Chairman Timmerman explained the charge and role of the ZBA in improving the value of the neighborhood as a whole, and lowering density.

Mr. Fragomeli reiterated that when the structure was built, he went to all neighbors to ensure their understanding of the project. Chairman Timmerman advised he did inspect the house and it appeared satisfactory.

*First Selectman Dunn left the meeting at 7:17 p.m.*

It was noted that the Building Inspector visited during the construction, and it met all requirements. Mr. Fragomeli indicated the 7" overhang was an unintended error.

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

**Secretary Marconi moved to close the Public Hearing re: 14 Meadow Dr., #Z-16-9, Variance requested Section 242-402A - 1' structure to left side line for roof overhang, at 7:19 p.m. Vice Chairman N. Coppola seconded the motion, and it carried unanimously.**

**Secretary Marconi moved to approve the variance for 14 Meadow Dr., as advertised. Vice Chairman Coppola seconded the motion. There was discussion regarding the overhang and proximity to the road. Motion carried unanimously. Variance approved. Reason: Tolerance on a survey.**

d) 22 Dorset Lane #Z-16-11:

*7:19 p.m.*

*Paul Hurlbut., 22 Dorset Lane, was present.* He advised he wishes to install a deck off of the master bedroom, to aid in egress from that side of the house. It was noted that the house, which was built in 1965, was upzoned. Mr. Ruschmeyer inspected the site today. Photographs were reviewed. Mr. Hurlbut advised that there are three trees between his house and the neighbor's house. Chairman Timmerman pointed out that the lot width is not "to code". Mr. Hurlbut noted that the road was extended at some point. There was discussion regarding additional improvements being made at the house.

Mr. Hurlbut advised that the hardship relates to safety by providing egress. There will be no stairs on the deck, and it is 30-40 inches off of the ground. Upon inquiry from G. Meyerle, Mr. Hurlbut explained that this location lines up with the house and does not encroach on the septic area. He stated there is five feet between the deck and the septic tank.

It was also noted that the lot was upzoned.

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

Vice Chairman Coppola read letter from J. and L. Vena, Dorset Lane, indicating they are in favor of the application.

**Chairman Timmerman moved to close the Public Hearing re: 22 Dorset Lane, #Z-16-11, Variance requested Section 242-402A - 12' structure to right side line for a deck, at 7:28 p.m. G. Meyerle seconded the motion and it carried unanimously.**

**Secretary Marconi moved to accept as advertised the application for 22 Dorset Lane. Vice Chairman Coppola seconded the motion. It was noted that the lot was upzoned and is narrow. Additionally, there are problems with the deck. Chairman Timmerman noted that the house is well placed on the lot, and the only neighbors that can see the deck submitted a letter in favor of the application. Motion carried unanimously. Variance approved. Reason: Upzoning, narrow lot, and safety aspect of having additional egress in the back of the house.**

#### 5) Tabled Items:

None.

**6) New Business:**

None.

**7) Informal Discussion:**

None.

**8) Adjourn**

**Secretary Marconi moved to adjourn the meeting at 7:39 p.m. G. Meyerle seconded the motion, and it carried unanimously.**