

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

1) Convene Meeting

Chairman Timmerman convened the meeting at 7:05 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

Absent: S. Villodas, L. Ruschmeyer

Also Present: D. Cioffi, Recording Secretary

2) Review Minutes:

Secretary Marconi moved to adopt the Minutes of the October 5, 2016 meeting. G. Meyerle seconded the motion. Chairman Timmerman noted the following addition to the motion to approve 14 Alexander Drive: "Reason: Pre-existing, non-conforming lot; small narrow lot shape; and topography." Motion carried unanimously.

3) Review Correspondence:

[no item]

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

b) Legal Briefings for Building Inspectors: August 2016 & September 2016
No discussion/no motions.

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

[no item]

a) 19 Gereg Glen Rd #Z-16-34:
7:09 p.m.

Donald Nase, 19 Gereg Glen Rd., and Adam Singer, CT Fence and Landscape, contractor, were present.

Mr. Nase signed the Consent Form to have his application heard before a four-person Board. He indicated he would like to put a 17' structure (pavilion) to the rear lot line. Mr. Nase noted the location of the septic. He advised that when he applied for the building permit, he was informed that a variance was necessary. After discussion with the Land Use Office, it was determined that the actual variance is for 12 feet. Mr. Nase shared the plans for the site. Upon inquiry from Chairman Timmerman, he stated he does not believe he is in a conservation subdivision. The location of the pavilion was pointed out. Mr. Singer showed a photo of the rear of the house, and pointed out the pavilion's proximity to an existing patio. It was noted that the Town is an abutter.

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: 19 Gereg Glen Road, #Z-16-34, at 7:16 p.m. Vice Chairman Coppola seconded the motion, and it carried unanimously.

DELIBERATIONS

7:49 p.m.

Secretary Marconi moved to approve, as submitted, 19 Gereg Glen Road, #Z-16-34. Chairman Timmerman moved to amend the motion to be a variance of 12 feet from the rear line. Secretary Marconi seconded the motion. Motion carried unanimously. Variance approved. Reason: Topography, odd-shaped lot, similar to the last variance granted at this site.

- b) 9 Cherokee Dr. #Z-16-33:
7:16 p.m.

N. and A. Gardner, 9 Cherokee Dr., were present. The applicants signed the Consent Form to have their application heard before a four-person Board. Mr. and Mrs. Gardner explained that they wish to extend the length of the screened in porch, and noted the view from the front of the house on the plans. The variance requested is for 23 feet. Chairman Timmerman inquired regarding the roof, and Mr. and Mrs. Gardner indicated it would be extended. Chairman Timmerman noted that the measurements include overhangs, and the Gardners advised they are aware of that. It was also noted that the lot is pre-existing and non-conforming. Vice Chairman Coppola inquired if an A2 survey was done, and Mrs. Gardner replied that it was not complete in time for the meeting. Chairman Timmerman advised it is helpful to have, and it will be needed for the as-built. Additionally, Mrs. Gardner noted there will not be as much as an overhang.

D. Jennings, 8 Cherokee Dr., 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: 9 Cherokee Drive, #Z-16-33, at 7:23 p.m. G. Meyerle seconded the motion, and it carried unanimously.

DELIBERATIONS

7:49 p.m.

Secretary Marconi moved to approve as submitted, 9 Cherokee Drive, #Z-16-33. G. Meyerle seconded the motion. Chairman Timmerman noted that the property was upzoned, and noted that the extension will not go beyond the roof that is already there. Motion carried unanimously. Variance approved. Reason: Upzoning.

- c) 94 No. Lakeshore Dr. #Z-16-35:
7:23 p.m.

A. Adams, A2 Land Consulting, and R. Kastlelec, were present. Mr. Kastlelec signed the Consent Form to be heard before a four-person Board. Ms. Adams advised that the applicant was previously granted a variance in March for a two-car detached garage in the front yard. She explained that the proposal before the Board this evening reduces the garage to one-car, and now places it on the western side of the lot, and moves it closer to the road. The proposal is now 8 feet off of the western property line. Mr. Kastlelec showed the approval for next door neighbor's garage. There was discussion regarding the location of the septic. The coverage variance is also reduced with this plan.

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

R. Fletcher, 35 South Lakeshore Dr., was present, and inquired regarding the variance for the neighboring property's variance. He noted he is not in direct opposition to this application, just concerned about the upcoming sewer work.

A Papucci, 87 Clearview Dr., was present. He inquired about the difference between the earlier variance and the one currently before the Board. Chairman Timmerman noted that this is a better plan as far as the setbacks.

Mr. Papucci advised he is not directly opposed the request.

Chairman Timmerman added that the Board is generally in favor of garages as they remove cars from the street.

Secretary Marconi moved to close the Public Hearing re: 94 No. Lakeshore Drive, #Z-16-35, at 7:32 p.m. G. Meyerle seconded the motion, and it carried unanimously.

DELIBERATIONS

7:50 p.m.

Secretary Marconi moved to approve, as submitted, 94 No. Lakeshore Drive, #Z-16-35. Vice Chairman Coppola seconded the motion. Chairman Timmerman stated he believes this is a better solution than the previous plan, as it gets cars off of the road, provides safe access to the house, decreases lot coverage, and there is no building separation. Motion carried unanimously. Variance approved. Reason: Topography, safety, and a better plan than the previous one in terms of variance.

d) 7 Federal Rd #Z-16-38:

7:32 p.m.

D. Virbickas, PE, Artel Engineering Group, was present on behalf of Mr. Baptisa. He signed the Consent Form to have the matter heard before a four-person Board. Mr. Virbickas explained that the proposal is to convert the existing Pizza Hut building to a Dunkin Donuts. The proposal is for a canopy over the drive-through window. The proposal will be no closer than the existing face of building, which is 55.6' from the property line. The measurement does not include the existing building overhang. An additional variance is for parking on the south side of the building, to remove a planter and reduce the distance from the building to 10 feet. The parking spaces will be 18 feet deep; short of the 20-foot depth, but will allow legal handicapped spaces to be put in. Mr. Virbickas advised that the last variance relates to the drive aisle which is short of the 26-foot requirement. There was discussion regarding Route 7 being listed as Route 805.

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: 7 Federal Road, #Z-16-38 at 7:41 p.m. Vice Chairman Coppola seconded the motion, and it carried unanimously.

DELIBERATIONS

7:51 p.m.

Secretary Marconi moved approval as submitted, of 7 Federal Rd., #Z-16-38. Vice Chairman Coppola seconded the motion. Vice Chairman Coppola noted that the roof overhang will not be encroaching, and Chairman Timmerman pointed out that it is "further back than the overhangs they have now". Additionally, the parking lot is improved with this plan. Motion carried unanimously. Variance approved. Reason: Pre-existing, non-conforming, and the lot will have better parking for less buffer.

e) 15 Cross Pond Dr. #Z-16-41:

7:41 p.m.

D. Virbickas and G. Feola, were present. Mr. Feola signed the Consent Form to have the application heard before a four-person Board. Mr. Virbickas explained that the three-acre parcel is restricted for development to the front portion of the lot. He pointed out the steepness, and Chairman Timmerman indicated he inspected the site and saw the conditions. Mr. Virbickas reviewed the storm drainage, separations, driveway and front yard setbacks. There was discussion regarding the drainage requirements. Mr. Virbickas noted that the height of the house exceeded 30 feet by 13 inches, and Mr. Feola indicated that was related to the land. Chairman

Timmerman advised that the original plan met all the setbacks and requirements.

J. Hegarty, Hegarty Real Estate, was present, and advised that the house is in keeping with the other homes in the neighborhood.

Eight photographs were submitted for the record.

Secretary Marconi moved to close the Public Hearing re: 15 Cross Pond Drive, #Z-16-38, at 7:47 p.m. G. Meyerle seconded the motion, and it carried unanimously.

DELIBERATIONS

7:52 p.m.

Secretary Marconi moved to approve 15 Cross Pond Dr., #Z-16-41. G. Meyerle seconded the motion. Chairman Timmerman noted that the house was built per the plans, but the topography of the lot is difficult. Motion carried unanimously. *Variance approved. Reason: Topography, odd-shaped lot, nature.*

5) Tabled Items:

None.

6) New Business:

No discussion/no motions.

7) Informal Discussion:

No discussion/no motions.

8) Adjourn

Secretary Marconi moved to adjourn the meeting at 7:53 p.m. Vice Chairman Coppola seconded the motion, and it carried unanimously.