

**APPROVED MINUTES
REGULAR MEETING
BROOKFIELD ZONING BOARD OF APPEALS
Monday, November 5, 2012- 7:00 p.m.
MEETING ROOM 133 – TOWN HALL 100 POCONO RD**

1. CONVENE MEETING

Present: Chairman M. Flynn, Vice Chairman C. Timmerman, Secretary S. Wallman, N. Coppola, G. Meyerle

Absent: P. Donohue

Also Present: Recording Secretary D. Cioffi

Chairman Flynn 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.

2. REVIEW MINUTES – 9/10/12

Vice Chairman Timmerman moved to approve the Minutes of the September 10, 2012 meeting. N. Coppola seconded the motion, and it carried, 3-0-2, with Secretary Wallman and G. Meyerle abstaining.

3. Review Correspondence:

- a. **Minutes of other Boards and Commissions: Zoning Commission** 8/23/12, 9/13/12, 9/27/12, 10/11/12; **Inland Wetlands Commission** 8/27/12, 9/10/12, 9/24/12, 10/9/12 special, 10/15/12; **Planning Commission** 9/6/12, 9/20/12, 10/4/12, 10/18/12; **Zoning Sub-Committee**
- b. Letter from Neil Marcus to Marty Flynn dated 9/14/12 Re: 366 Federal Rd – Variance No. 201200631
- c. Legal Briefings for Building Inspectors – September 2012
- d. Memo from Katherine Daniel to Zoning Board of Appeals dated 9/7/12 Re: Electronic filing of applications
- e. Citation: Affiliated Realty, LLC VS Brookfield Board of Appeals dated 8/24/12
- f. Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter – Fall 2012
- g. Legal Briefings for Building Inspectors: October 2012

No discussion/no motions.

4. PUBLIC HEARINGS – 7:00 p.m.

- a. **28 Old Grays Bridge Road #201200936:** Variance requested: §242-305 C(6) – 9.7' Parking Setbacks; §242-501 E(1)(b) – 30.3' Front Yard Setbacks (Commercial); §242-501 J(3)(a) – reduction in street side landscape buffer for Perimeter landscaped Area-Street Side Buffer to relocate the handicapped accessible areas to the front of the building (*ph close date 12/10/12*)
 1. Map titled "Zoning Location Survey" prepared by CCA, LLC dated 10/12/12 – sheet C1

S. Kelley, 28 Old Gray's Bridge Rd., was present. He indicated that the structure is "80%" complete. The original plans had the handicapped parking spots a longer distance from the

entrance of the building, although those plans did meet the zoning regulations. The Building Inspector has requested that the parking spots be closer to the building to comply with the Americans with Disabilities Act. Mr. Kelley explained that the engineering firm of CCA has devised plans to put the driveway in the front of the building, and incorporate three spots for handicapped parking.

Chairman Flynn noted that the driveway was not part of the original plan that went before the Zoning Commission. Mr. Kelley explained that this lot is connected to a neighboring lot. The 16' parking spaces are parallel. Mr. Kelley is unsure if the Building Inspector has seen the plans before the Board tonight.

Chairman Flynn noted that per Connecticut General Statutes Section 14-53a, there is a requirement that designates that handicapped parking spaces be as close as possible to a building. He stated that the new distance is “more reasonable”, but reiterated his concern that the driveway portion of the proposal has not been before the Zoning Commission. Mr. Kelley will have to return to that Commission for a site plan modification. Chairman Flynn inquired of Mr. Kelley if the driveway proposal would detract from the aesthetics of the site, and Mr. Kelley advised that he believes it will add to the aesthetics. The building will be industrial rental units for businesses, with small offices in the front.

There was no one was present in the audience to speak in favor of the application, nor was anyone present to speak in opposition to the application.

G. Meyerle moved to close the Public Hearing for 28 Old Grays Bridge Road #201200936: Variance requested: §242-305 C(6) – 9.7' Parking Setbacks; §242-501 E(1)(b) – 30.3' Front Yard Setbacks (Commercial); §242-501 J(3)(a) – reduction in street side landscape buffer for Perimeter landscaped Area-Street Side Buffer to relocate the handicapped accessible areas to the front of the building, at 7:17 p.m. N. Coppola seconded the motion, and it carried unanimously.

DELIBERATIONS

- a. **28 Old Grays Bridge Road #201200936:** Variance requested: §242-305 C(6) – 9.7' Parking Setbacks; §242-501 E(1)(b) – 30.3' Front Yard Setbacks (Commercial); §242-501 J(3)(a) – reduction in street side landscape buffer for Perimeter landscaped Area-Street Side Buffer to relocate the handicapped accessible areas to the front of the building (*ph close date 12/10/12*)

Vice Chairman Timmerman read the memo from Building Inspector D. Parpana, to the ZBA, Zoning Enforcement Officer Alice Dew, and Stephen Kelley dated September 17, 2012, describing how the plan approved by the Zoning Commission will cause hardship for handicapped persons. Vice Chairman Timmerman believes that this is a relevant hardship for a variance, and that the plan approved by the Zoning Commission also raises safety issues.

Mr. Kelley will have to return to the Zoning Commission for a site plan modification.

Vice Chairman Timmerman moved to approve 28 Old Grays Bridge Road #201200936: Variance requested: §242-305 C(6) – 9.7' Parking Setbacks; §242-501 E(1)(b) – 30.3' Front Yard Setbacks (Commercial); §242-501 J(3)(a) – reduction in street side landscape buffer for Perimeter landscaped Area-Street Side Buffer to relocate the handicapped accessible

areas to the front of the building. Secretary Wallman seconded the motion, and the discussion above was noted. Motion carried unanimously. Variance approved. Reason: The shape of lot and to accommodate the regulation that deals with handicapped access being as close as possible to the entrance and the walkway of a building; and 280' was unreasonable.

5. TABLED ITEMS: None.

6. NEW BUSINESS: None.

7. INFORMAL DISCUSSION: Chairman Flynn expressed his gratitude the Alternate Member J. Brown for his work on the Board. Mr. Brown is relocating to Ohio.

8. ADJOURN

Vice Chairman Timmerman moved to adjourn the meeting at 7:23 p.m. G. Meyerle seconded the motion, and it carried unanimously.

****Next meeting Scheduled for December 3, 2012****