**TOWN OF BROOKLYN**

**ZONING BOARD OF APPEALS**

**SPECIAL MEETING MINUTES**

The Brooklyn Zoning Board of Appeals held a special meeting and public hearing on Thursday, February 5, 2015 at 7:00 p.m. at the Clifford B. Green Meeting Center, 69 South Main Street, Brooklyn, CT on the following:

**Present:** Brien Kroeger, Bruce Parsons, William Macnamara and Jim Grzesiak.

**Staff Present:** Jana Roberson, AICP, Land Use Administrator, Audrey Cross-Lussier, Recording Secretary.

**Also Present:** Paul Archer, Diane and Gary Lockard.

**Absent:** Dan Ross without notice.

**Call to Order:** The meeting was called to order at 7:06 p.m.

**Seating of Alternates:** None.

**Approval of Minutes:**

1. Regular Meeting Minutes of January 5, 2015.

A motion was made by Jim Grzesiak to accept the regular meeting minutes of January 5, 2015. Bruce Parsons seconds this motion. No discussion held. All in favor. The motion passes unanimously.

**Public Hearing:**

**Reading of Legal Notice:** Vice Chairman Brien Kroeger reads the legal notice into the record.

1. ZBA14-003 Winifred Curtis, Barrett Hill Road, Map 36, Lot 3, Requesting Variance of Section 3.2 Dimensional Requirements from 40 ft. to 30 ft.; Section 3.3.1 Minimum Area of Buildable Land less than 30,000 sq. ft.; Section 3.3.2 Minimum Lot Size 90,000 sq. ft. to 70,954 sq. ft.; Seeking boundary line adjustment to make one non-conforming lot less non-conforming.

Paul Archer from Archer Surveying represents application ZBA 14-003. To clarify the record, Mr. Archer stated that Harold Curtis is deceased. Winifred Curtis is the wife and currently in a convalescent home, therefore, the application is signed by Kimberly Eiler (daughter). Ms. Eiler’s brother is Brad Curtis.

Mr. Archer presented a site map depicting the existing configuration. The Curtis’ own two tracks of land. The larger tract which is 3.3 acres consisting of the existing home and an existing business office. Both lots were created in the late 1960’s prior to any type of zoning. The two houses were built in 1968. The proposed is to take the boundary line and place it between the two existing buildings which will place a building on each lot. Each building has their own well and septic. There is no future intent to build, develop or expand anything. The proposal is to make it a little more non-conforming by having the existing office on its own parcel of land. This will require a simple boundary line modification which will take the existing southerly line of Lot 3 and put it in between the existing office and the existing garage. The distance between the existing office and the existing garage is only 74 feet; according to current regulations an 80 foot setback is required, a variance is being requested for this.

The other variance that is being requested is for Lot 3 Map 36, creating a 1.63 acre which is only 70,954 sq. ft. and does not meet the current 90,000 sq. ft. zoning regulation. Lot 10, Map 27 with the existing house meets all regulations.

Commission members discussed the non-conformity with Ms. Roberson and Mr. Archer. Discussion ensued.

Ms. Roberson had questions with regards to the site maps provided by Mr. Archer. Mr. Archer addressed Ms. Roberson’s concerns. Discussion ensued.

Brien Kroeger and Jim Grzesiak had questions with regards to the application which Mr. Archer addressed.

Vice Chairman Kroeger closed the public hearing at 7:25 p.m.

**Unfinished Business:**

1. ZBA14-003 Winifred Curtis, Barrett Hill Road, Map 36, Lot 3, Requesting Variance of Section 3.2 Dimensional Requirements from 40 ft. to 30 ft.; Section 3.3.1 Minimum Area of Buildable Land less than 30,000 sq. ft.; Section 3.3.2 Minimum Lot Size 90,000 sq. ft. to 70,954 sq. ft.; Seeking boundary line adjustment to make one non-conforming lot less non-conforming.

A motion was made by Bill Macnamara to approve application ZBA14-003 of Winifred Curtis, Barrett Hill Road, Map 36, Lot 3, RA Zone; Requesting a variance of Brooklyn Zoning Regulations: Section 3.2 side yard setback reduction from 40 feet to 30 feet, Section 3.3.1 a minimum buildable area less than 30,000 sq. ft., Section 3.3.2 a minimum lot size reduction from 90,000 sq. ft. to 70, 954 sq. ft. on the grounds that:

1. Exceptional difficulty or unusual hardship exists on the lot because of the location of the existing structures, the existing topography, and the existing septic systems, and

2. The proposal is in harmony with the general purpose and intent of the Zoning Regulations with due consideration for conserving the public health, safety, convenience, welfare and property values.

Bruce Parsons seconds this motion. Discussion held.

Bill Macnamara amends his motion to side yard setback reduction from 40 feet to 34 feet.

Bruce Parsons speaks in favor of granting the variances.

Vote was taken: All in favor Brien Kroeger, Jim Grzesiak, Bruce Parsons and Bill Macnamara. The motion passes unanimously.

**New Application Acceptance:**

1. ZBA15-001 Dale P. and Valorie A. Lyon. 133 Wauregan Road, Map 23, Lot 42, 3.72 Acres, RA Zone, Appeal of cease and Desist Order ZV14-006 issued by the ZEO on December 30, 2014 alleging the operation of an “unpermitted landscape maintenance business.”

A motion was made by Bruce Parsons to accept application ZBA15-001. Jim Grzesiak seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Ms. Roberson gives a background for the application. Ms. Roberson issued a cease and desist order. Mr. Lyon is doing his best to seek actual approval for his current business. Mr. Lyon is in the process of purchasing a property and is seeking a special permit approval to continue to operate his business in Brooklyn. The applicant cannot get Planning and Zoning or Wetlands approvals in time before the appeal of the cease and desist order runs out. The applicant did not want to let the appeals period for the cease and desist order go by without taking action. Discussion ensued.

A motion as made by Bruce Parsons to schedule a public hearing on Thursday, April 2, 2015 at 7:00 p.m. to be held at the Clifford B Green Meeting Center, 69 South Main Street, Brooklyn, CT. Jim Grzesiak seconds this motion. No discussion held. All in favor. The motion passes unanimously.

**Other Business:**  None.

**Adjourn:** A motion was made by Jim Grzesiak to adjourn the meeting at 7:37 p.m. Bruce Parsons seconds this motion. No discussion held. All in favor. The motion passes unanimously.

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Audrey Cross-Lussier

Recording Secretary