

**APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, October 27, 2011 – 7:00 p.m.**

MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD

1. Convene Meeting

Chairman W. Mercer convened the meeting at 7:01 p.m. and established a quorum of members.

Present: Chairman W. Mercer, Vice Chairman R. Blessey, F. Weisman, Alternate and Voting Member F. Lollie

Absent: Secretary C. Lynch, S. Parker, Alternate M. Grimes

Also Present: Zoning Enforcement Officer A. Dew

a. **Review Minutes of Previous Meetings:** 10/13/11 – Vice Chairman Blessey moved to approve the Minutes of the October 13, 2011 meeting. Commissioner Weisman seconded the motion, and it carried unanimously.

2. Land Use Enforcement

a. **Enforcement Officer's Report:**

ZEO Dew reported on the following:

Requests for Voluntary Compliance

13 Hillside Court #201100836 – This was an alleged illegal apartment in a single-family dwelling. The property owner advised ZEO Dew that she has three rooms but does not rent any out. The complaint originated from a previous tenant, in a letter to the Board of Selectmen. That tenant has not been able to be reached.

74 Candlewood Lake Road, #201100755 – This complaint relates to three unregistered vehicles on the property. The owner was given until November 12, 2011 to respond. ZEO Dew has not heard from him/her yet.

72 Gray's Bridge Road, #201100869 - The property is in need of a Certificate of Zoning Compliance and a permit for a sign. ZEO Dew provided the sign regulations, and the business owner did come in for an application yesterday.

Cease and Desist

None.

Citations

6 Autumn's Way #201100480 – Hearing Officer B. Froehlich has not provided a written decision but indicated he could not uphold the Cease and Desist Order because there was no proof of commercial activity.

54 Ironworks Hill Road #201100755 – Town Counsel J. Buchsbaum has suggested that a new Cease and Desist Order be issued to Kristoffer Bouchard as he appears to be running the scrap metal business on the site.

Miscellaneous

9 Hopbrook Road – The Sanitarian has indicated that the pipe has been cut, but is it still an apartment if it has kitchen, living area and a bathroom, per the definition of “apartment” in the Zoning regulations. Vice Chairman Blessey pointed out that the Zoning definition differs from that in the Building Department regulation. ZEO Dew indicated that it was suggested that under

Section 242-405B(3), the regulation should read, “living area” rather than “floor area”.

Additionally, Section 242-405B(5) says that “the plans must show an interior door connecting the spaces” and the definition of Section 242-405C says “a separate dwelling unit”.

Chairman Mercer read the definition of “apartment” in the Zoning regulations.

ZEO Dew will ask the property owner at 13 Hillside Court if she may inspect the inside of the house. ZEO Dew inquired that if there is a separate dwelling, and the property owner is unable to obtain an elderly conversion, if she will have to do something to the house to change it. Vice Chairman Blessey explained that the property owner can maintain the separate dwelling, but cannot use it, unless it is for her own personal use.

ZEO Dew advised that other towns’ apartment regulations include inquiries regarding additional parking. She suggested that this be considered if and when the regulation is revised.

Citations (continued)

54 Ironworks Hill Road #201100755 – Vice Chairman Blessey moved, after careful review of the file, to send a Citation to 54 Ironworks Hill Road, #201100755, for violation of Section 242-401B through E, because junk and blight have returned to the front yard, and there is scrap metal in the back yard that could potentially be a business. Commissioner Lollie seconded the motion, and it carried unanimously,

20 Station Road – Vice Chairman Blessey recused himself from this matter. Chairman Mercer indicated that the Building Inspector has advised that there is a pretrial hearing scheduled for early December related to the Building Department complaint.

533 Federal Road, #200900708; 45 Riverford Road, #200900768 – ZEO Dew has not heard from Town Counsel since September regarding these two matters.

1 High Ridge Road #201001067 – Special Town Counsel P. Olson is handling this matter. ZEO Dew reported that a court date has yet to be assigned.

9 Stoney Farm Lane #20110095 - ZEO Dew indicated that she has not received an update from Attorney Olson on this matter.

Vice Chairman Blessey requested that ZEO Dew send an email to both Town Attorneys (Cohen & Wolf and Attorney Olson) requesting an update for November meeting, and reminding them of the Commission’s desire to have monthly updates on pending legal matters.

3. Review Correspondence

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission 10/17/11; Zoning Board of Appeals; Planning Commission 10/6/11; Zoning**

Sub-

Committee

- b. **Building Permits Law Bulletin: October 2011**
- c. Letter from David A. Sawicki, State Traffic Commission, to BL Companies dated 10/20/11 Re: **STC #018-1109-01 Costco Expansion Certificate Application**
- d. Memo from William Mercer and Alice Dew to Brookfield Democratic and Republican

Town Committee Chairs including Candidates dated 10/20/11 Re: Placement of political “lawn signs”

No discussion/no motions.

4. Old Business:

a. Proposed Regulation Change #201100838: Section 242-501 – Table of Permitted Uses

(PH scheduled for 12/1/11)

b. Proposed Regulation Change #201100827: Section 242-305C(11) – Handicapped Parking *(PH scheduled for 12/1/11)*

c. **20 & 28 Old Gray’s Bridge Rd #201100632:** Bond Estimate and Stipulation Compliance

1. Memo from Ralph Tedesco to Zoning Commission dated 10/18/11 –
(Review as

per stipulation #1)

2. Letter from Abigail Adams, RLA, to Zoning Commission dated 10/20/11
Re:

Application #201100632 (Enclosures)

3. “Property Survey” prepared by CCA, LLC dated 8/3/11 revised 9/6/11 –
sheet 1
of 1

A. Adams, Registered Landscape Architect, CCA, 40 Old New Milford Rd., was present. She noted that the applicant has provided the following materials that were requested by the Commission: 1) a memorandum from R. Tedesco advising that he is satisfied with the revised drainage plan; 2) a letter from the adjacent property owner that he is satisfied with grading drainage easement, so her client will file the property survey; and 3) a bond has been submitted based on the new regulation, for \$101,562.50.

Vice Chairman Blessey moved to set the bond for 20-28 Old Gray’s Bridge Road, #201100632, at \$101,562.50. Chairman Mercer seconded the motion, and it carried unanimously.

There was brief discussion regarding the rationale of including drainage in the bonding estimate.

5. New Business:

a. **75 High Meadow Road #200500825:** Bond Release of \$4,000.00 - It was noted that after inspection, ZEO Dew has signed off on this bond release request. **Vice Chairman Blessey moved to recommend to the Board of Selectmen to release the bond of \$4,000 for 75 High Meadow Road, #200500825. Commissioner Weisman seconded the motion, and it carried unanimously.**

b. **125 Commerce Drive (Petro, Inc.) #201100877:** Certificate of Zoning Compliance

within the Aquifer Protection District

1. Hazardous & Contaminant Materials Control Plan

2. Letter from S.C. Altman & Associates, Inc. to Bob Dance dated 8/27/11

Re:

Wash Water Recycle System (report attached)

3. Map "Site Plan" prepared by CCA, LLC dated 2/25/08 revised 7/16/08 – sheet

S1

The applicant has requested that it be put on the agenda for the November 10, 2011 meeting. There was brief discussion regarding the material that has been submitted thus far.

- c. **7 Del Mar Drive (Target Flavors) #201100878:** Design Review for construction of a

single story, 5,650 square foot building addition (*dec date 12/31/11*)

1. Letter from Mark E. Kornhaas, Proj. Eng. Mgr. Artel Engineering Group to

William Mercer, Chairman Zoning Commission dated 10/20/11 Re:

Target

Flavors Jaymack Properties, LLC 7 Delmar Drive

2. **Map Cover Sheet titled "Jaymack Properties, LLC" prepared by Artel**

Engineering Group, LLC dated 10/10/11 – sheet 1

- "Boundary & Topographical Map" dated 6/13/11 – sheet 2
- "Site Plan" dated 10/10/11 – sheet 3
- "Grading And Utility Plan" dated 10/10/11 – sheet 4
- "Landscape Plan" dated 10/10/11 – sheet 5
- "Sediment And Erosion Control Plan" dated 10/10/11 – sheet 6
- "Details" dated 10/10/11 – sheet 7

3. Map titled "Proposed Future Parking Plan" prepared by Artel Engineering Group, LLC dated 10/3/11 – sheet 1

4. Map titled "Proposed Addition to Existing Building For Target Flavors, Inc."

(Partition Plan) prepared by Lancaster Assoc. Architecture & Planning dated

9/8/11 – drawing no. A-2

- "Exterior Elevations" dated 9/8/11 – drawing no. A-4

This matter was tabled. It was noted that the applicant has not officially withdrawn the application.

Commissioner Lollie left the meeting at 7:27 p.m.

- d. **Proposed Regulation Change #201100881: Section 242-202 – Definition of Commercial Vehicles; Section 242-305F – Commercial Vehicles in Residential**

Zones and Section 242-401A(2)(g) – Commercial Vehicles for Customary Home

Occupations

Vice Chairman Blessey moved to set a Public Hearing for Proposed Regulation Change

#201100881: Section 242-202 – Definition of Commercial Vehicles; Section 242-305F – Commercial Vehicles in Residential Zones and Section 242-401A(2)(g) – Commercial Vehicles for Customary Home Occupations, for December 1, 2011.

Chairman Mercer seconded the motion, and it carried unanimously.

6. Tabled Items: None.

7. Informal Discussion:

a. There was discussion regarding the sign regulations. ZEO Dew indicated that she has been researching the regulations of other municipalities. Vice Chairman Blessey noted that the current regulation allows a 1.5 square foot directional sign.

There was additional discussion regarding businesses that utilize the A-frame signs. The Commission inquired if the A-frame signs help businesses. The safety issue when lines of sight are affected was noted. ZEO Dew stated that she recently removed one put up by the Substance Abuse Coalition. Vice Chairman Blessey pointed out that many of the realtors use them for “open houses”, which are held only on Sundays and Mondays. It was suggested that a regulation be drafted for A-frame signs.

There was discussion regarding a sign at the hardware store near Four Corners that advertises the holiday sale at the nearby Craft Center. Specifications for the allowance of signs in windows, those allowed at gas stations, and those allowed for special events, were also reviewed.

8. Comments of Commissioners: None.

9. Adjourn: Vice Chairman Blessey moved to adjourn the meeting at 7:40 p.m. Chairman Mercer seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for November 10, 2011****