

**APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, January 12, 2012 – 7:00 p.m.**

MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD

1. Convene Meeting

Present: Chairman W. Mercer, Vice Chairman R. Blessey (arrived 7:01 p.m.), Secretary C. Lynch, M. Grimes, F. Lollie, Alternate and Voting Member where indicated * J. Varda

Absent: None

Also Present: Zoning Enforcement Officer A. Dew

a. Review Minutes of Previous Meetings: 12/8/11 – Commissioner Lollie moved to approve the Minutes of the December 8, 2011 meeting. Secretary Lynch seconded the motion, and it carried, 4-0-1, with Commissioner Grimes abstaining.

12/22/11 – Vice Chairman Blessey moved to approve the Minutes of the December 22, 2011 Minutes. Commissioner Grimes seconded the motion. Commissioner Grimes pointed out the following clarification, on Page 3, second paragraph, to add after the word “building” and before the period, the following: “(two teller lanes and one drive-up ATM, and no walk-up ATM)”. Motion carried, 3-0-2, with Commissioner Lollie and Secretary Lynch abstaining.

2. Land Use Enforcement

a. Enforcement Officer’s Report:

ZEO Dew reported on the following:

Requests for Voluntary Compliance (RVC)

213 Candlewood Lake Rd. – The violation relates to commercial property in a residential area, and vehicles in undesignated areas and/or the fire lane. ZEO Dew spoke with the property owner after sending an RVC. He has moved most of the trailers, and will remove boats from fire lane. ZEO Dew will reinspect.

10 Whisconier Rd. – The violation involves a shed without a permit. An RVC was sent, and an inspection will be scheduled. (see continued discussion below)

169 Pocono Rd. – This violation involved three tractor trailers being parked on property owned by Gospel Hall. The trucks have been removed. This item will be removed from the report.

10 Whisconier Rd. – Commissioner Grimes recommended issuing a Cease and Desist, however, the Commission decided to wait until after inspection. ZEO Dew advised that the property owner has an open permit for an elderly conversion, so an inspection will be required through that process.

349 Candlewood Lake Rd. – ZEO Dew advised that there is a large boat in the front yard and a car covered by tarp. An RVC has been sent. She will allow time for a response.

49 Federal Rd. – See below - Informal Hearing.

49 Federal Rd. (Sprint) – This violation involves an illegal sign on the porch. A Cease and Desist Order has been sent, and the sign was removed. ZEO Dew will remove this from the report.

7 Cross Rd. – ZEO Dew indicated that this house appears to be uninhabited, but someone was

there when the Building Department inspected. There is litter on the site. A Cease and Desist Order has been sent.

Citations

54 Ironworks Hill Rd. – The Land Use Office has been unable to locate the property owner and the house appears to be abandoned. It is owned by Linda Bouchard and there are a number of liens and a mortgage on the property. The Town Attorney will see if the marshal that served papers knows of an address for the property owner. Upon inquiry from Secretary Lynch, ZEO Dew advised that the scrap metal business appears to be inactive. There is a great deal of blight in the front yard. ZEO Dew advised that it appears that no one has driven in or out of the driveway for about three months, and the Animal Welfare Society has reported that the dogs are gone. The Land Use Office is continuing to try to locate the property owner. There have been no recent complaints.

74 Candlewood Lake Rd. – There are three unregistered vehicles on the property. The property owner, Mr. Stern came in to the Land Use Office late today, and paid the citation fine. He also advised that all but one of the cars have been removed. ZEO Dew will inspect the site tomorrow.

20 Station Rd. – A demolition permit has been acquired, and a demolition contractor has been retained.

533 Federal Road – ZEO Dew spoke with the Town Attorney today, and was advised that the property is no longer under bankruptcy. There is also a lawsuit going on between the two property owners. There has been some activity on the site. ZEO Dew will continue to inspect.

45 Riverford Rd. – The bank is foreclosing on the house, which is owned by Courtney & John Pastor. Cohen and Wolf will keep ZEO Dew updated. There continue to be commercial vehicles on the site. ZEO Dew will continue inspections.

1 High Ridge Rd. – There was a court date for this matter, however, nothing was heard, as it appears Mr. Zaky has fired his latest attorney.

9 Stony Farm Lane – ZEO Dew is still waiting to hear if a decision has been reached.

Miscellaneous

Boy Scouts – The permits for the tree removal signs are still active.

DeFalco Siding – The business owner had been putting signs on telephone polls. ZEO Dew removed a sign, and it has not gone back up. ZEO Dew will issue a Cease and Desist Order if a sign reappears.

Trident Sign on Department of Transportation Property – ZEO Dew will send a letter and an RVC and request that an application for a sign permit be completed and that the business owner come in before the Commission.

b. **49 Federal Road (Massage Envy):** Informal hearing for a Cease & Desist – *B. Bulakowski, 49 Federal Rd., Unit C, was present.* The violation relates to a signed truck being parked on the grass in front of the building on December 17, 2011. Mr. Bulakowski advised that he was not aware that it was a violation of the regulations to do so. The truck has since been removed.

Mr. Bulakowski also inquired if there is an opportunity to allow businesses to put up special event signs more than once a year. Vice Chairman Blessey indicated this could be accomplished

through a regulation change, and advised Mr. Bulakowski that it has been considered by the Regulation Subcommittee. Commissioner Grimes explained the regulation change process. They also advised Mr. Bulakowski that there is a fee of \$1050 for application and the public hearing process. Mr. Bulakowski indicated that the allowance of these signs makes a huge difference in his business. Last year, ZEO Dew extended his allowance for the sign due to the excessive snow. This matter will be put on the agenda for the next meeting.

With regard to parking for the signed truck, the Commission advised that it be parked next to the Windo-rama truck on the side of the building.

4. Continued Public Hearing 7:30 PM:

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

Uses

*Vice Chairman Blessey recused himself from this matter and left the room. *Commissioner Varda was a Voting Alternate for this item. He indicated that he listened to the tape of the meeting and read the meeting minutes. Commissioners Lollie and Grimes did as well. All other Commissioner members were present.*

Chairman Mercer read a memo from the Planning Commission to the Zoning Commission noting its favorable recommendation at its October 23, 2011.

Commissioner Grimes moved to close the Public Hearing re: Proposed Regulation Change, #201100838: Section 242-501 – Table of Permitted Uses. Secretary Lynch seconded the motion, and it carried unanimously.

Secretary Lynch moved to approve #201100838, Proposed Regulation Change to Section 242-501, Table of Permitted Uses. Commissioner Lollie seconded the motion.

Commissioner Varda clarified that when the regulations were written for the Town Center District, the Table of Uses was not properly updated, and this application addresses this. Motion carried unanimously.

Vice Chairman Blessey returned to the room at 7:35 p.m.

3. Review Correspondence

- a. Minutes of other Boards and Commissions: 12/17/11 special, 12/19/11 Inland Wetlands Commission; 12/22/11 special Planning Commission**
- b. Letter from D. Sawicki to Gary R. and Dennis Michael dated 12/21/11 Re: Costco Expansion (Bank and Fueling Facility)**
- c. Iroquois Report dated December 2011**

No discussion/no motions.

5. Old Business:

- a. 540 Federal Road #201101017: Design Review Application – Water Storage**

Tank

1. **Letter from S. Sullivan to The Zoning Commission dated 01/05/12 Re: Water Storage Tank Oak Meadows 540 Federal Road**

S. Sullivan, PE, CCA, 40 Old New Milford Rd. was present. He advised that the applicant has received a variance from the Zoning Board of Appeals. Additionally, the Inland Wetlands Commission has conducted a site walk and discussed the application. The only change to this relates to a route to get to the tank due to discovery of additional watercourses. Further, the Town Attorney is amending the language of the conservation easement. The Planning Commission will have to approve the amended language. Mr. Sullivan will check with the Land Use Office to determine if an extension for the zoning application is necessary.

Commissioner Grimes moved to go Agenda Item 6.c. Chairman Mercer seconded the motion, and it carried unanimously.

6. New Business

- c. **Letter from M. Lillis to the Brookfield Zoning Commission dated 01/04/12 Re: 227- 235 Federal Road, Site Plan for Design Review Approval for Two Two Seven LLC request for waiver to Section 242-602G(2)**

M. Lillis, PE, CCA, 40 Old New Milford Rd., was present. Also present were M. Palmer, N. Buzaid, of Two Two Seven LLC, and G. Palmer, its agent. Mr. Lillis described the location of the site. He also noted that the drawing reflects the redesigned signalization at the Costco entrance that has been approved by the Zoning Commission and the State Traffic Commission.

Mr. Lillis indicated that his client can access this signal and use it. There was discussion regarding access from various directions. Mr. Lillis requested that the Zoning Commission waive the traffic study, as the layout is slightly over 50-car threshold (65 spaces). It was noted that the regulations do not allow the Commission discretion to waive the study. The property owner will file an application and work on the traffic study between its filing and the public hearing. Additionally, Mr. Lillis and the other representatives will be meeting with the Department of Transportation tomorrow.

- d. **1084 Federal Road #201200011: Certificate of Zoning Compliance for Temporary Storage during construction (dec date 03/17/12) – This item was removed from the Agenda.**
- e. **Proposed Regulation Change #201200014: Section 242-602B(2) – Maximum Free Standing Lighting Fixture Mounting Height (03/17/12)**
 1. **Letter from T. Cody to the Brookfield Zoning Commission dated 01/05/12 Re: Costco Wholesale Corporation Zoning Regulation Text Amendment Application Section 242-602B(2)(h)(1)**
 2. **Proposed Zoning Regulation Text Amendment**
 3. **Costco Wholesale Corporation Application for Zoning Regulations Text Amendment Statement of Justification dated 01/05/12**

Attorney T. Cody, 280 Trumbull St., Hartford, CT, was present, on behalf of Costco. He advised that the Land Use has a notice ready to be sent tomorrow morning for publication on Saturday.

Vice Chairman Blessey moved to set a Public Hearing for January 26, 2012, for #201200014: Proposed Regulation Change Section 242-602B(2)(h)(i) – Maximum Free Standing Lighting Fixture Mounting Height. Chairman Mercer seconded the motion. Commissioner Grimes pointed out, and Vice Chairman Blessey noted that this is contingent upon the Notice for the Hearing being published on January 14, 2012. Attorney Cody noted that the Planning Commission will be meeting on January 19, 2012, for its review of the proposed change. Motion carried 4-0-1, with Secretary Lynch abstaining.

- f. Proposed Regulation Change #201200015: Section 242-308F – Liquor Outlets
(dec date 03/17/12)**
- 1. Letter from T. Cody to the Brookfield Zoning Commission dated 01/05/12 Re: Costco Wholesale Corporation Zoning Regulation Text Amendment Application Section 242-308F**
 - 2. Proposed Zoning Regulation Text Amendment**
 - 3. Costco Wholesale Corporation Application for Zoning Regulations Text Amendment Statement of Justification dated 01/05/12**

Attorney T. Cody, 280 Trumbull St., Hartford, CT, was present, on behalf of Costco.

Vice Chairman Blessey moved to set a Public Hearing for Proposed Regulation Change #201200015: Section 242-308F – Liquor Outlets, separation distance, for January 26, 2012, contingent upon publication of the Notice for the Hearing on January 14, 2012. Commissioner Grimes seconded the motion, and it carried, 4-0-1, with Secretary Lynch abstaining.

Attorney Cody noted that the in the list of uses for major shopping centers, alcoholic beverage sales is present.

9. Comments of Commissioners:

Commissioner Grimes inquired if there were any issues with Candlewood Shores' neighbors and boat problems. ZEO Dew and the other Commissioners were not aware of anything recently.

Commissioner Grimes suggested that when there is a discussion of sign regulation review, the Commission encourage local business owners and members of the public to attend the meeting and submit their input.

6. New Business:

a. Nomination and Election of Commission Officers for 2012 Calendar Year – Commissioner Grimes moved to nominate for Chairman, Commissioner Mercer, for Vice Chairman, Commissioner Blessey, and for Secretary, bipartisanship, Mr. Lollie. Secretary Lynch seconded the motion, and it carried unanimously.

b. Nomination and Election of Deputy Zoning Enforcement Officers for the 2012 Calendar Year

Commissioner Grimes nominated as Deputy Zoning Enforcement Officers the following: Commissioner Mercer, Commissioner Blessey, Commissioner Lynch and Commissioner Lollie. Chairman Mercer seconded the motion. Motion carried unanimously.

Commissioner Grimes moved to approve the appointment of Alice Dew as ZEO for 2012. Chairman Mercer seconded the motion, and it carried unanimously.

7. Tabled Items: None.

8. Informal Discussion:

There was discussion regarding potential hearing officers, and two new alternate Commissioners.

Chairman Mercer requested that ZEO Dew send a copy of a letter to the Commission from S. Sullivan, dated January 5, 2012, re: 540 Federal Road, to the Water Source Commission. There was additional discussion regarding the authority of the WSC.

203 Gray's Bridge Road – Vice Chairman Blessey indicated that the business owner would like to install a portable scale to weigh the loose material that the business sells. The scale would sit on a four foot concrete slab. There was discussion regarding whether the business owner needs a permit. Section 242-301C(b)(3)(c) of the regulations was reviewed by Chairman Mercer. The Commission agreed that a permit would not be necessary. Additionally, ZEO Dew will check to see if booth on the property is on site plan. If it is not, she will advise the business owner that he should see the Commission.

10. Adjourn:

Commissioner Grimes moved to adjourn the meeting at 8:05 p.m. Vice Chairman Blessey seconded the motion. Motion carried unanimously.

****Next Regular Meeting Scheduled for January 26, 2012****