

APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, April 12, 2012 – 7:00 p.m.
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD

1. Convene Meeting

Chairman Mercer convened the meeting at 7:00 p.m. and established a quorum of members.

Present: Chairman W. Mercer, Vice Chairman R. Blessey, Secretary F. Lollie, M. Grimes, Alternate and Voting Member R. Ziembicki, Alternate J. Cordisco

Absent: M. Grimes, Alternate Member J. Varda

Also Present: Zoning Enforcement Officer A. Dew

a. Review Minutes of Previous Meetings: 3/22/12

Vice Chairman Blessey moved to approve the Minutes of the March 22, 2012 meeting. Secretary Lollie seconded the motion, and it carried unanimously.

2. Land Use Enforcement

a. Enforcement Officer's Report:

Requests for Voluntary Compliance (RVC)

213 Candlewood Lake Road, #201101044 – ZEO Dew reported that one boat remains in the fire lane. An RVC was sent, and the owner has until April 25, 2012 to comply.

273 Whisconier Road, #201200123 – The Craft Center has come in to the Land Use Office to apply for a variance. The application will be heard before the Zoning Board of Appeals (ZBA) at its May 7, 2012 meeting.

Cease and Desist Orders (C & D)

10 Whisconier Road, #201200023 – The variance was denied by the ZBA at its meeting on April 2, 2012. The property owner proposes to seek another variance for setback coverage, and has until April 18, 2012 to complete the application to make it on the ZBA's May 7th agenda.

1106 Federal Road, #201200159 – ZEO Dew indicated she inspected the site on April 2, 2012, and granite pile was covered. She does expect that the business owner will propose a more permanent solution. The Commission requested that this matter be kept on the Enforcement Report.

Citations

54 Ironworks Road, #201100755 – Town Counsel will be sending a letter to the property owners at their Georgia address.

Town Counsel Action

20 Station Road, #200101116 – No change in status.

533 Federal Road, #2012000122, 45 Riverford Road, #200900768 – A Citation was issued to Wellsville LLC and L. Pastor and delivered by marshal. ZEO Dew has requested that Town Counsel send the parties a letter.

1 High Ridge Road, #201000315 – The property owner has an approved permit through the Inland Wetlands Commission, which included a stipulation to clean up the blight. Additionally, the property owner has applied for permits to build garages on the property.

9 Stoney Farm Lane, #201100095 – Attorney Olson has sent an email to the property owner and is awaiting a response.

Miscellaneous

213 Candlewood Lake Road – Vice Chairman Blessey has discussed this matter with W. Gravius, and ZEO Dew was requested to send a letter.

There was discussion regarding various illegal signs, and a lot just north of 335 Federal Road, that is accumulating stored boats.

537 Federal Road, RW's BBQ – Vice Chairman Blessey inquired if a permit is necessary if the content of a sign is changed without a modification to the structure of the sign. The regulation was reviewed. The business owner did come in for an application but never completed it, and changed the sign. Vice Chairman Blessey noted that there is a regulation that governs signs at gas stations, where the prices are often changed. ZEO Dew explained that the applications now ask if a sign is being “resurfaced”. Vice Chairman Blessey indicated that the regulations do not back up this requirement.

The Commission will review this issue and discuss it at the next meeting.

3. Review Correspondence

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission 3/19/12 special 3/26/12; Zoning Board of Appeals 4/2/12; Planning Commission 3/15/12; Zoning Sub-Committee 3/15/12**
- b. **Building Inspectors** (formerly Building Permits Law Bulletin): March 2012 issue
- c. **Iroquois Report**: March 2012 issue
- d. **Letter from David A. Sawicki, Department of Transportation to Gary Michael (cc: Zoning Commission) dated 3/26/12 Re: Costco Expansion**
- e. **Letter from Katherine Daniel to Zoning Commission** (cc: Dan Bertram) dated 3/30/12, re: PA 11-5 automatic extension of permit validity

No discussion/no motions.

Vice Chairman Blessey moved to go to Agenda Item 5.a. Commissioner Lynch seconded the motion, and it carried unanimously.

5. New Business:

- a. **99 Federal Road (Savers) #201200237: Site Plan Modification to add a raised Receiving dock with a roof for tenant improvement for a clothing sales store (dec date 6/16/12)**
 1. Letter from David S. Hawley to Alice Dew dated 3/26/12 Re: 99 Federal Road – Savers
 - Sheet of revised parking plan handed into Land Use 3/26/12
 - Map titled “Fixture Plan” prepared by Savers dated 3/23/12 – sheet SD-1
 2. Map Cover Sheet titled “Site Plan” prepared by Stantec Architecture Inc. dated 3/20/12 revised 4/3/12 – sheet A1.1
 - “First Floor Plan” dated 3/20/12 revised 4/3/12 – sheet A2.3
 - “Exterior Elevations” dated 3/20/12 revised 4/3/12 – sheet A3.1
 3. “Site Plan” prepared by New England Land Surveying, P.C. dated 3/24/97 revised 4/7/98 – Job No. 649 (received in Land Use 4/4/12)
 - Pages from a report written on 99-107 Federal Road prepared by Oles & Jerram, Inc. dated 3/6/98

P. Katz, PE, Stantec Consulting, 2321 Whitney Ave., Hamden, CT, was present. The plans for a proposed thrift store at 99 Federal Road were reviewed. Mr. Katz pointed out the existing loading dock at the building. His client would like to propose to add new loading dock. Mr. Katz explained that the proposal is within the setbacks, and there is not a significant change in the coverage.

Vice Chairman Blessey inquired where the dumpsters are on the plans. Mr. Katz pointed out where the applicant will put a compactor on the site, which will be used for all waste. An aerial photograph was reviewed.

The elevations were then reviewed, and the existing and proposed loading dock areas were denoted by Mr. Katz. The loading dock will be used to collect goods coming in from local charities, and the public will have a drop off site in a separate area.

There was discussion regarding the parking spaces that were required when the site was originally approved, and those that are required now.

Property Owner D. Hawley, 30 Germantown Road, Danbury, was present. Chairman Mercer reviewed the regulations that governed parking when the building was initially approved. Since then, the parking regulation has changed, in that it does not consider warehouse space and that the square footage requirement has changed. Mr. Hawley reviewed the tenant history for the building, noting that the neighboring store to the proposed Savers store has consistently been that of a discount department store. The proposed Savers location changed uses but it will go back to its original use if approved. Vice Chairman Blessey noted that the use was not formally abandoned.

Chairman Mercer indicated that he reviewed the Danbury and Bethel regulations regarding parking which are more restrictive. He also requested the opinion of Town Counsel on this issue but has not yet received a response.

As originally approved, there are more than enough parking spaces to meet the requirement.

The proposed dumpster location was noted on the plans and initialed by Mr. Hawley.

At this time (7:33 p.m.), the applicant’s representatives inadvertently turned to recorder “off” for less than one minute, while making the above notation on the plans.

Vice Chairman Blessey moved to approve application #201200237: Site Plan Modification to add a raised receiving dock with a roof for tenant improvement for a clothing sales store, at 99 Federal Road (Savers), as the application is. Chairman Mercer seconded the motion, and it carried unanimously.

Vice Chairman Blessey moved to go to Agenda Item 5.f. Chairman Mercer seconded the motion, and it carried unanimously.

- f. 28 Old Route 7 #201200263: Site Plan Modification for new dry cleaning business to modify parking layout and drainage (dec date 6/16/12)**
1. “Site Plan” prepared by James R. Palmer, P.E. dated 3/16/12 revised 4/2/12 – sheet 1 of 2
 - “Utility, Grading and Erosion and Sediment Control Plan” dated 3/16/12 revised 4/2/12 – sheet 2 of 2
 - “Environmental Planting Plan” prepared by Environmental Land Solutions, LLC dated 3/16/12 – drawing no. PP.1

D. Cole, Contractor for the applicant was present. He advised that the application has received Inland Wetlands Commission approval. Mr. Cole further advised that the number of parking spaces has not changed, but a retaining wall has been removed, the loading area has been improved and there are two accessways. He reviewed the location of the retention pond, and additional landscaping.

It was noted that there has been no comment from the Water Source Committee regarding this application. Mr. Cole pointed out the fire hydrant and stated that there is 350 feet of sight line. Vice Chairman Blessey noted that the Water Source Committee has had file the file since April 4, 2012.

Mr. Cole removed some of the landscaping and initialed the plan. He also pointed out the access in the back for the fire code, and the compressor that was housed inside shrubbery, are all within setbacks,

Vice Chairman Blessey moved to approve activity #201200263: Site Plan Modification for new dry cleaning business to modify parking layout and drainage, as amended on the site plan dated 4/2/12. Commissioner Lynch seconded the motion, and it carried unanimously.

Commissioner Lynch moved to go to Agenda Item 5.b. Vice Chairman Blessey seconded the motion, and it carried unanimously.

- b. Proposed Regulation Change #201200258: Section 242-305F – Commercial vehicles in residential zones**

Vice Chairman Blessey moved to set a Public Hearing for Proposed Regulation Change #201200258, Section 242-305F – Commercial vehicles in residential zones, for May 10, 2012. Secretary Lollie seconded the motion, and it carried unanimously.

- c. Proposed Regulation Change #201200259: Section 242-401A(2)(g) – Customary Home Occupation**

Vice Chairman Blessey moved to set a Public Hearing for Proposed Regulation Change #201200259: Section 242-401A(2)(g) – Customary Home Occupation, for May 10, 2012. Commissioner Lynch seconded the motion, and it carried unanimously.

- d. Proposed Regulation Change #201200260: Section 242-501 – Table of Permitted Uses for Industrial & Commercial Districts**

Vice Chairman Blessey moved to set a Public Hearing for Proposed Regulation Change, #201200260, Section 242-501 – Table of Permitted Uses for Industrial & Commercial Districts, for May 10, 2012. Commissioner Lynch seconded the motion, and it carried unanimously.

- e. Proposed Regulation Change #201200261: Section 242-405 – Apartment Units within single-family dwellings**

Vice Chairman Blessey moved to set a Public Hearing for Proposed Regulation Change, #201200261, Section 242-405 – Apartment Units within single-family dwellings, for May 10, 2012. Commissioner Lynch seconded the motion, and it carried unanimously.

7. Informal Discussion:

- a.** The Commission discussed if stairs at the front of the house are considered part of the structure, therefore having to comply with setbacks. The differences between a patio and deck were noted. The drawings of the properties that called this question to the Commission’s attention were reviewed, and it was noted that there were differences between the foundation plan and the building plan. It was stated that a walkway is not considered a structure unless there is a berm, or if it is physically attached to the house, like a deck.

4. Old Business:

- a. 227-235 Federal Road #201200060:**
 - 1. Letter from Michael Lillis to Zoning Commission dated 3/26/12 Re: 227-235

Federal Rd

- Attached corrected Drainage Summary titled “Stormwater Management System Inspection And Maintenance Plan” dated 3/26/12

Receipt of the above letter noted.

6. **Tabled Items:** None.

8. **Comments of Commissioners:** None.

9. **Adjourn:**

Chairman Mercer moved to adjourn the meeting at 8:03 p.m. Vice Chairman Blessey seconded the motion, and it carried unanimously.

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