

**APPROVED AMENDED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, May 17, 2012 – 7:00 p.m.
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD**

1. Convene Meeting

Present: Chairman W. Mercer, Vice Chairman R. Blessey, Alternate and Voting Members J. Cordisco, J. Varda and R. Ziembicki

Absent: Secretary F. Lollie, M. Grimes, C. Lynch

Also Present: Zoning Enforcement Officer A. Dew, Community Development Director K. Daniel, Recording Secretary D. Cioffi

a. **Review Minutes of Previous Meetings:** 4/26/12 – Vice Chairman Blessey moved to approve the Minutes of the April 26, 2012 meeting. Commissioner Varda seconded the motion, and it carried, 3-0-2, with Chairman Mercer and Commissioner Cordisco abstaining.

2. Land Use Enforcement

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

ZEO Dew reported on the following matters:

Request for Voluntary Compliance

273 Whisconier Rd. (Brookfield Craft Center) #201200123 – ZEO Dew reported that the applicant has withdrawn its application with the Zoning Board of Appeals, and is still in discussions with the Board of Selectmen regarding a possible waiver of fees.

119 Long Meadow Rd. #201200301 – ZEO Dew reported that the signs have been removed, and she suggested removing this item from the report.

11 Nicole's Court #201200331– ZEO Dew advised that she received a letter from Mr. Mazur indicating that he has one van (sometimes two), and one box truck in the easement, and two boats in the front yard. The date for removal of these items is May 23, 2012. Chairman Mercer will speak with ZEO Dew regarding sending a response to the letter.

270 Federal Rd. (El Coyote) #201200368 – ZEO Dew reported that the business put a box truck, with balloons, and its name and phone number, in the front of the plaza. It was removed on Tuesday.

28 Delmar Dr. #201200421 – ZEO Dew explained that there is a portion of this property that goes to Federal Road, and currently there are a number of boats, a storage trailer and some vehicles parked there. A site plan modification was approved in 2008 to do landscaping along the Federal Road side of this property, to rectify the conditions causing the complaint. Parking was not part of that approval. The property owner was given until June 5, 2012 to remove the vehicles.

Cease and Desist Orders

10 Whisconier Rd. #201200023 – ZEO Dew reported that the ZBA granted the variance, and the application for the shed is in process. She recommended that this item be removed.

213 Candlewood Lake Rd. #201101044 - ZEO Dew issued and hand delivered a Cease and Desist Order. A Show Cause Hearing will be held on May 24, 2012.

27 Vale Rd. #201200303 – The property owner submitted a site plan modification, and that application is on the agenda for the May 24, 2012 meeting.

Town Counsel Action

20 Station Rd. #200101116– There has been a complaint regarding a pile of junk behind the building, and ZEO Dew is waiting to hear from the neighbor that filed the complaint.

533 Federal Rd. #2012000122 – The letter from Town Counsel to the property owner requested compliance by June 1, 2012.

45 Riverford Rd. #200900768 – Information regarding this item was included in the Commissioners' packets.

1 High Ridge Rd. #201000315 – This complaint concerns lights and blight. Attorney P. Olson has been contacted. The matter of the light shining into the neighbor's property has been on the agenda since June 4, 2010.

9 Stoney Farm Lane #201100095 – ZEO Dew has not heard from Attorney Olson regarding the finalized agreement.

54 Ironworks Rd., #201100755 – Town Counsel will speak with the Commission regarding further action.

b. Enforcement Correspondence:

1. Letter from John Mazur, 11 Nicole’s Court to Alice Dew dated 5/5/12 Re: Response to letter sent by ZEO on 4/25/12 – Noted.
2. Letter to Laurie Pastor, Wellsville Properties, LLC from Jason Buchsbaum, Cohen & Wolf dated 5/1/12 Re: Zoning and Wetlands Violations at 533 Federal Road – Noted.
3. 1 High Ridge Road: File #201200369 - #201200374 – This will be discussed at the next meeting on May 24, 2012.
4. 22 Beech Tree Road: File #201200375 - #201200381 – This will be discussed at the next meeting.

3. Review Correspondence

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission 4/23/12; Zoning Board of Appeals 5/7/12; Planning Commission 4/19/12, 5/3/12; Zoning Sub-Committee**
- b. **Letter from Sara Howard, CCA to Zoning Commission dated 5/1/12 Re: Zoning Regulation discrepancy**
- c. **Iroquois Report: April 2012 issue**
- d. **Letter from Neil Marcus to Zoning Commission dated 5/10/12 Re: Opinion re C.G.S. § 14-321 and P.A. 03-184, 05-218 & 06-133**
- e. **Letter from Neil Marcus to Zoning Commission dated 5/10/12 Re: Miscellaneous Zoning Issues**

No discussion/no motions.

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

5. Old Business

b. 100 Silvermine Road (On Track Karting) #201200300: Site Plan Modification to install a 300 gallon fuel tank (dec date 6/30/12)

1. Application for Certificate of Zoning Compliance within the Aquifer Protection District
2. Brochure titled “Fireguard Thermally Protected Steel Storage Tanks”
3. Hazardous and Contaminant Materials Control Plan received in Land Use 5/10/12

M. Tyrrel, 51 Lanyon Dr., Cheshire, CT, C. Tyrrel, 810 Rustic Ln, Cheshire, CT, and N. B. Mitchell, Mitchell Fuel, 130 S. King St., Danbury, CT, and W. Durgy, 10 Tara Dr., Brookfield, CT, were present.

The application relates to the addition of a 300-gallon storage tank outside of the building, egress stairs, and awnings. Mr. Mitchell described the specifications of the tank: it is a double wall, reinforced steel tank, the outer containment holds 115% of the product storage from the inside, lightweight concrete between walls, and crash protections. Detailed specifications were provided for the file. Upon inquiry from the Commission, Mr. Mitchell advised that he is aware of only one incident when a pay loader backed into the tank, and there was no loss of fuel. He further stated that it is not necessary to cover the tank, as rainwater will not displace the fuel. There is an outer seal and ventilation, and the tank will also have bollards around it. Upon inquiry, he provided the Commission with the locations of similar tanks locally. Additionally, Mr. Mitchell discussed the

indicator/alarm system. Commissioner Cordisco inquired what type of pad the tank would sit on, and was advised that it will be concrete. Vice Chairman Blessey also noted that the turning radius on the site is sufficient for the largest fire truck in Brookfield. Lastly, Mr. Mitchell advised that the tank is a vapor guard tank.

Vice Chairman Blessey moved to approve 100 Silvermine Road, (On Track Karting), #201200300, Site Plan Modification. Commissioner Varda seconded the motion, and it carried unanimously.

Vice Chairman Blessey moved to go to Agenda Item 6.b., 316 Federal Road. Commissioner Ziembicki seconded the motion, and it carried unanimously.

6. New Business

- b. 316 Federal Road (Layla’s Bakery LLC”) #201200382 : Site Plan Modification to bring building to code with a handicap ramp (dec date 7/21/12)**
 - 1. Map of site showing proposed handicap ramp received in Land Use 4/20/12
 - 2. ZBA approval letter of 65’ variance granted dated 5/10/12

J. Nejadi, Ridgebury Rd., Ridgefield, CT, was present. He advised that his variance application was approved by the ZBA.

Vice Chairman Blessey moved to approve 316 Federal Road, (Layla’s Bakery LLC) #201200382: Site Plan Modification to bring building to code with handicap ramp. Commissioner Varda seconded the motion, and it carried unanimously.

Vice Chairman Blessey pointed out to Mr. Nejadi that the current banner he has on the building violates the regulations. He explained how Mr. Nejadi can get a temporary event permit in the Land Use Office.

- c. 107 Vale Road #201200395: Certificate of Zoning Compliance for a Contractor’s Yard**
 - 1. Letter from Deborah Rizzo, JAR Assoc. to Zoning Commission dated 5/9/12 Re: 107 Vale Road / Contractor’s Yard Certificate

Deborah Rizzo, of JAR Associates, 26 Starr Lane, Bethel, CT, was present. She explained that she has been coming in for a renewal for the contractor’s yard every year. She and the Commission are not aware why she must do this annually. Mrs. Rizzo also explained that the property is also in the middle of preservation activity that is part of a wetlands approval. Vice Chairman Blessey will work with ZEO Dew to determine why this applicant has to return every year, and advise her of the outcome.

Vice Chairman Blessey moved to approve 107 Vale Road, #201200395: Certificate of Zoning Compliance for a Contractor’s Yard. Commissioner Varda seconded the motion, and it carried unanimously.

Vice Chairman Blessey moved to go to Agenda Item 6.e. Commissioner Varda seconded the motion, and it carried unanimously.

- e. 20 Orchard Street #200300195: Request for final bond release \$50,000**

Chairman Mercer reviewed the history of this site, noting that the above action is related to the original approval. The Commission established bond for maintenance of septic system, to carry on

in perpetuity to make sure septic system did not fail. *No one was present on behalf of this agenda item.*

Chairman Mercer noted that there have been changes in state statutes related to bonding. He read language in the regulations and discussed the portion which reads, “accepted by the municipality”. Public Act 11-79 was noted. After discussion with K. Daniel, Community Development Director, it was determined that the Commission would request an opinion from the Town Attorney.

This matter will be tabled until such time that the Commission has the opinion of Town Counsel.

4. Public Hearing 7:30 p.m.

a. Proposed Regulation Change #201200258: Section 242-305F – Commercial Vehicles in Residential Zones

1. Response memo from Planning Commission to Zoning Commission dated 4/23/12 Re: Application #201200258 – Section 242-305F
2. Letter from Neil Marcus to Zoning Commission dated 5/4/12 Re: Proposed Zoning Regulation Amendments – Application #201200258
3. Response from HVCEO received 4/27/12 Re: Application #201200258

Chairman Mercer opened the public hearings for all four of the applications. He briefly explained the relevant regulations that are being proposed to be changed. Chairman Mercer then introduced the Commission members.

Vice Chairman Blessey read the legal notice for the public hearing for Proposed Regulation Change, #201200258: Section 242-305F – Commercial Vehicles in Residential Zones, which was published in the News Times on May 4 and 14, 2012.

Chairman Mercer noted that all of this evening’s public hearing applications were received on April 12, 2012. He then reviewed the policies and procedures that govern public hearings. He inquired of the audience if there were any questions of clarification.

M. Grimes, 6 Horsehill Rd., Brookfield, was present. He inquired what the rationale for the proposed change was. Chairman Mercer explained that the current ordinance was “unduly restrictive” in terms of allowing residents who are tradesmen to park their vehicles at their homes.

Vice Chairman Blessey read the following correspondence: 1) a memo of 4/23/12 from the Planning Commission, in favor of the proposed zone change; 2) a response from HVCEO received on April 27, 2012.

Chairman Mercer explained what the current regulation provides, and read the proposed language for the regulation change. He noted that the reasons for the proposed change include the following: it recognizes that residents may have special needs for parking commercial vehicles at their homes; it provides a mechanism for regulating the parking of commercial vehicles in the Town; and provides that neighborhood character and neighbor input may be solicited in appropriate cases.

M. Grimes, 6 Horsehill Rd. was present. He inquired regarding the definition of “commercial vehicles” and Vice Chairman Blessey read the definition and exclusions. He also inquired if parking on a residential lot that does not have a building on it is allowed. Chairman Mercer explained that if the property owner owns a lot that is zoned residential, you could park a commercial vehicle on it. The regulation does specify that the vehicle must be parked in a “driveway” or “front yard”. Commissioner Varda pointed out that “driveway” is not fully defined in the regulations.

Mr. Grimes also inquired regarding the fee schedule, and the Commission was unable to find a copy. It was also clarified that permits for smaller vehicles could be obtained via the Zoning Enforcement Officer, and that special exceptions can be granted by the Commission.

There was additional discussion regarding the specifications of the proposed regulation. It was also noted that there is no fee schedule as of yet because there is no approved ordinance at this time.

No one was present to speak in favor of the application. M. Grimes was present, and spoke in opposition to the application. He stated that he feels the proposed change brings the Zoning Commission too much discretionary power. He would like further clarification regarding the rights of the applicant to ensure that he/she is in compliance. Vice Chairman Blessey advised that the point of the regulation is to allow commercial vehicles where there is no opposition from the neighbors. Mr. Grimes disagreed with this philosophy, and cited the situation where a new neighbor may have a problem with the presence of a commercial vehicle. He feels the public would be better served if there were more guidelines with more specificity. Vice Chairman Blessey clarified that the special permits allow for “a commercial-type activity” in a zone where it would not be allowed, while protecting the character of the neighborhood.

J. Sivo, 13 Nabby Rd., was present. The Commission clarified that none of his farm vehicles are considered “commercial” and that he is exempt.

Chairman Mercer further discussed the intent of the regulation, which is to assist residents with commercial vehicles without allowing them to take advantage of their neighbors. He pointed out that anything parked in the garage is not a commercial vehicle; and that the regulation addresses vehicles that are more visible.

This public hearing will be held open to allow for additional public comments if screening modifications are added. Commissioner Varda indicated he may have a conflict with the May 24, 2012 meeting, and was encouraged to submit any additional comments in writing.

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

1. Response memo from Planning Commission to Zoning Commission dated 4/23/12
Re: Application #201200259 – Section 242-401A(2)(g)
2. Letter from Neil Marcus to Zoning Commission dated 5/4/12 Re: Proposed Zoning Regulation Amendments – Application #201200259
3. Response from HVCEO received 4/27/12 Re: Application #201200259

Vice Chairman Blessey read the legal notice for this public hearing which was also published in the News Times on May 4 and May 14, 2012.

Vice Chairman Blessey read and noted the following correspondence: 1) from the Planning Commission dated April 23, 2012; 2) from HVCEO dated 4/27/12. ,

Chairman Mercer reviewed the current language of the regulation, and the proposed change.

There were no questions of clarification.

No one was present to speak in favor of the application, nor was anyone present to speak in opposition to the application.

Chairman Mercer recommended that the public hearing be continued, and it **will be continued to the next regularly scheduled meeting on May 24, 2012.**

c. Proposed Regulation Change #201200260: Section 242-501 – Table of Permitted Uses

1. Response memo from Planning Commission to Zoning Commission dated 4/23/12 Re: Application #201200260 - Section 242-501
2. Letter from Neil Marcus to Zoning Commission dated 5/4/12 Re: Proposed Zoning Regulation Amendments – Application #201200260
3. Response from HVCEO received 4/27/12 Re: Application #201200260

Vice Chairman Blessey read the legal notice which was published in the News Times on May 4, and 14, 2012. He also noted the following correspondence: 1) from the Planning Commission dated April 23, 2012; and 2) a memo from HVCEO dated 4/27/12.

Chairman Mercer explained the proposed modification related to the Table of Uses for industrial and commercial districts, and read the current language to correct the Table to match the regulations.

There were no questions of clarification.

No one was present to speak in favor of the application, nor was anyone present to speak in opposition.

S. Howard, CCA, 40 Old New Milford Rd., was present. She noted her letter re: front yard setbacks (Item 3.b. on this agenda). The Commission advised this is not a change in the regulation, only the Table.

No one was present to speak in opposition.

Vice Chairman Blessey moved to close the Public Hearing re: Proposed Regulation Change #201200260: Section 242-501 – Table of Permitted Uses. Commissioner Varda seconded the motion, and it carried unanimously.

Vice Chairman Blessey moved to approve Proposed Regulation Change, #201200260, Section 242-501 – Table of Permitted Uses. Commissioner Varda seconded the motion, and it carried unanimously.

d. Proposed Regulation Change #201200261: Section 242-405 – Apartment Units within Single Family Dwellings

1. Response memo from Planning Commission to Zoning Commission dated 4/23/12 Re: Application #201200261 – Section 242-405
2. Letter from Neil Marcus to Zoning Commission dated 5/4/12 Re: Proposed Zoning Regulation Amendments – Application #201200261
3. Response from HVCEO received 4/27/12 Re: Application #201200261

Vice Chairman Blessey read the legal notice, also published in the News Times on May 4 and 14, 2012. He further noted the following correspondence: 1) from the Planning Commission dated April 23, 2012, in favor of the regulation change; and 2) from HVCEO dated 4/27/12.

Chairman Mercer explained that the proposal makes modifications to the regulation that allows apartment units within a single-family dwelling. He reviewed the conditions related to age and disability, and square footage requirements. The proposed change will expand individuals that fall under the allowed occupants and change “floor area” to “living area” to be consistent with other building and zoning regulations. Chairman Mercer read the proposed changes. Additionally, the definition of “apartment unit” has been changed to include sinks and lavatory areas.

There were no questions of clarification.

No one was present to speak in opposition to the application, nor was anyone present to speak in opposition.

Commissioner Varda initiated discussion regarding whether divorced couples, continuing to live under the same roof due to economic conditions, fall under the definition of “second degree family”. It was noted that the definition uses the language, “such as” rather than “limited to”.

Vice Chairman Blessey moved to close the Public Hearing re: Proposed Regulation Change #201200261: Section 242-405 – Apartment Units within Single Family Dwellings.

Commissioner Cordisco seconded the motion, and it carried unanimously.

5. Old Business: (continued)

- a. **388, 398, 414 Federal Road (Barnbeck Place) #201200274: Design Review Modification to change footprint of south building, changed from PARC development to Incentive Housing (dec date 6/30/12)**

Attorney J. Morris, D. Bertram, BRT Development, Newtown Rd., Danbury, CT, and S. Sullivan, P.E., CCA, 40 Old New Milford Rd., were present.

Mr. Sullivan reviewed the modifications to the plan that are outside of the conventional standards, which include: the driveway aisles, size of parking spaces (based on best practices per Mr. Bertram). Vice Chairman Blessey inquired why the footprint of south building could not be made larger. Mr. Bertram indicated that it is larger, and includes bringing some of the parking spaces that were previously outside to the inside of the garage. Mr. Sullivan further advised that there is another part of the site where there is only 11 feet between the building and the facade curb (the regulation requires 20 feet). He also reviewed the building height calculation of 47 feet.

Mr. Sullivan indicated that the parking calculations were based on best practices and relate to the number of studio, one-bedroom and two bedroom units. Chairman Mercer inquired if the parking standards vary on proximity to public transportation. Mr. Bertram indicated that it was related more to the “unit mix”.

Commissioner Varda requested clarification of the shape of the court yard, and Mr. Bertram pointed out the elevated areas on the plan.

Chairman Mercer requested clarification on the grading at the site. Mr. Sullivan explained that the areas where it appears there is a greater than 25 degree grade, that these are the areas on the south side where the applicant anticipates the project being in ledge. He further advised that this was also part of the 2005 approval, with a condition that a geotechnical engineer certifies that the slope is safe and constructed per the plan. Another site plan modification was approved in 2010.

The Commission would like to investigate the exact language of the 2005 stipulation. It was noted that the regulation that discusses slope limitations is Section 242-303A. There was discussion

regarding the installation of a fence where the digging occurred close to the property line under the Natural Resources Removal Permit.

Chairman Mercer requested that the applicant identify what units will be designated as “incentive housing”, and how many of each kind (studio, one and two-bedroom units). Commissioner Varda inquired how the calculations are performed, and Chairman Mercer explained that there is a requirement in the regulation for annual reports to the town regarding the number of units. Attorney Morris further noted that this information would all have to be identified with the deed restriction prior to the first sale. Chairman Mercer also pointed out that it is the obligation of the owner of the unit to collect information on income for renters of the unit.

Attorney Morris indicated that Connecticut General Statutes Sections 8-13n(c) and 8-13t(d) discuss incentive housing.

Mr. Sullivan also advised that the site is on the route of HART public transportation.

The applicant will provide information identifying the percentage of each unit type at the next regularly scheduled meeting.

Vice Chairman Blessey moved to go to Agenda Item 6.a. Commissioner Ziembicki seconded the motion, and it carried unanimously.

6. New Business: (continued)

- a. **540 Federal Road (Oak Meadows) #201200364: Site Plan Modification to eliminate four 50,000 gallon fire tanks in lieu of upgraded municipal water system which includes the new Oak Meadows 607,000 +/- gallon tank (dec date 7/21/12)**
 - 1. Maps titled “Site Grading & Utilities Plan” prepared by CCA, LLC dated 4/10/08 revised 5/4/12 – sheets – S1 & S2

S. Sullivan, P.E., CCA, 40 Old New Milford Road, and M. Handshy, Consultant to the Board of Selectmen were present. Vice Chairman Blessey indicated that there was an additional piece of correspondence from the Water Source Committee in the “after the fact” packet. Mr. Sullivan explained that the modification is to eliminate the four 50,000-gallon tanks and upgrade to the municipal system with a new 600,000-gallon tank. The 96,000-gallon fire pond has already been built on the site and will remain. Mr. Sullivan indicated that the applicant would be speaking with the Water Source Committee. Chairman Mercer requested that the applicant strive to have more direct communication with the WSC.

The applicant will return at the next regularly scheduled meeting on May 24, 2012.

5. Old Business (continued)

- c. **200 & 236 Federal Road (Costco Wholesale) #201200312: Site Plan Modification for building addition & construction, gas dispensing and pavement reconstruction (dec date 6/30/12)**

J. Montesano, Northwest Atlantic, 200 Federal Rd., M. Marchisano, Costco Wholesale, 200 Federal Rd., and Attorney M. Maresca, Robinson & Cole, were present.

R. Blessey recused himself from this matter and left the room at 9:10 p.m.

Attorney Maresca reviewed that there was an amended permit in December 2011, and since then, a variance was approved and there have been zoning regulation text amendment changes that impact

plan. The applicant is requesting further minor changes in light of the variance approval, and to propose liquor sales at the site.

The changes relate to:

- 1) Lighting – the proposed change is consistent with regulation change, to reduce the number of light poles from 66 poles to 24 poles, on the site, noting that the proposed poles are taller.
- 2) Addition of liquor sales – regulation change approximately one month ago modified the requirement for separation distances between liquor stores. Costco is now within the separating distance requirement, and proposes liquor sales in a pod to be added to the existing structure (3,173 square feet). Mr. Montesano explained that Costco is currently under contract to acquire the license of a nearby liquor store, and the site plan modification is part of the documentation required by the State.
- 3) Parking – a variance allowed for parking out front, accommodating liquor sales. The applicant is reducing spaces to 9.5 feet to add spaces to accommodate the square footage of liquor store,. The applicant also wishes to not disturb the current retaining wall. Additionally, the applicant is providing handicapped parking spaces per the current regulation.

Upon inquiry from Commissioner Varda, the applicant explained that certain spaces are being eliminated to provide fire truck access.

Mr. Montesano the discussed the slope, noting that the original plan was approved with 1.5:1 slope based on soil conditions. He advised that Costco’s engineers will sign off on the engineered wall. Mr. Marchisano added that a nearby right-of-way has been acquired, so there is a small modification. The applicant does not want to want to go closer to the neighboring property lines, so that it can be fenced properly. There was discussion regarding a small “slide” that took place on the slope. The new retaining wall was pointed out on the plans.

J. Mancini, Principal, BL Companies, was present, and explained the rationale for a break in the retaining wall related to parking termination, entry into the gas station, and drainage. He advised that the construction of the slope will be different than what was done for the original store. Mr. Montesano indicated that the applicant is requesting that the Commission take its certification from its engineer and build as originally approved.

Chairman Mercer inquired regarding an irrigation system on the site, and the applicant acknowledged that this was a failed attempt by the store manager.

R. Gradwell, Civil Engineer, BL Companies, was present, and submitted for a letter record and reviewed the sloping on certain areas of the site. Mr. Mancini explained that the applicant has over-excavated the area so that it can go back with a competent sub-base, which is less high.

The modified site plan was stamped into the record. Attorney Maresca indicated that there will be an additional sign related to the liquor sales that is 33 square feet, that is also part of the Commissioners’ packet.

Commissioner Ziembicki inquired what the applicant has done to ensure that the slope will not slide; and Mr. Montesano and Mr. Marchisano advised that the area is not being touched because it is currently stable and it does not wish to risk it. There was discussion regarding fencing and trees provided for an abutting neighbor.

Commissioner Varda moved to approve #201200312, 200 & 236 Federal Road, as modified by the revised site plan SV1, dated 5/15/2012, reflecting the elimination of parking spaces on the

west side of the main building, and some adjustments of parking width in the main parking area. Commissioner Varda clarified that the application that is being approved is #201200312. Commissioner Cordisco seconded the motion, and it carried unanimously.

- d. **10 Huckleberry Hill Road #201200313: Site Plan Modification to increase pool enclosure building by 1900 square feet (dec date 6/30/12)**

J. Madzula, Architect, and S. Sullivan, P.E., CCA, 40 Old New Milford Rd., were present. Mr. Madzula presented the colors of the proposed structure to the Commission.

Vice Chairman Blessey moved to approve 10 Huckleberry Hill Road, #201200313: Site Plan Modification to increase pool enclosure by 1900 square feet, and to give it a vinyl fabric roof; the colors indicated on the chart per Ferrari Manufacturer 5022138, Taupe, for the roof; and 5028861, Vanilla for the sides (the Ferrari catalog was submitted for the record). Commissioner Varda seconded the motion, and it carried unanimously.

6. **New Business (continued)**

- d. **807 Federal Road (Peachwave Yogurt Store) #201200397: Site Plan Modification for expanded parking to 16 spaces with development of 1600 sq. ft. for a yogurt shop.**

1. Map titled “Parking Site Plan” prepared by P.W. Scott Engineering & Architecture, P.C. dated 04/23/12 – sheet SY1
 - “Grading Plan & Erosion Control” dated 04/23/12 – sheet SY2
 - “Landscape Plan” dated 4/23/12 – sheet SY3
 - “Luminaire Schedule” dated 4/23/12 – sheet SY4
 - “Erosion & Construction Details” dated 4/23/12 – sheet SY5
 - “Proposed Elevation” dated 4/23/12 – sheet A1

M. Ancin, Architect, 3871 Danbury Rd., Brewster, NY, was present. She advised that the applicant is requesting an increase of parking spaces of what was previously approved, to 16 parking spaces. She reviewed landscaping and grading for parking and retaining wall. Ms. Ancin advised that she is aware of ledge present on the site. The wider driving aisle in the back will allow for customers to back up. The retaining wall will be approximately 8’ high.

B. Clifford, 16 Woodcrest Lane, Danbury, CT, owner of the business, was present.

There was discussion regarding the square footage necessary for refuse. Ms. Ancin advised that refuse pick up will be off hours. Vice Chairman Blessey pointed out that the Commission has discretion, and also noted the nature of the business.

The applicant was advised that if he wished to put tables outside of the site, he will have to return for a modification.

Vice Chairman Blessey moved to approve ##201200397: Site Plan Modification at 807 Federal Road, for Peachwave Yogurt Store, and the associated parking. Commissioner Varda seconded the motion, and it carried unanimously.

3. **Review Correspondence**

- b. **Letter from Sara Howard, CCA to Zoning Commission dated 5/1/12 Re: Zoning Regulation discrepancy**

S. Howard, CCA, was present. She noted the differences in setback requirements in various districts. Chairman Mercer indicated that the Commission is reviewing the regulations and will look into this

issue. Ms. Howard was advised that this may take some time in terms of review, drafting language, notice of public hearing, etc.

7. Tabled Items: None.

8. Informal Discussion: Chairman Mercer advised that A. Boyd, Editor, of Brookfield Patch, is requesting that Commission members “tweet” regarding activities at meetings. Chairman Mercer indicated he is not in favor of this, as he believes the Commission owes applicants its full attention. Additionally, the Minutes and the recording of the meeting serve as the official record. Chairman Mercer has spoken with Town Counsel about this, and he has advised that he would discourage it, however, Commission members cannot be forbidden from doing it. Mr. Boyd has told Chairman Mercer that all of the other commissions have agreed to “tweet”. Vice Chairman Blessey advised that the Zoning Commission is also more prone to litigation.

K. Daniel, Community Development Director, was present, and encouraged the Commission members to see the Land Use Department webpage for the details discussed at last week’s Planning Workshop regarding Four Corners Development. She indicated that the original agreement with the consultants, Fitzgerald and Halliday, is to complete the plans by July. However, the consultants noted that the process may have to proceed more slowly, as they wish to have a joint meeting with the Planning, Zoning, and Economic Development Commissions. Ms. Daniel indicated that the Planning Commission would like to keep the original timeline to maintain momentum on the project.

Ms. Daniel recommend the following sequence of possible events:

- A) have the Planning Commission incorporate this plan into the current Plan of Conservation and Development as an addendum;
- B) have the Zoning Commission make changes that may be necessary in the regulations (Ms. Daniel would like to hear from the Commission as to how this can proceed)

Ms. Daniel further advised there a few developers that are interested in the Four Corners area.

The Commission indicated it would appreciate draft language for any proposed changes to expedite matters, and additionally, that it be discussed under a special full commission meeting rather than a subcommittee.

Vice Chairman Blessey will also find out what his position, as a Four Corners business owner and Commission member, can legally be.

9. Comments of Commissioners: None.

10. Adjourn: Chairman Mercer moved to adjourn the meeting at 10:11 p.m. Vice Chairman Blessey seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for May 24, 2012****