

APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
JUNE 28, 2012

MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD

1. Convene Meeting

Present: Chairman W. Mercer, Alternates and voting members J. Varda and R. Ziembicki,

Absent: Vice Chairman R. Blessey, Secretary F. Lollie, Regular Members C. Lynch, Regular Member M. Grimes, and Alternate Member J. Cordisco

Also Present: ZEO A. Dew, Recording Secretary N. Mack

- a. **Review Minutes of Previous Meetings: 6/14/12 – There was not a quorum of members this will be continued to the next meeting.**

2. Show Cause Hearing: None

3. Land Use Enforcement

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

ZEO A. Dew reported on the following:

Requests for Voluntary Compliance

273 Whisconier Rd (Brookfield Craft Center) #201200123: The Craft Center has permission for a waiver of the fees and they are applying to ZBA for a variance.

28 Del Mar Drive #201200421: ZEO A. Dew has not been by there recently. Last week there was still a truck and trailer remaining. Bill Mercer asked ZEO to check and see if it's still there. **Voting member John Varda made a motion to send a Cease and Desist requesting the owner at 28 Del Mar Drive remove any unpermitted vehicles from that lot providing that ZEO Dew determines there are still vehicles. Voting member Robert Ziembicki seconded the motion and it carried unanimously.**

22 Knollcrest #201200492: ZEO Dew said Ridgefield Bank has taken possession of the house and they did vacate the previous owners. The grass has been mowed and all of the cars have been removed from the front yard so no violation exists. This will be removed from the Enforcement report.

14 Knollcrest #201200493: ZEO Dew spoke with Mr. Spitzfaden and he has been locked out of his house by the bank. The bank should be taking possession of the house shortly. It has not come across the Assessors Office yet. There is some blight such as office chairs in the driveway and Mr. Spitzfaden said people have begun dumping there. ZEO Dew said at this point we have to wait and see if the bank takes over. We do not know what bank it is.

85 Ironworks Hill Rd #201200509: This property was sent a Request for Voluntary Compliance and we asked for compliance by July 12th.

53 Huckleberry Hill Rd #201200554: A permit is needed for an apartment at this location. The property owner said she's lived there for 26 years and that it has been an apartment since the 1930's. It is not listed on the Land Use list of pre-existing apartments that we have for multi-families the Land Use Records. ZEO Dew couldn't find anything in any of the records mentioning the apartment except for a Request for Voluntary Compliance in 1993 in which nothing was followed through on. *Bill Mercer recused himself from this matter* but he said he can speak from personal experience that there has been an apartment there since he's been living in the Town of Brookfield. Bill Mercer said there is no quorum to do anything about this. ZEO Dew said it came to her attention because of construction work that was done without a permit. She will look through the Town Clerks records to see if she can find anything about the apartment. She needs some proof that the apartment was always there.

Commissioner J. Varda asked if prior meeting minutes might have ever addressed this issue in 1993. ZEO Dew will check that out.

(CEASE AND DESIST)

11 Nicoles Ct #201200331: This matter is going to Cohen & Wolf. ZEO Dew will speak with Town Counsel Jason Buchsbaum tomorrow.

227 Federal Rd (Vasquez Stone) #201200521: ZEO A. Dew issued a Cease and Desist and spoke with Enrique Vasquez. He is willing to pay the fine but the Commission needs to vote on whether to issue a citation before issuing any fines. Chairman Bill Mercer asked if Mr. Vasquez was continually stone cutting. ZEO said he was clearly cutting stone even though the Zoning Commission talked to him six months ago and told him no stone cutting. He is aware that he should have stopped. ZEO Dew said Mr. Vasquez said once in a while he will cut a piece of stone for someone. Only retail sales of stone are permitted there. **Voting member R. Ziembicki made a motion to have the ZEO take necessary action to issue a Citation to Vasquez Stone regarding permitted stone cutting. Chairman B. Mercer seconded and motion carried unanimously.**

(Town Counsel Action)

20 Station Road #200101116: Nothing new on this.

533 Federal Rd #201200122: ZEO Dew will speak with Jason Buchsbaum tomorrow on this.

45 Riverford Rd #200900768: Nothing new on this.

1 High Ridge Rd #201000315: Vice Chairman R. Blessey is going to talk to Peter Olson on this.

9 Stoney Farm Lane #201100095: Need to speak to Peter Olson on this.

54 Ironworks Road #201100755: ZEO Dew will speak to Town Counsel Jason Buchsbaum on this.

b. 22 Beech Tree Road:

1. Memo from Alice Dew to Zoning Commission dated 6/19/12 Re: 22 Beech Tree Road – Complaints from S. Zaky at 1 High Ridge Road

We have received three new complaints from Dr. Zaky.

- **File #201200536: 242-401D2(b)** Complaint that this regulation is being violated because there is an RV trailer and debris not screened from adjacent properties or visible roadways by dense trees / shrubs / fencing or other appropriate screening device. It's reported that it's diminishing property values occurring continually since 2006. This regulation provides that items indicated in section 242-401D2a above can be permitted if screened from adjacent properties or visible roadways by dense trees or shrubs etc. Chairman Mercer said there was a significant discussion of the parking situation and reported debris at 22 Beech Tree Road at the last meeting where they determined that the RV and the Trailer were in fact parked within designated driveways and no debris was found on the property upon inspection. This regulation doesn't apply. **Voting member J. Varda made a motion that activity #201200536 complaint regarding violation of section 242-401D2(b) from 22 Beech Tree Road is found not to be supported by factual evidence regarding parking of the vehicles that are mentioned in the complaint. Voting member R. Ziembicki seconded and motion carried unanimously.**

- **File #201200526: Complaint of Sections 242-401D2a6 and 242-401D2(b).**
This complaint deals with parking / storage of mobile homes not meeting the minimum standards of habitation by humans. Chairman Mercer said the Zoning Commission also had significant discussion at the last meeting regarding whether the Recreational Vehicle in question was being inhabited and it was determined that it was not being inhabited while parked in the driveway of 22 Beech Tree Road. It was in fact inhabited during the winter months when parked in a campground in Florida. It appears to meet the minimum standards for inhabitation by humans. **Voting member John Varda made a motion finding activity #201200526, a complaint regarding violation of section 242-401D2a6 and 242-401D2(b) at 22 Beech Tree Road is not supported by the evidence. Voting member R Ziembicki seconded the motion and it carried unanimously.**
- **File #201200527: Complaint of Section 242-402A setbacks violation.**
Chairman B. Mercer said the mobile home and trailer are parked within required setbacks. These setbacks are for structures not mobile homes & trailers and therefore this does not apply. **Voting member R. Ziembicki made a motion to inform Dr. Zaky that there is no violation of 242-402A at 22 Beech Tree road regarding parking of mobile homes and trailers within setbacks. Voting member J. Varda second the motion and the motion carried unanimously.**

4. Review Correspondence

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission 6/11/12; Zoning Board of Appeals 6/4/12; Planning Commission 6/7/12; Zoning Sub-Committee**

- b. **Legal Briefings for Building Inspectors – June 2012**

5. Old Business:

- a.

6. New Business:

- a. **119 Junction Road (Prince of Peace Lutheran Church) #201200535: Site Plan Modification for a 595 sq. ft. stone patio**
 1. Map titled "Site Plan As-Built" prepared by CCA, LLC dated 10/19/92 revised 12/8/93 (*dec date 9/1/12*)

Michael Klauck (Eagle Scout) residing at 15 Freddys Lane was present. Mr. Klauck is going to build a stone patio going in the back of the church. He showed Chairman B. Mercer where it would be built on the map. He would dig out the dirt and replace 3 layers. There will be a gravel layer 4" thick and a 1" thick sand layer. There will also be 2 and a quarter inch paving stone. He pointed out the second page of the map to show what the patio would look like. There is a manhole toward the sidewalk and he is trying to angle stones toward manhole to create drainage. Michael has gone through this plan with Church Council explaining that the manhole doesn't go to the system of the fire suppression. It's an overflow tank so if the fire system gets too high it will drain to the other side of the street which is a catch basin. His Scout Troop will assist in the construction and the Church's insurance will allow the youth group to help out also. He thinks this project will take six days to complete. This is an Eagle Scout Project and is also being done to benefit the Church. **Voting member J. Varda moved to approve activity #201200535 seconded by voting member R. Ziembicki. Commissioner**

Ziembicki asked what kind of slope would be put into it to guarantee that the water will be going towards the manhole. Mr. Klauck said every 10 feet there would be an inch slope. He said there aren't any cracks between the two blocks because there will be a powdered concrete mix that when you put it into the cracks of the blocks and pour water it seals it completely flat. Water wouldn't get into the cracks. Motion carries unanimously.

7. Tabled Items:

8. Informal Discussion:

a. Proposed Regulation Change: *Marc Rogg and Russell Posthauer of CCA were present:* They wanted to discuss the possibility of changing the regulation Section 242-502D(2)(i) - to allow the storage of boats in the Aquifer Protection District. Marc needs indoor storage for his boat business. A paper was handed out listing reasons to support this change. Marc stated that there is no place in the lake zone to have a warehouse type structure. Two problems come up as he looks for a place; one is the Aquifer Protection District which covers most of the industrial section and he also feels there might have been an error in permitted uses in the IRC 80/40. Marc stated that his understanding is that years ago the Aquifer Protection District was increased. He ran through some of his ideas to keep the use of boat storage safe in the Aquifer District. These ideas are listed on the handout submitted to the Zoning Commission at the meeting. The main concern is to minimize the possibility of a fire starting which is outlined in their ideas presented. He stated his only use is to store the boats. Locations need to be near the marina. He would like to keep his business in Brookfield and not have to move it to another town.

Marc Rogg and Russell Posthauer are seeking this informal feedback to see if this is something that the Zoning Commission would even consider before filling out an application.

The property Marc is looking at is on Federal Road and he mentioned that boat sales are allowed but not storage of boats. He feels both should be allowed. He doesn't feel there is enough land around the lake zone to construct a storage facility. Chairman B. Mercer said as far as the first issue goes, he doesn't see why the Zoning Commission would prohibit indoor storage of boats when they do permit the indoor storage of cars. He doesn't anticipate that would be a difficult change.

Chairman Mercer stated the Aquifer Protection District is more problematic. He said boat storage is a specifically prohibited use in the Aquifer Protection District. Marc said everywhere he looked was the Aquifer Zone. Discussion ensued about the use of Aquifer. Chairman B. Mercer said the Zoning Commission has recently allowed overnight storage of fuel oil trucks. They are required to be empty of fuel oil but we have allowed them to park overnight. Marc said there would be no batteries and no repairs which creates limited possibility of fire. Chairman B. Mercer said he thinks it's probably worthwhile to discuss it. He said there would have to be some stipulations on how the boats would be stored inside in the Aquifer Protection District. He cannot say they would say yes. Russell just wants to know if this is a possibility. Chairman R. Ziembicki asked what kind of passive measures they can come up with. He asked about a venting system for gas fumes. Russell stated that the tank is inside of the boat. Marc said they would have a way to keep waste water in one bay before it can spill into another bay. Commissioner J. Varda said the issue of the regulation change is to have the ability to get the storage. Russell said he knows it's critical to get enough safe guards. Commissioner R. Zimbicki asked if repairs would be allowed and the answer was no. This would minimize the chance of anything being spilled.

9. Comments of Commissioners:

10. Adjourn: 7:55

****Next Regular Meeting Scheduled for July 12, 2012****