

**APPROVED AMENDED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, December 13, 2012 – 7:00 p.m.
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD**

1. Convene Meeting

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

Present: Chairman R. Blessey, Vice Chairman M. Grimes, Secretary F. Lollie, C. Lynch, L. Miller, Alternate and Voting Members where indicated J. Cordisco, M. Frankel and J. Varda

Absent: None.

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

- a. **Review Minutes of Previous Meetings: 11/29/12 – Vice Chairman Grimes moved to approve the Minutes of the November 29, 2012 meeting. Secretary Lollie seconded the motion.** There was discussion regarding the status of 177 Federal Road, and it was noted that the property owner indicated at the last meeting that the signs would be in compliance by today. They are not. **Motion carried, 5-0, with Alternate Commissioner Cordisco voting in place of Commissioner Miller, who abstained as he was absent for the November 29, 2012 meeting.**

2. Land Use Enforcement

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

Requests for Voluntary Compliance

6 Lillionah Drive, #201200578 – The property owner has until December 31, 2012, to comply. **Vice Chairman Grimes moved to issue a Cease and Desist to 6 Lillionah Drive, #201200578, if the property is not in compliance by December 31, 2012. Secretary Lollie seconded the motion, and it carried unanimously.**

12 Pocono Ridge Road, #201200893 – ZEO Dew advised that the apartment has been approved, but the Zoning Board of Appeals application for the shed has not yet been submitted. The property owner has requested to file the application no later than December 19, 2012. **Vice Chairman Grimes moved to issue a Cease and Desist to 12 Pocono Ridge Road, #201200893, if an application has not been filed with the Zoning Board of Appeals, by the property owner, by December 20, 2012.**

Secretary Lollie seconded the motion, and it carried unanimously.

Cease and Desist Orders

594 Federal Road, #201200948 – The tenant fit up and sign applications are being processed by the Building Department.

14 Valley View Road, #201200777 – Resolution of this matter is pending until spring due to the damage at the house and being unable to get to the shed.

51 Junction Road, #201200941, #201201001 – ZEO Dew shared photographs she took today at the site, which show one dumpster and several trailers. There was discussion regarding the lack of a site plan showing a storage container on the site. Chairman Blessey reiterated that the letter regarding enforcement must go to Mr. Cossuto, as the property owner, with a copy Mr. Fusco and Mr. Gordon, and advise them that anything on the property must be on a site plan. ZEO Dew advised that there are 4 or 5 semi-trucks and 2 mobile homes (one with registration plate). She is not aware if the trucks are registered, but she would like to ask the property and/or business owner to provide proof of registration. There was discussion regarding whether or not this material qualifies the site as a “junkyard”. Commissioner Varda read the definition of “junkyard” in the regulations. ZEO Dew will do an inventory of the vehicles that are visible, and the regulation regarding trailers will be reviewed. She will also prepare a letter to the property owner.

Citations

177 Federal Road, #201200822 – The Citation was sent on December 6, 2012. The property owner has ten days from receipt to respond. **Vice Chairman Grimes moved to refer 177 Federal Road, #201200822 to Town Counsel if the Citation is not answered within ten days. Chairman Blessey seconded the motion, and it carried unanimously.**

34 Stony Hill Road, #201200874 – This violation relates to cabanas that have been built without a certificate of zoning compliance. The Cease and Desist was returned as unclaimed. ZEO Dew advised that the Cease and Desist, and a Citation will be sent by marshal.

Town Counsel Action

533 Federal Road #2012000122 – The property is now owned by J. Pastor and Wellsville, LLC. ZEO Dew met with Mr. Pastor on December 5, 2012, at the site, to discuss a schedule for clean-up. Additionally, she referenced a letter sent to the property owner from Town Counsel. The letter requested completion of the clean-up by Monday, December 17, 2012, at which time she will inspect the site.

1 High Ridge Road, #201000315 – No new information to report.

9 Stoney Farm Lane, #201100095 – No new information to report.

54 Ironworks Road, #201100755 – Safeguard Properties is continuing to clean up the site. ZEO Dew advised that only two zoning violations remain, and a work order for those items is in process.

3. Review Correspondence

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission 11/19/12, 11/23/12 site walk 11/26/12; Zoning Board of Appeals; Planning Commission; Zoning Sub-Committee**

No discussion/no motions.

Commissioner Lynch moved to go to Agenda Item 6.a. Commissioner Miller seconded the motion, and it carried unanimously.

6. Old Business:

- a. **Land Use Commission Regular Meeting Schedule for 2013 “DRAFT”**: Review for Approval of dates – Vice Chairman Grimes moved to approve the Land Use Commission Regular Meeting Schedule for 2013 as proposed. Commissioner Lynch seconded the motion, and it carried unanimously.

Chairman Blessey advised he would send an email to the Town Clerk regarding the cancellation of the December 27, 2012 meeting.

- b. **Proposed Regulation Change #201201033: Section 242-404 K(4) – Incentive Housing Location And Section 242-404 K(7) – Incentive Housing Permitted Uses** (Public Hearing scheduled for 1/10/13) – No discussion/no motions.
- c. **Proposed Regulation Change #201201034: Section 242-202 – Definitions: Yard, Front** (Public Hearing scheduled for 1/10/13)- No discussion/no motions.

Chairman Blessey moved to go to Agenda Item 7.a. Vice Chairman Grimes seconded the motion, and it carried unanimously.

7. New Business:

- a. **Zoning Commission Fee Schedule – Draft for 2013**

- Memo from Land Use Office to Zoning Commission dated 11/28/12 Re: Zoning Fee Schedule
- Copy of letter from State of CT – Dept. of Environmental Protection dated 1/14/10 Re: State Fees – **Chairman Blessey moved to approve the Zoning Commission Fee Schedule for 2013. Commissioner Lynch seconded the motion.** Vice Chairman Grimes inquired regarding the process of proposing fees. Chairman Blessey explained that applicants took issue with some of the sign fees. Vice Chairman Grimes recalled that several years ago the Town’s fees were among the lowest in the area. ZEO Dew further noted that the proposed changes put certain fees in line with others and also take into consideration that some applications no longer go to the State for review but are approved in the Land Use Office. Commissioner Frankel inquired if applicants pay for amendments to the zoning map, and CDD Daniel advised that any changes are effectuated “in-house”. **Motion carried unanimously.**

- b. Proposed Regulation Change #201201067: Section 242-505 B-H – Town Center District: (B) Plan of Conservation and Development, (C) Common Areas, (D) Permitted Uses, (E) Land Use Standards, (F) Design Review, (G) Parking, and (H) Design Flexibility – Vice Chairman Grimes moved to set a Public Hearing for January 24, 2012, at 7:30 p.m. for Proposed Regulation Change, #201201067: Section 242-505 B – H. Secretary Lollie seconded the motion, and it carried unanimously.**

Chairman Blessey moved to go to Agenda Item 7.e. Vice Chairman Grimes recused himself from this matter. Commissioner Miller seconded the motion, and it carried unanimously.

- e. Proposed Zone Change #201201074: Proposed change in Zone map to make lots 11, 13 & 15 Orchard Street which is currently in the IRC 80/40 Zone to become R40 (dec date 2/16/13)**
1. Copy of Assessor’s map showing proposed zone change handed into Land Use 12/6/12

Commissioner Varda was a Voting Member in place of Vice Chairman Grimes.

Commissioner Lynch moved to set a Public Hearing for application #201201074, Proposed change in Zone map to make lots 11, 13 & 15 Orchard Street which is currently in the IRC 80/40 Zone to become R40 for January 24, 2013, at 7:30 p.m. Secretary Lollie seconded the motion, and it carried unanimously.

- d. 19 Tower Road #201201068: Single Family Conversion (dec date 2/16/13)**
1. “Site Plan” showing the 652 sq. ft. addition dated 4/12/94 revised 10/10/12

J. Buzzeo and W. Tate present. The application for an in-law apartment and two smaller additions was reviewed. It was noted that the affidavit was present in the file. Chairman Blessey inquired if additional parking would be required, and the applicants were unsure, but it was noted that her mother is moving in to the apartment. **After careful review, Commissioner Lynch moved to approve Application #201201068, Single Family Conversion, as submitted. Vice Chairman Grimes seconded the motion, and it carried unanimously.**

4. Public Hearing 7:30 p.m.

- a. 20 Vale Road #201200935: Design Review for a proposed 30,000 square foot office**

building (*ph close date 1/17/12*)

1. “Lighting Plan” prepared by Reflexighting dated 12/5/12

Chairman Blessey opened the public hearing and introduced the Commission members. Secretary Lollie read the legal notice, which was published in the News Times on November 30, 2012 and December 10, 2012. Chairman Blessey noted that the application was received on October 25, 2012. He then reviewed the policies and procedures that govern public hearings. Secretary Lollie read the following correspondence: 12/13/12, from the Brookfield Fire Department, to the Zoning Commission.

Attorney T. Beecher, Collins & Hannafin, G and C Steiner, A. Adams and S. Sullivan, CCA, were present. Attorney Beecher explained that the property sits in Bethel, Brookfield and Danbury. Additionally, this proposal has received approval from the Planning Commission and the Inland Wetlands Commission. He noted that the property is a sizeable lot that meets the regulations. Further, Attorney Beecher stated that there will be no direct access to Vale Road from the property, nor will there be any discernible impact to neighbors.

G. Steiner, 2 Park Lawn Dr., Bethel, CT, was present. He reviewed the history of the development of the property, which began in the 1960’s. Mr. Steiner explained that the architecture, planting and lighting have remained consistent as the development has grown. He discussed the development of the water and sewer system and utilities, as well as the ownership interest in the site. Mr. Steiner advised that in the late 1980’s, the applicant obtained a State traffic permit for the entire corporate park, emphasizing that all of the improvements were done as if the project/site was built in its entirety. Lastly, he indicated that the proposal will be 30,000 square feet in size, in the upper southeastern section of the park.

C. Steiner, 2 Park Lawn Drive, was present. He reviewed the width and length of the building, pointing out the two main entrances. Additionally, he discussed the building material, indicating that it will look very similar to the neighboring building.

S. Sullivan, PE, CCA, 40 Old New Milford Rd., was present. He reviewed the acreage, zoning, and topography of the site. Mr. Sullivan advised that the proposal will include 291 parking spaces, and noted the access points and a small area of wetlands near a pond in the northeast section. Mr. Sullivan advised that Aquarian Water Company will be the water provider, and the system will include pressurized fire hydrants and an NFPA sprinkler system. He also stated that minor upgrades will be done to the drainage system. He pointed out that the bond estimate for erosion control has been submitted, in the amount of \$53,013.25. Mr. Sullivan also noted that the applicant has submitted lighting, photometric analysis and cut sheets. Further, he indicated that the Water Source Committee has no issues with the building.

Ms. A. Adams, Registered Landscape Architect, CCA, 40 Old New Milford Rd., was present. She reviewed the landscaping plan per the regulations for the zone. Canopy trees and evergreens are being proposed. Additionally, ornamental trees and shrubs and ornamental grasses will be on the site. A seed mix will be utilized on the steep slopes at the site. Ms. Adams pointed out that in Section 242-501J(9), the Zoning Commission has the right to modify the specifications.

Mr. G. Steiner noted the sloping and crest at the site, reiterating that it will be of minimal impact to neighbors. Additionally, Attorney Beecher pointed out that the landscaping will not be able to be seen from any public street.

There were no questions of clarification from the audience.

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

Upon inquiry from Commissioner Miller, Mr. Sullivan advised that eight of the 291 parking spaces are for handicapped individuals. Additionally, he advised that all of the requirements for emergency vehicles have been met.

Upon inquiry from Commissioner Frankel, Mr. Sullivan reviewed the grades of the parking lot.

At the request of Commissioner Miller, Ms. Adams shared details regarding the contents of the seed mix to be utilized on the slopes. She indicated that erosion control will help ensure the success of the mix.

Vice Chairman Grimes moved to close the Public Hearing for 20 Vale Road, #201200935: Design Review for a proposed 30,000 square foot office building. Secretary Lollie seconded the motion, and it carried unanimously.

Vice Chairman Grimes moved to approve Application #201200935, 20 Vale Road, Design Review for a proposed 30,000 square foot office building. Secretary Lollie seconded the motion, and it carried unanimously.

A brief recess was taken from 8:02 – 8:05 p.m.

5. Continued Public Hearing:

a. 857-857A Federal Road (Riverview Luxury Apartments) #201200887: Design Review for three 9,200 sq. ft. Incentive Housing Apartment Development (*ph close date 12/13/12*)

1. Letter from Leigh Overland, Architect, to Katherine Daniel & Alice Dew dated 12/3/12 Re: Application #201200887
 - Map titled “Architectural Preliminary Design, Review and Comments – Site Plan Option A” – Riverview Luxury Apartments prepared by Leigh Overland Architect, LLC dated 12/3/12 – sheet S-1
 - “Site Plan Option B” dated 12/3/12 – sheet S-2
 - “Façade Studies” dated 12/3/12 – sheet A-1
2. Letter from Peter Scalzo to Ryan Blessey dated 12/5/12 Re: Request for submission extension

Attorney P. Scalzo, 2 Stony Hill Rd., Bethel, CT, was present. He thanked the Commission and Land Use Office Staff for the opportunity to meet informally.

R. Saunders, Principal, 857-857A Federal Rd., was present. He discussed and submitted a packet regarding the economic viability of the site. He indicated that the contract for the land was signed in advance of the Four Corners Revitalization Plan. Mr. Saunders then reviewed the packet and cited the following factors as favorable related to the economic viability of the project: the multi-family rental unit sector is growing; employment in the the Danbury Labor Market Area (LMA) is growing; the job forecast in the Danbury LMA remains positive for the next two years; two similar rental developments in Brookfield have the greatest percentage of occupancy; the rental charge of \$1.74 per square foot for the proposal is close to that of the two aforementioned developments. He also expressed his gratitude to the Town for the access to information.

M. Lillis, PE, CCA, 40 Old New Milford Rd., was present. He indicated that the applicant submitted a report regarding historic structure at 854 Federal Road, which confirmed that the house on the site is not on State registry, nor is there a nomination application pending. Mr. Lillis stated that because of this, the provisions of Section 242-602I(b) and Section 242-1104 do not apply. He further referenced Mr. Carow's testimony at the last hearing, during which he opined that the house does not qualify as historic.

Mr. Lillis then reviewed alternative plans developed based on feedback at hearings and two separate working meetings. The first alternate plan removes two rows of parking and an access aisle to push parking back and add more "green space". It calls for a parking schedule of 1.8 spaces per unit, and moves Building 3 was moved to the north. The second alternate plan was a result of a meeting with L. Overland, and also eliminates another row of parking and adds landscaped area, and allows 2 spaces per unit and increases the density of the project by three units. Mr. Lillis also noted that this plan removes access from the site to the river area. A third plan was proposed by the client, and calls for a four-story building of 152 units with a three-story parking structure with 240 spaces. The fourth plan adds islands to parking rows and creates walking access from Federal Road. This plan calls for 1.6 or 1.7 spaces per unit depending on whether or not reserve parking is developed. A fifth plan moves Buildings 1 and 2 to the west and puts parking behind those buildings. Mr. Lillis indicated that he has concerns about the slope, loss of parking spaces, accessibility and drainage issues. Lastly, the sixth option eliminates the under-building parking, allows for reserved parking, and results in 1.54 or 1.66 for 92 units. Walking access in the rear also remains in this plan.

Commissioners Lynch and Miller asked Mr. Lillis to review the second and sixth alternate plans. Commissioner Lynch inquired regarding the grade difference in the fifth option, and it was noted to be 6 to 7 feet. Mr. Lillis reviewed the elevations.

M. Newell-Juan, 72 Architects, was present. She reviewed the architecture and materials. Ms. Newell-Juan advised that she met with the town's architectural consultant and revised the elevations and materials based on that discussion. She indicated that the applicant prefers to utilize clapboard shingle and a hardy board vertical siding, and compared it to the initial plan that she considered "boxy".

CDD K. Daniel inquired if the changes in the architectural proposals have been submitted to the Commission, and was advised by Ms. Newell-Juan that did not occur until 4 p.m. today. It was noted that the public has not had an opportunity to review these changes.

Attorney Scalzo also noted that the project is now being called, "Green Acres of Brookfield".

Commissioner Varda inquired regarding the floor height of the building, and Ms. Newell-Juan indicated it is 47.9 feet high to the average roof plain, this is how the Town calculates building height. Upon inquiry from Commissioner Frankel, Ms. Newell-Juan did indicate that the building is actually higher, and this was done in response to the request of the Architectural Review Committee to make the building taller. She is unaware of the height of the cupola.

Ms. Newell-Juan's architectural plans, and the last three options discussed by Mr. Lillis were submitted for the file.

Chairman Blessey noted that the Public Hearing must be left open for comment from the Water Source Committee.

The following members of the audience had questions of clarification:

R. Saluga, 32 Great Heron Lane, Newbury Village, inquired regarding the plan proposed on July 26, 2012. It was noted that what he is referencing was the presentation by Fitzgerald and Halliday, and was a presentation only. No action was taken by the Commission that evening. Chairman Blessey indicated that a Public Hearing has been scheduled for January 24, 2013 to hear proposed changes recommended by that study. Mr. Saluga also inquired what the rent would be for the proposed units. Mr. Saunders indicated that the average rent will be \$1.74 per square unit.

CDD Daniel indicated that some of the applicant's representatives were present during the Four Corners development meetings, but that did not obligate them to build in any manner.

Mr. Saunders advised that the monthly rental charge for the proposal would be between \$1,400 and 1,700 per month, based on the median income of Fairfield County.

R. Fawcett, 148 Whisconier Rd., was present. She inquired regarding the names of the two developments in Brookfield that have high occupancy percentages, and was advised by Mr. Saunders that they were Orchard Place and Town Brooke Commons.

B. Brown, 253 Whisconier Rd., was present. He inquired if the project would be economically feasible with two buildings. Attorney Scalzo advised that the proposal presented complies with density requirements in the regulations and statutes. He also discussed the parking calculations. Mr. Lillis advised that a traffic engineer has previously presented information regarding parking needs, noting that 1.4 cars per unit is sufficient for this type of housing. He pointed out that the figures in his six options all provide for more than that amount.

J. Salame, 148 Whisconier Rd., was present, and inquired if there was any consideration trying to incorporate historic structure into the plans. She defined "historic structure" as any building fifty years or older. J. Farley was present, and indicated that it was considered, however it was found that the structure had deteriorated, and there were contamination and building code issues. Moving the structure was also considered, but it could be incorporated into the project.

There were no further questions of clarification.

Chairman Blessey noted that the regulations allow the Commission to evaluate the importance of a historic structure on a site, based on input from the Historical Society and the Historic District Commission. He referenced a submission from Mr. Brown and Ms. Salame.

B. Brown, was present on behalf of the Historical Society. He discussed the history of the family that owned the site and the development on the site, dating back to the Civil War and through the 1900's. He believes the structure is "historic" and "significant" to the area. Mr. Brown further believes that if the structure were nominated to the State register, it would meet the qualifications. Photographs of the site were submitted for the file.

J. Salame, 148 Whisconier Rd., Chair of the Historic District Commission, was present. She referenced a letter she submitted to the Commission regarding the history of the structure and the Green family. She also believes that the building is "significant". She questioned the lack of specific information in Mr. Carow's report. Ms. Salame reiterated that any structure that is 50 years or older is considered a historic structure per the Department of Interior, which is a partner with the Town and the State Historic Preservation Commission to preserve historic buildings in the town. Ms. Salame then read and submitted an email she received from S. Verrow, the Registrar of the State Historic

Preservation Commission. Ms. Salame added that she does not advocate every possible historic structure in the Town, but she does feel this particular structure is historically significant.

It was noted by Chairman Blessey that the applicant has provided an extension of the hearing until January 10, 2013.

No one was present to speak in favor of the application. The following individuals spoke in opposition: B. Brown, B. George, Meadowbrook Manor, R. Fawcett and J. Salame.

Commissioner Varda inquired if the percentages listed on the last page of the economic viability report included only existing units, or if it includes approved units that are in the local area. Mr. Saunders advised that the table his report used was to illustrate page 11 of Fitzgerald & Halliday’s report. Mr. Saunders further stated that the applicant’s representatives had “independently come to the conclusion that it reached about the amount of supply and absorption.” He noted that the Fitzgerald and Halliday report came to a similar conclusion. Commissioner Varda pointed out that there are other developments in the area that have recently been approved that would “take up much of that demand”. Chairman Blessey pointed out that the economic viability report does not include the approval of 40-64 Laurel Hill Road, nor does it include 857-857A Federal Road. Attorney Scalzo added that the report does include Newbury Village and Riverview developments. Commissioner Varda also noted that the numbers do not include the Barnbeck Place Development. He acknowledged that, while it is not in the same zone, Barnbeck is a local rental development, and should be included in the feasibility study as it is local rental space. Chairman Blessey stated that it is out of the purview of the Commission “to consider an application on the basis of economic factors.” Upon inquiry from Attorney Scalzo, CDD Daniel advised that the Barnbeck Place Development is a rental development. She also added that it is “still bare ground”.

Vice Chairman Grimes moved to recess the Public Hearing for 857-857A Federal Road, #201200887, Design Review for three 9,200 sq. ft. Incentive Housing Apartment Development, to the next regularly scheduled meeting on January 10, 2013. Commissioner Miller seconded the motion, and it carried unanimously.

The applicant will provide digital copies of the information discussed tonight to the Commissioners.

A very brief recess was taken at 9:31 p.m.

- c. **366 Federal Road (Healthy Weighs, LLC) #201201066: Site Plan Modification for changes to the (1) internal stairway/roof, (2) porch roof, (3) dormer, (4) basement entrance, (5) sidewalk plus steps and (6) siding (dec date 2/16/13)**
 - 1. “Site Plan” prepared by CCA, LLC dated 8/31/12 revised 11/19/12 – sheet C1
 - 2. “Proposed Elevations – Additions / Alterations” prepared by Keaney & Co. LLC received in Land use 12/4/12
 - 3. Letter from Water Source Review to Zoning Commission dated 12/5/12 Re: Application #201201066 (no comments)

S. Keaney, Keaney & Associates, was present on behalf of the applicant. She reviewed modifications to the plan completed after December 3, 2012, that include changes to the entry area, a roof opening, a dormer, façade changes, and an entrance on the side. Upon inquiry from Commissioner Frankel, Ms. Keaney advised that there is no additional change to the square footage from the earlier proposal. Additionally, she advised that a dormer on the other side could be considered, however, the integrity of the old section would not support an upstairs section.

Vice Chairman Grimes moved to approve Application #201201066: Site Plan Modification for 366 Federal Road. Secretary Lollie seconded the motion, and it carried unanimously.

8. **Tabled Items:** None.

9. **Informal Discussion:** None.
a.

10. **Comments of Commissioners:** None.

11. **Adjourn:** Commissioner Lynch moved to adjourn the meeting at 9:39 p.m.

Commissioner Miller seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for January 10, 2013****