

APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, May 9, 2013 – 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 with Alternate J. Varda being a voting alternate.

Present: Chairman R. Blessey, Vice Chairman M. Grimes, Secretary F. Lollie, Alternate and Voting Member Varda

Absent: Commissioners C. Lynch and L. Miller, Alternates M. Frankel and J. Cordisco,

Also Present: Recording Secretary N. Mack

a. Review Minutes of Previous Meetings: 04/25/13

Alternate and Voting member J. Varda moved to approve the Minutes of the April 25, 2013 Meeting, Secretary Lollie seconded the motion and it carried unanimously with the amendment made by Vice Chairman Grimes on page 4 the fifth name down should be spelled Saluga.

2. Show Cause Hearing:

a. 44 Old Middle Road #201300069:

Rosemarie and Dale Corbin, 44 Old Middle Rd were present. Chairman Blessey asked them to explain exactly where the boat is. He suggested they create a designated drive for the boat by either paving or putting down gravel to create a designated driveway. The Corbins asked if the Zoning Commission could grant a variance for them to keep the boat there and Chairman Blessey explained the difference between Zoning and Zoning Board of Appeals to them. Mrs. Corbin said that the stone is very irritating. Chairman Blessey explained that the Zoning Commission is enforcing this because of a complaint made about their boat. Mr. Corbin said if the boat is put in driveway, it creates a dangerous situation pulling it out. Vice Chairman Grimes said this is a good hardship for a variance. Chairman Blessey requests that Nina, the Land Use Secretary call the Corbins tomorrow and give them an application to apply for a Variance to park their boat. Vice Chairman Grimes said they have the right to withdraw the variance application if they choose to. A letter from the Corbins was put into the file which will also be put into the ZBA file.

A motion was made by Vice Chairman Grimes to refer the letter they received on 5/9/13 from 44 Old Middle Road to ZBA for an informal discussion seconded by Alternate J. Varda carried unanimously.

Vice Chairman Grimes moved to go to Agenda Item 7b, 30 Federal Road. Commissioner F. Lollie seconded the motion, and it carried unanimously.

7. b. 30 Federal Road (Brookfield Sunoco) #201300354: Sign Application for new building sign with 1.8 LED watts (dec date 07/13/13)

1. Sheet A-2.0 – Building Elevations prepared by To Design LLC dated 10/27/11
2. Picture of proposed building sign – Mitchell Fuel received in the Land Use Office on 04/30/13

Don Mitchell of South Lake Shore Drive and 30 Federal Rd was present. Chairman Blessey said this application is before the Commission because the sign has illumination. Mr. Mitchell said it is one sign and it's the same color of the building. The sign is red and black letters.

Chairman Blessey moved to approve the sign application #201300354 for 30 Federal Road, Brookfield Sunoco seconded by Commissioner Varda, motion carried unanimously.

Vice Chairman Grimes motioned to go to Agenda item 7c, 419 Federal Road Commissioner Lollie seconded the motion and it carried unanimously.

7. c. 419 Federal Road (Sunburst Landscaping) #201300362: Design Review – 3,752 sq. ft. addition & site improvements (dec date 07/13/13)

1. Cover Sheet “Sunburst Landscaping” prepared by Artel Engineering Group LLC dated 02/22/13
2. Topographic Survey prepared by Sydney A. Rapp, Jr. dated 02/07/13
3. Sheet 3 – Site Plan prepared by Artel Engineering Group LLC dated 02/22/13; revised through 04/25/13
4. Sheet 4- Grading and Utility Plan prepared by Artel Engineering Group LLC dated 02/22/13; revised through 04/25/13
5. Sheet 5 – Sediment and Erosion Control Plan prepared by Artel Engineering Group LLC dated 02/22/13; revised through 04/25/13
6. Sheet 6 – Sediment and Erosion Control Plan prepared by Artel Engineering Group LLC dated 02/22/13
7. Sheet 7 – Details I prepared by Artel Engineering Group LLC dated 02/22/13

Mark Kornhaas of Artel Engineering group was present with Pete Discala of 419 Federal Rd, Sunburst Landscaping.

Motion was made by Vice Chairman Grimes to set a Public Hearing for Design Review Application #201300362, 419 Federal Road for June 13, 2013 at 7:30 pm. Motion was seconded by Commissioner Lollie and it carried unanimously.

6. **c. 54 South Lake Shore Drive #201300309: Single Family Dwelling Conversion – 504 sq. ft. apartment (dec date 6/28/13)**

Tammy Zinick of “Permit Me Please” was present to represent the applicant.

Chairman Blessey said the applicant should decide whether they are going to apply for this apartment or not since there seemed to be some confusion on whether the kitchen would remain or not. The applicant is rebuilding their house on the same footprint as was existing. The original plan had a kitchen (it was on the field card) however since they are building new they need to conform to the regulations and either take out the kitchen or apply for the conversion. The applicant does see that in the future they might want their daughter to move into this apartment space. Chairman Blessey noted that the applicant has a qualified person to be in the apartment and the apartment is within the correct square footage.

Vice Chairman Grimes moved to approve Application #201300309 - 54 South Lake Shore Drive for a Single Family Conversion 504 sq. ft. apartment, seconded by Commissioner Lollie carried unanimously.

5. Continued Public Hearing:

- a. **800, 802, 806 Federal Road & 7 Station Road #201300224: Design Review for a proposed 21,047 square foot “Brookfield Village” to include mixed use retail and 79 Residential Units (ph close date 5/29/13)**

A motion was made by Vice Chairman Grimes to continue the Public Hearing for Design Review Application #201300224 – 800, 802, 806 Federal Rd & 7 Station Rd to the next regularly scheduled meeting on 5/23/13. Motion was seconded by Commissioner Lollie and carried unanimously.

It was noted that a letter was received from Abigail Adams of CCA Engineering on 5/6/13 requesting to table this until the next meeting on 5/23/13.

3. Land Use Enforcement

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

Requests for Voluntary Compliance (RVC)

44 Old Middle Road #201300069 – Going to ZBA for informal discussion

9 Baldwin Hill Road #201300311 – Commercial vehicle in residential Zone. Vice Chairman Grimes moved to issue a Cease & Desist if not resolved by 5/16/13. Motion seconded by Chairman Blessey and carried unanimously.

29 Crestview Drive #201300340 – hot tub alongside of road – inoperable. Vice Chairman Grimes motioned to issue a Cease & Desist if not in compliance by 5/26/13. Motion was seconded by Commissioner Lollie and carried unanimously.

15 Federal Road #201300332 – down – leave it on for now.

Cease and Desist Orders

594 Federal Road #201200948 – sign not approved. Application is in the building department.

12 Deer Run Road #201300078 – blight in side yard including trailers, discarded equip. No PZA/bldg. permit. Motion by Vice Chairman Grimes to Issue a Citation if not in compliance by 5/11/13, seconded by Commissioner Lollie, motion carried unanimously.

12 Pocono Ridge Road #2012000893 – shed/Apt. unpermitted – no motions

14 Valley View Road #201200777 – installed shed without CZC/CO – compliance is in the works - no motions

Town Counsel Action

533 Federal Road #201200122 – illegal transfer station and dump. Junk/Contractor yard in aquifer protection dist.

1 High Ridge Road #201000315 -

9 Stoney Farm Lane #201100095 -

54 Ironworks Road #201100755 -

34 Stony Hill Road #201200874 -

110 Federal Road (BJ's) – *This property was added in by Chairman Blessey*

Chairman Blessey said there was an A-Frame sign out front with gas prices and a banner. The office called them about this and the calls were not returned.

Chairman Blessey moved to send a Cease & Desist to BJ's, 110 Federal Road for an a-frame sign posting gas prices and a banner announcing that the gas station is now open. Vice Chairman Grimes seconded the motion and it carried unanimously.

4. Review Correspondence

a. **Minutes of other Boards and Commissions: Inland Wetlands Commission**
04/22/13; **Planning Commission** 04/04/13, 04/18/13

b. Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter – Spring 2013

No discussion/no motions.

6. Old Business:

a. **140 Federal Road (Chick-fil-A) #201300192: Bond Set**

After much consideration a motion was made Commissioner Lollie to approve the Bond Set for 140 Federal Road, Chick-fil-A application #201300192 for \$75,000 seconded by Commissioner Varda, motion unanimously.

b. **200 Federal Road (Costco): Bond Release \$2,774,984.88**

The applicant's engineer was not present and did not submit any information No discussion/no motions.

7. New Business:

a. **20 Elbow Hill Road – Proposed Zone Change #201300338: Proposed Zone change for 20 Elbow Hill Road to go from an R-40 Zone to IRC 80/40 Zone, application submitted by Marc Rogg. (dec date 07/13/13)**

1. GIS Map showing proposed Zone lines submitted with packet to Land Use 4/25/13
A motion was made by Vice Chairman Grimes to set a Public Hearing for 20 Elbow Hill Road, proposed Zone Change #201300338 for 6/13/13 at 7:30 pm. Motion was seconded by Commissioner Lollie and it carried unanimously

8. Tabled Items:

9. Informal Discussion:

a. **883 Federal Road:** Caesar's Nursery – requested by Abigail Adams of CCA, LLC
Abigail Adams registered landscape Architect for CCA Engineering was present – Ms. Adams would like to discuss the Caesar's Nursery property. She was there to seek clarification of the change in regulations and how they appear on the new Zone Map. There was lengthy discussion as to what zones are permissible for Incentive Housing. Chairman Blessey reviewed the map. Ms. Adams is wondering if she is interpreting the map correctly. According to Chairman Blessey, the intention was to take out Incentive Housing in the Core Zone from the first floor of the Subzone. Chairman Blessey said the Overlay Zone boundaries did not change. In the Core Zone you could no longer have first floor Incentive Housing. He feels the color coding on the Zone map is creating confusion as to what is and is not permitted. Chairman Blessey suggested having a discussion with Town Counsel on this matter in order to get the correct interpretation. Land Use secretary N. Mack will call Pam Drucker to set up a meeting with Commissioners C. Lynch & F. Lollie, Attorney Neil Marcus and ZEO Alice Dew to discuss this. Chairman Blessey said it is important for the language to be perfectly clear.

b. **871 Federal Road:** Riverview – requested by Peter Scalzo
Letter received from Peter Scalzo withdrawing his request for informal discussion.

10. Comments of Commissioners:

Chairman Blessey discussed the abundance of workload the Land Use Office is dealing with. He mentioned that in previous years the Zoning Commissioners had more time to volunteer and help with Enforcement issues. He said the majority of this is now upon Alice as far as Plan Reviews and Enforcement. She needs help with the everyday enforcement things while Alice concentrates on the Plan Reviews. Chairman Blessey talked about needing an assistant for ZEO A. Dew. Commissioner Grimes said he was unaware of the back log. He said he found disconnect with understanding what this extra person would be doing. Chairman Blessey apologized for not having this discussion with the current Commissioners and making them aware of the fact that Alice on a regular basis is putting in way more hours than she's being paid for. It is a very understaffed position. Commissioner Varda suggested making a formal vote of recommendation for a new position for the next budget season. Chairman Blessey said Zoning gives the employee authority and power to enforce.

Chairman Blessey said the next Special Zoning meeting on the regulations will be on 5/16/13. The last meeting was cancelled because at the close of the last special meeting they left with the notion that Carol Gould was going to draft a Pre-ambule to the Regulation changes, Chairman Blessey was going to draft something and Commissioner Frankel was going to draft something. Commissioner Lollie suggested that Chairman Blessey send an e-mail to the Commission giving them an outline of what to expect for the next Special Meeting.

11. Adjourn: Vice Chairman Grimes moved to adjourn the meeting at 8:30 p.m. Chairman Blessey seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for May 23, 2013****