

**APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, July 11, 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.

Present: Chairman R. Blessey, Alternate and Voting Members J. Varda and M. Frankel

Absent: Vice Chairman L. Grimes, Secretary F. Lollie, C. Lynch, L. Miller, J. Cordisco

Also Present: Zoning Enforcement Officer A. Dew, Recording Secretary D. Cioffi

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

6. Old Business

c. 419 Federal Road (Sunburst Landscaping) #201300362: Bond Set for approved with Stipulations Design Review – P. DiScala, the applicant, was present. Chairman

Blessey reviewed the details of the bond estimate (correspondence from M. Kornhaas, Artel Engineering to Chairman Blessey dated July 10, 2013). He explained that the Commission only has authority to bond an amount sufficient to stabilize the site. Commissioner Frankel took issue with the amount of listed under the “Permanent Vegetation” category and Commissioner Varda questioned the low cost of hydroseeding the lot. Chairman Blessey reiterated the Commission’s charge regarding stabilization, and advised he would be satisfied with an estimate of \$5,000 to install a temporary fence around any exposed holes on the site, and hydroseeding. Commissioners Varda and Frankel felt that a more accurate estimate for the work would be \$7,500. There was additional discussion regarding the small amount of sloping on the site. Commissioner Frankel emphasized that she did not want to set an arbitrary amount for the bond. Mr. DiScala was requested to provide an estimate for: fencing, and/or grading the linear square footage; 10,000 square feet of hydroseed; and silt fencing.

This matter was tabled.

2. Land Use Enforcement

a. Enforcement Officer’s Report:

ZEO A. Dew reported on the following:

Requests for Voluntary Compliance

26 Meadow Brook Road, #201300483 – The variance for the shed was approved, and the property owner has applied for a building permit.

115 Federal Road, #201300610 – No discussion.

Cease and Desist Orders

594 Federal Road, #201200948 – The sign has been supported by posts. Building Inspector D. Waterbury is not satisfied, and will not issue a permit until it is determined that the use is compliant. The safety concerns of the Zoning Commission have been resolved.

12 Pocono Ridge Road, #201200893 – ZEO Dew had to re-issue the Cease and Desist Order because it contained language regarding the previously resolved “accessory use” at the site (the elderly conversion was approved). She will issue a Citation if there is no variance application submitted in response to the Cease and Desist Order that addresses the deck.

99 Federal Road, #201300467 – ZEO Dew has been in contact with the property owner. Chairman Blessey requested that this item be removed from the report.

44 Old Middle Road, #201300507 – The boat has been removed.

148 North Lake Shore Drive, #201300507 – A Cease and Desist Order was issued on July 3, 2013, but the certified receipt has not been returned yet. The violation relates to the presence of a commercial vehicle in the side yard. The next enforcement step will be a Citation.

Citation

70 Ironworks Hill Road, #201300482 – ZEO Dew will issue Citation on July 12, 2013. It has been determined that no one lives in the house. There was discussion regarding the circumstances that warrant involvement of Building and Health Departments.

Town Counsel Action

1 High Ridge Road, #201000315 – No change.

9 Stoney Farm Lane, #201100095 – No change.

54 Ironworks Road, #201100755 – ZEO Dew was contacted by Safeguard Properties.

34 Stony Hill Road, #201200874 – The Mylar has not yet been sent in. ZEO Dew will contact Town Counsel and request that he send a letter.

3. Review Correspondence

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission 6/24/13; Zoning Board of Appeals 7/1/13; Planning Commission 6/20/13; Zoning Sub-Committee**

No discussion/no motions.

Miscellaneous

R. Posthauer, PE, CCA, 40 Old New Milford Rd., was present. There was brief discussion regarding a letter from A. Dew regarding 4 & 16 Elbow Hill Road. Mr. Posthauer submitted a letter withdrawing the application for #201300512.

Chairman Blessey moved to add to the Agenda as Item 9.a., Informal Discussion re: Warehouses and Parking. Commissioner Frankel seconded the motion, and it carried unanimously.

9. Informal Discussion

a. **Warehouses & Parking** – *R. Posthauer, PE, CCA, was present.* He advised that the plan for 4 & 16 Elbow Hill Road did not show parking because of the proposed use. He inquired if parking was necessary. Commissioner Frankel indicated that employees would need parking. It was noted that some parking at the building would be needed.

M. Rogg, 4 & 16 Elbow Hill Rd., was present, and signed the above-mentioned withdrawal letter. He was advised that his fees would be returned.

4. Public Hearing 7:30 p.m.

- a. **4 & 16 Elbow Hill Road #201300512-DR: Design Review for a 20,413 sq. ft. boat storage facility including an Application for Natural Resources Removal #201300512-NRR (ph close date 8/14/13)**
1. Letter of Transmittal from CCA, LLC dated 7/2/13 Re: 4 Elbow Hill Rd
 2. Lighting Sheet from Day-Brite Lighting
 3. Color Charts from Ceco Building Systems
 4. **“Site Lighting Photometric Plan”** prepared by Apex Lighting Solutions dated 7/2/13 – sheet SL-2
 5. **“Building Elevations Map”** prepared by LPR/Loram Associates dated 7/1/13 – Sheet EL-1
 - **“Layout Plan”** dated 7/1/13 – sheet FP-1

Withdrawn.

- b. **Moratorium on Lighted Signs: Hearing to adopt the Resolution to Establish a Moratorium Concerning LED Lighting in Signs, #201300613.**

Chairman Blessey opened the Public Hearing and introduced the Commission members.

Commissioner Varda read the legal notice which was published in the News Times on June 30, 2013

and July 9, 2013. Chairman Blessey noted that the application was received on June 27, 2013. He then reviewed the policies and procedures that govern public hearings. He advised that the application was submitted by the Commission. Commissioner Frankel indicated that there was no correspondence in the file related to the application. She then read the Proposed Resolution:

Whereas, Section 242-306C(7) of the Brookfield Zoning Regulations addresses requirements for illuminated signs in the Town of Brookfield; and

Whereas, Section 242-306C(7) includes wattage requirements for illuminated signs, but does not include any criteria or other discussion with respect to LED signs; and

Whereas, the Brookfield Zoning Regulations may require updating to address LED signs; and

Whereas, the Brookfield Zoning Commission requires a brief moratorium with respect to illuminated signs so that it can draft and enact regulations concerning sign illumination.

Now, therefore, The Brookfield Zoning Commission, in accordance with Connecticut General Statutes 8-2 and 8-3, establishes a 120 day Moratorium during which the Zoning Commission will not accept or act on any new applications for illuminated signs for the purposes of allowing the Commission a reasonable period of time to draft and enact regulations concerning sign illumination in Brookfield. The Brookfield Zoning Regulation §242-306C(7) states that the Zoning Commission may permit illuminated signs. The Commission shall hold a public hearing on the adoption of the Moratorium on July 11, 2013 and cause notice to be published in accordance with the statute. The Moratorium shall go into effect immediately upon its adoption by vote of the Commission.

Chairman Blessey discussed the current regulations and the need to update them to consider newer LED measurements, and to ensure that technical requirements comply with the regulations. The Commission will seek technical expertise in order to draft the new 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.

Commissioner Varda inquired if moratorium was just on LED or all illuminated signs. Chairman Blessey advised it related to any new, illuminated signs, for 120 days. ZEO Dew inquired regarding the process for pre-existing signs that are to be re-faced, but will have no change in illumination. Chairman Blessey indicated that would be a different application.

Commissioner Frankel moved to close the Public Hearing for #201300613. Commissioner Varda seconded the motion and it carried unanimously.

Commissioner Frankel moved to adopt a moratorium regarding any new, lit signage, in the Town of Brookfield, so the Zoning Commission has time to draft a regulation, per the resolution above. Chairman Blessey seconded the motion, and it carried unanimously.

Commissioner Frankel moved to amend her regulation to include that the effective the day for the Moratorium is the day after publication. Chairman Blessey seconded the amended motion, and it carried unanimously.

5. **Continued Public Hearing:** None

6. Old Business:

- a. **Proposed Regulation Change #201300511:** Section 242-404K (7) – Incentive Housing Permitted Uses (ph scheduled for 7/25/13)
- b. **Proposed Regulation Change #201300581:** Section 242-505 F(2) – Town Center District / Design Review pre-application review (ph scheduled for 7/25/13)
- d. **857-857A Federal Road (Green Acres Luxury Apartments) #201200887: Bond Set**
 1. Site Plan Bonding Estimate - \$18,293.13 prepared by CCA, LLC dated 7/3/13
 - Connecticut Public Act 12-182 (Catic Summary) – *Commissioner Frankel recused herself from this item.* There is not a sufficient quorum of members present to discuss and/or decide on this item.

7. New Business:

- a. **594 Federal Road #201300501:** Discussion of Site Plan, Parking and Permitted Use of Businesses
 1. “Site Plan Map” dated 5/8/91 revised thru 4/23/92 – sheet 2 of 3
 2. Parking Table for 594 Federal Road

W. Lavelle, 594 Federal Road, was present. The plans were reviewed. Chairman Blessey indicated that this agenda item is not to approve the site plan, but rather, to give the ZEO and the property owner guidance as to how to deal with the 14 tenants that occupy the site. It was noted that parking is no longer an issue at the site. Chairman Blessey advised that a residential use is not allowed in the zone. Mr. Lavelle explained that when he purchased the property, it contained a single-family house. It was remodeled. It was noted that a caretaker’s apartment is allowed in the zone. There are other apartments at the site. Chairman Blessey advised that two of the apartments have to be removed. Mr. Lavelle requested time to do this, and to come back with an application that will allow a multi-family use in the zone.

ZEO Dew advised that applications for tenant fit-ups have been completed.

Commissioner Frankel inquired why Cease and Desist Orders were not issued. Mr. Lavelle indicated that applications have been filed. Commissioner Frankel requested that the survey for the property be updated.

There was brief discussion regarding parking at the site over the years.

Commissioner Frankel requested that starting dates for the tenants’ occupancy be provided.

Chairman Blessey advised that the ZEO is unable to sign off on: the two extra residential uses; and the repair facility. He requested to be advised when the application for residential use is filed, and when the repair use is filed. Mr. Lavelle advised that the tenant associated with the repair use is moving. He will provide dates for the above at the next meeting on July 25, 2013.

1. Convene Meeting (continued)

- a. **Review Minutes of Previous Meetings – 6/27/13** – Commissioner Frankel noted that the Minutes do not state that a Public Hearing was set for the Moratorium on applications related to Lighting. (*The setting of the Public Hearing for July 11, 2013 is in the body of the resolution.*) There is an insufficient number of members present to approve the Minutes of the June 27, 2013 meeting.

8. **Tabled Items:** None.

9. **Informal Discussion:** Above.

10. Comments of Commissioners: There was discussion regarding the information that needs to be provided by applicants for estimating bonds. Commissioner Frankel requested that ZEO Dew advise the Commission of the section of the Connecticut General Statutes that outlines the Commission’s authority.

There was discussion regarding the conditions present at the Barnbeck Place development.

There was additional discussion regarding the category of “performance bond”, which is a separate bond. Commissioner Frankel inquired how the Town accepts bonds, and ZEO Dew advised that it takes bonds in the forms of surety notes, lines of credit or cash. Commissioner Frankel suggested that applicants should be prepared to provide the Commission bond information at the time of application and/or public hearing. Chairman Blessey suggested that the Commission draft a description of what applicants should provide to facilitate this process. The Commission requested that ZEO Dew research how other municipalities handle bonds.

11. Adjourn: Commissioner Frankel moved to adjourn the meeting at 8:02 p.m. Chairman Blessey seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for July 25, 2013****