

Approved Minutes
BROOKFIELD ZONING COMMISSION
Thursday, August 8, 2013 – 7:00 p.m.
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD

1. **Convene Meeting:** Chairman Blessey called the meeting to order at 7:30 PM and established a quorum of members:

Present: Chairman R. Blessey, Vice Chairman M. Grimes, C. Lynch (arrived at 7:07 PM), L. Miller, Alternate Member M. Frankel, Alternate and Voting Members where indicated* J. Cordisco, J. Varda

Absent: Secretary F. Lollie

Also Present: Zoning Enforcement Officer A. Dew, Recording Secretary E. Cole Prescott

- a. **Review Minutes of Previous Meetings: 7/11/13, 7/25/13**

- **07/25/13 – L. Miller made a motion to approve the minutes of the July 25th meeting. J. Cordisco seconded the motion. The motion carried, with M. Grimes abstaining.** *M. Frankel, J. Cordisco and J. Varda were voting members for this matter.
- **07/11/13 - R. Blessey made a motion to approve the minutes of July 11th . M. Frankel seconded the motion, and it carried, with L. Miller, M. Grimes, and J. Cordisco abstaining.**

2. **Land Use Enforcement**

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

- 126 Pocono Road – A. Dew reported that no violation remains at this time.
- 135 Pocono Road – A. Dew mentioned that the truck was parked in a designated drive.
- 154 Pocono Road – A. Dew reported that the vehicles have been moved to a designated drive.
- 6 Oak Lane – A. Dew reported that she has sent a request for voluntary compliance for action by 8/25/13. She noted that she has not had a chance to inspect the site, but will do so by the next meeting.
- **157 Whisconier Road –M. Grimes made a motion to send a cease & desist if the property is not in compliance by 08/15/13 for 157 Whisconier Road. R. Blessey seconded the motion, and it carried unanimously.**
- 12 Pocono Ridge Road – A. Dew stated that a variance application has been submitted, but the applicant has requested to be heard at the September Zoning Board of Appeals meeting.
- **70 Ironworks Hill Road – A. Dew reported that there is no certificate of zoning compliance for the pool in the front yard. M. Grimes made a motion to refer this matter to Town Counsel if there is no response by 08/13/13. R. Blessey seconded the motion, and it carried unanimously.**
- 54 Ironworks Hill Road – A. Dew noted that there are no more issues, and mentioned that this item may be removed from the report.
- 34 Stony Hill Road – A. Dew also mentioned that there are no more current violations and suggested that this item also be removed from the report.

C. Lynch entered the meeting room at 7:07 PM.

- 594 Federal Road – A. Dew reported that the property owner has applied for a tenant fit-up for building three, unit two for storage of bread for Mama's Cheese Bread. A. Dew noted that a preliminary zoning approval will be issued for that application. M. Frankel inquired as to whether the Fire Marshal has visited the site,

and A. Dew replied that he is currently on vacation. R. Blessey noted that the Fire Marshal will be back next week.

3. Review Correspondence

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission 7/22/13; Zoning Board of Appeals; Planning Commission; Zoning Sub-Committee**
- b. Memo from K. Daniel, CDD to Zoning Commission dated 8/1/13 Re: Aquifer Protection
 1. Copy of Aquifer Protection District Zoning Regulations
- c. Letter from Daniel Plante of 32 Elbow Hill Rd to Zoning Commission dated 7/30/13 Re: Application #201300634 (4 & 16 Elbow Hill Rd)

4. Old Business:

- a. **594 Federal Road #201300501:** Discussion of Site Plan, Parking and Permitted Use of Businesses – This matter was discussed earlier as part of the enforcement report.

5. New Business:

- a. **834 Federal Road (Casablanca Restaurant) #201300710: Site Plan Modification for a deck (dec date 10/11/13)**

1. Portion of Site Plan Map showing area for deck – handed into Land Use 8/1/13 *Ahmed Abdelhalim of 834 Federal Road was present to discuss the application.* R. Blessey noted that this site plan modification is for the addition of a deck to the northeast side of the property. Mr. Abdelhalim confirmed that the plan is to have access to the deck only through the existing front of the building. R. Blessey informed Mr. Abdelhalim that if there is separate access from the outside to the deck, the deck would be required to have handicapped accessibility. R. Blessey stated that the proposed deck is clearly within the setbacks. C. Lynch asked Mr. Abdelhalim what the deck will be constructed of, and Mr. Abdelhalim responded that the deck will be made of wood. C. Lynch noted that he thought that the area may look better as a patio than a deck. **M. Grimes made a motion to approve application #201300710, 834 Federal Road. C. Lynch seconded the motion. Motion carried unanimously.** *J. Varda was a voting member for this matter.

- b. **850 Federal Road (Village Liquor Shoppe) #201300711: Site Plan Modification for a handicap ramp (dec date 10/11/13)**

1. Site Plan Map with ramp drawn in handed into Land Use 8/1/13 *James Thennqumthyl was present to discuss the application* R. Blessey explained that Mr. Thennqumthyl is planning to install a handicapped ramp at the request of the Building Department for his addition. R. Blessey stated that the layout plan provided in this evening's after-the-fact packet is the most recent. R. Blessey explained that in the original plan provided in the week's packet the ramp is coming out of the addition and going toward Federal Road. However, the Building Department thought it would be better for the handicapped access to go at a lesser slope once it leaves the ramp and not toward the road. The revised plan shows the ramp going the other way, so someone going down the ramp will be going toward the back of the property. R. Blessey noted that this revised plan required that the applicant install a sidewalk to get from the dirt portion to the paved portion. R. Blessey also reported that this revised plan meets the setbacks. L. Miller asked how the sidewalk will be constructed, and R. Blessey responded that the sidewalk and the ramp will be made of concrete. **C. Lynch moved, after careful consideration, to approve application #201300711 [850 Federal Road] as applied for. M. Grimes seconded the motion, and it carried unanimously.** *J. Varda was a voting member for this matter.

6. Tabled Items: None.

7. Informal Discussion:

- a. **834 Federal Road (Casablanca Restaurant):** Hookah Smoking on Patio of Restaurant – requested by Ahmed Abdelhalim
1. Copy of a report “OLR Research Report” titled “Hookah Lounges” prepared by John Kasprak, Senior Attorney dated 2/24/11 – given to land Use by Dr. Sullivan, Brookfield Health Director

Mr. Abdelhalim, 834 Federal Road, was present to discuss this matter. Mr. Abdelhalim mentioned that he would like to use the existing patio located next to the bar for hookah smoking. M. Grimes asked Mr. Abdelhalim if cigarette smoking is currently permitted in that area, and Mr. Abdelhalim responded that it is. Mr. Abdelhalim noted that there is a designated area for smoking and non-smoking. M. Grimes stated that he is concerned about the information that was provided by the State [“OLR Research Report”] because he is not sure if it addresses the question. Mr. Abdelhalim mentioned that he does not allow any cigar smoking on site. M. Frankel asked if the restaurant will provide the pipe, and Mr. Abdelhalim responded that the plan is for the restaurant to provide the pipe, but that the patron would provide the wet, flavored tobacco. M. Grimes stated that this use is not listed in the table of permitted uses. Mr. Abdelhalim informed that State regulation requires that there be designated non-smoking and smoking areas on the patio, which must be 75% and 25% respectively. C. Lynch suggested that Mr. Abdelhalim submit an application so the Commission may ask counsel for advice regarding the use. R. Blessey stated that any matter discussed during this informal discussion is the opinion of the commissioners. R. Blessey stated that the question is how is the hookah smoking use affecting the neighboring uses. R. Blessey stated that the hours of the restaurant are primarily when the bank is closed and the other two professional units above the bank are closed and other office units are far enough away from this restaurant. M. Grimes suggested that Mr. Abdelhalim submit an application, and J. Varda responded that he is not sure if the application is appropriate. M. Frankel suggested that before the owner submits an application, the Commission may want to seek an opinion from counsel. R. Blessey stated that the Commission needs to discuss this matter with counsel to determine if the owner needs to submit an application. M. Grimes suggested that A. Dew contact other towns to discuss the hookah bar use. R. Blessey stated that the Land Use Office will contact Mr. Abdelhalim within the next two to three weeks to share with him the results of the research.

b. **Lighting Moratorium:** A. Dew stated that she has some sample regulations, and she has been told that the best method to determine the LED wattages is to speak with the LED manufacturer. R. Blessey stated that the Commission may need to rely on a computer program that analyzes the sign wattage and tells the Commission what it puts out. R. Blessey suggested to have a special meeting on September 5th.

8. Comments of Commissioners:

M. Frankel stated that there are so many regulations that the Commissioners are working on, and there is just not enough time to re-write the regulations. M. Frankel also stated that there is no one on staff that can write them. M. Frankel stated that she really feels strongly that the Commission needs someone to help re-write the regulations.

C. Lynch stated that he was reading the meeting minutes regarding the design standards. He stated that he thinks the concept is a good idea, but that it seems to promote the possibility of over-regulation. C. Lynch stated that he believes that the Commission wants smart development in the Four Corners, and if the Commission starts with these design standards, he is concerned that over-regulation will occur. C. Lynch also noted that he feels as though there is a false sense of development in the Four Corners. He noted that there have been three large applications that have been approved by this Commission, but not one building permit has yet been issued. C. Lynch stated that the recently approved projects on Federal Road have some serious design flaws. C. Lynch stated that he does not want to see too much regulation in the areas as to turn away development, but he also does not want to see bad development.

R. Blessey responded that the Commission already has design regulations. A. Dew stated that the units at Riverview Court have building permits and are selling. R. Blessey stated that the developer at 857 Federal Road is preparing to apply for permit transfers. C. Lynch stated that his point is that if there is over-regulation fewer developers will be willing to invest in the area. M. Frankel stated that she disagrees; she also noted that there will be no cohesion if the regulations do not clarify what the downtown area should look like. J. Cordisco summarized that the Commission needs about ten or fifteen bullet points for developers as part of the design standards. M. Grimes mentioned that he believes that the function of Zoning is to regulate and not prohibit.

- 9. Adjourn: M. Grimes made a motion to adjourn at 7:47 PM. L. Miller seconded the motion. Motion to adjourn carried unanimously at 7:55 PM.**

****Next Regular Meeting Scheduled for August 22, 2013****
****Next Special Meeting Scheduled for September 5, 2013****