

**APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, October 10, 2013 – 7:00 p.m.
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD**

1. Convene Meeting

Chairman R. 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, L. Miller (arrived at 7:10 p.m.), Alternate and Voting Member M. Frankel, Alternate and Voting Member J. Varda (arrived at 7:04 p.m., Voting Member until Commissioner Miller's arrival at 7:10 p.m.)

Absent: C. Lynch, Alternate J. Cordisco

Also Present: For the Enforcement Report, Assistant Zoning Enforcement Officer F. Lollie, Community Development Director K. Daniel, Recording Secretary D. Cioffi

- a. **Review Minutes of Previous Meetings: 9/12/13, 9/26/13 – Not a sufficient quorum to review the Minutes.**

Vice Chairman Grimes moved to add as Item 5.b., 887 Federal Road. Secretary Lollie seconded the motion, and it carried unanimously.

2. Land Use Enforcement

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

Requests for Voluntary Compliance

10 Obtuse Rocks Rd., #201300788 – Asst. ZEO Lollie indicated that he inspected the site on October 1, 2013, and the litter has been cleared. Vice Chairman Grimes requested that ZEO Dew remove the matter from the Report.

257 Federal Rd., #201300912 – Asst. ZEO Lollie spoke with the property owner on October 4, 2013. Since that time, both vehicles have been moved. This matter will remain on the report for periodic reinspection.

116 Laurel Hill Rd., #201300844 - Asst. ZEO Lollie met with the property owner upon receipt of a complaint regarding a masseuse working in the upstairs portion of the property. The masseuse has been evicted, and at this time, there is no violation. He will reinspect this property periodically.

834 Federal Rd., #201300888 - The business name has changed, and the sign was changed without a permit. The business owner indicated that he was unable to get a permit to change the sign because the property owner owed back taxes. A Request for Voluntary Compliance by November 1, 2013 has been sent to the property and business owners. **Vice Chairman Grimes moved to issue a Cease and Desist to 834 Federal Rd., #20130088, if no compliance by 11/1/13. Chairman Blessey seconded the motion, and it carried unanimously.**

Commissioner Varda arrived at 7:04 p.m. and was appointed a Voting Alternate.

5 Kellogg St., #201300928 – This matter involved a complaint regarding an unpermitted sign on the roof. ZEO Dew called the property owner, and since then, the tenant is attempting to remove the sign. The sign appears to be written in spray foam insulation material. A Cease and Desist was issued. **Vice Chairman Grimes moved to issue a Citation if no compliance by 10/20/13. Motion withdrawn.** A photograph of the sign was reviewed.

439 Candlewood Lake Rd., #201300886 – Asst. ZEO Lollie indicated this involves a complaint of banners and garbage, and use of an upper parking lot (where a variance had been previously approved but no work per that plan has been completed). A Request for Voluntary Compliance was sent on September 27, 2013. **Vice Chairman Grimes moved to issue a Cease and Desist Order to 439 Candlewood Lake Rd., #201300886, if no compliance by October 11, 2013. Commissioner Frankel seconded the motion, and it carried unanimously.**

Cease and Desist Orders

594 Federal Rd., #201300777 & 201300420 – This matter is on tonight’s agenda as Item 4.b.

39 Deer Run Rd., #201300758 – Asst. ZEO Lollie advised that lawn has been cut, the deck has been repaired, but the garbage is still present. The Land Use Office continues to work with the bank on this property.

14 Candlewood Lake Rd., #201300797 – The illuminated sign has not been lit. The business owner has reapplied for a special sign permit that is good for another thirty days.

143 Federal Rd., #201300805 – The illuminated sign has not been lit. The business owner is awaiting action on the LED regulations.

901 Federal Rd., #201300829 – Asst. ZEO Lollie indicated that no banners have been present.

14 Oak Grove Rd., #201300832 – The property owner is attempting to evict the tenant and the documentation is in the file. Asst. ZEO Lollie will update the report when the eviction is complete.

849 Federal Rd., #201300875 – A Cease and Desist Order for two illegal apartments was issued September 26, 2013. The property owner has not responded. **Vice Chairman Grimes moved to issue a Citation to 849 Federal Rd., #201300875. Chairman Blessey seconded the motion, and it carried unanimously.**

Citation

70 Ironworks Hill Rd., #201300482 – ZEO Dew is working with the property owner to have the pool removed. No update at this time.

Town Counsel Action

1 High Ridge Rd., #201000315 – No update.

9 Stoney Farm Ln., #201100095 – No update.

Vice Chairman Grimes noted that there is a sight line issue at the intersection of Old Route 7 and Federal Road, due to the growth of red maple trees that were part of an approved plan. Chairman Blessey will make Major Purcell of the Brookfield Police Department aware of the situation.

Commissioner Miller arrived at 7:10 p.m. At this time, Commissioner Frankel will continue as a Voting Alternate, and Commissioner Varda return to Alternate status.

3. Review Correspondence

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission, 9/23/13; Zoning Board of Appeals; Planning Commission 9/19/13, 10/3/13; Zoning Board of Appeals 9/9/13; Planning Commission; Zoning Sub-Committee**
- b. **Letter from David A. Sawicki, State Department of Transportation, dated 10/1/13 Re: Town of Brookfield Proposed Major Shopping Center Certificate Application**
- c. **Legal Briefings for Building Inspectors: September 2013**

No discussion/no motions.

4. Old Business:

- a. **4 & 16 Elbow Hill Road (Echo Bay Marina), #201300868(A) – Design Review for a 24,076 ft. boat storage building and #201300868(B) – Natural Resource Removal (Public Hearing Scheduled for 10/24/13)**

Vice Chairman Grimes moved to go to Agenda Item 5. Secretary Lollie seconded the motion, and it carried unanimously.

5. New Business:

a. **110 Federal Road, (BJ's Wholesale Club, Inc.), #201300900: Liquor Shop Building sign** –

Attorney E. Kukk, 30 Merwin Brook Rd., was present on behalf of BJ's Wholesale Club. He reviewed the proposed location for the sign for liquor shop. It was noted that the liquor store use had been previously approved. The sign will not be illuminated at this time. **Vice Chairman Grimes moved to approve 110 Federal Road, (BJ's Wholesale Club, Inc.), #201300900: Liquor Shop Building sign. Secretary Lollie seconded the motion.** Commissioner Frankel inquired if the sign complies with all the regulations, and if it would be illuminated. Chairman Blessey indicated it does comply, and it will not be illuminated at this time. Commissioner Frankel discussed her concern regarding applicants installing signs that do not comply with the regulations. **Motion carried unanimously.**

b. **887 Federal Rd., #200300284** – A. Adams, Registered Landscape Architect, was present. She indicated that the property owner, Mr. Lavelle, has submitted a request for an extension of four years, of a previous approval for this site. Last year, the Commission granted a one-year extension due to the status of regulations in the zone and the potential changing nature of the Town Center District. There was discussion regarding when the permit expires, and it was noted that it expires on October 11, 2013. The existing structures on the site were discussed. Commissioner Frankel stated she would prefer to table this matter. There was discussion regarding the overlay zone, incentive zones, the existing State statutes, and the last minute nature of request. The Commission indicated it would like another two weeks to review the matter fully.

Commissioner Miller moved to extend the permit for 887 Federal Rd., #200300284, for two weeks. Commissioner Frankel seconded the motion, if the Land Use Staff and Commissioners can review the original approval as it relates to the regulations. Commissioners Miller and Frankel indicated they would visit the Land Use Office on Friday, October 11, 2013, to review the file. Motion carried unanimously.

4. **Old Business (continued)**

b. **594 Federal Road #201300777: Site Plan Modification for additional parking for Landscaping business (dec date 11/15/13)**

Chairman Blessey reviewed that the issue at the previous meeting was whether the Commission could require an A2 survey. Since the last meeting, it has been determined that the Commission can require the survey. The enforcement matter relates to a landscaping business operating at the site without a Certificate of Zoning Compliance. The applicant has advised it will move the storage container. Commissioner Lollie indicated that the Land Use staff has a meeting on Tuesday, October 15 regarding this matter. Commissioner Varda discussed the good faith effort of the property owner to comply with the regulations. It was further noted that the survey in the file was completed in 1979. Commissioner Frankel reiterated that she felt the survey should be updated to confirm its in compliance with current regulations.

Commissioner Frankel moved to have the survey for 594 Federal Rd., #201300777, updated to an A2. No second on the motion.

Chairman Blessey moved to table 594 Federal Rd., #201300777, for two weeks until the Zoning Enforcement Officers have witnessed compliance with the enforcement action. Vice Chairman Grimes seconded the motion, and it carried unanimously.

6. **Tabled Items:** None.

7. **Informal Discussion:**

a. **Design Guidelines:** CDD Daniel shared a copy of the draft scope of work by Carol Gould of Fitzgerald & Halliday. Chairman Blessey requested that a Special Meeting be held on Thursday, October 17, 2013 at 6:00 p.m. in Room 209. CDD Daniel noted that three tasks are highlighted in the draft. 1) public engagement and collaboration to analyze; 2) design guideline manual; 3) drafting of regulatory language for incentive housing. CDD Daniel pointed out that there are already incentive housing regulations, but acknowledged that additional work does need to be done by the Commission. She recommended that because the Commission will be drafting the regulations, that the funds marked for this task be redistributed for technical expertise.

It was recommended that the Commission take care in not duplicating work that has already been done. CDD Daniel indicated that it is hoped that design guidelines will result from the work.

There was discussion regarding how much time should be spent on each of the aforementioned tasks. Additionally, the Commissioners suggested that regulations be drafted for a public hearing to allow for comment at the hearing.

There was brief discussion regarding the STEAP grant in the amount of \$209,000.

CDD Daniel requested that the Commissioners send her their comments regarding model regulations from other municipalities, related to the topics identified at the last meeting. It is hoped that the Commission can revise the scope of work at next week's meeting.

Secretary Lollie left the meeting at 8:01 p.m.

CDD Daniel presented photographs of area municipalities' town centers, including Kent and Sandy Hook, and showing sidewalks, parking, landscaping and signs. Commissioner Frankel recommended that the regulations call for careful selection of trees and other landscaping items to ensure compliance with Department of Transportation regulations and satisfactory maintenance after growth, to provide durability of the green space.

There was discussion regarding site plan approval versus special permit, and the subzones in the Town Center District. CDD Daniel indicated that some towns have successfully drafted regulations to handle all possible situations.

CDD Daniel indicated that \$130,000 of the STEAP grant will be utilized for engineering of sidewalk design.

There was discussion regarding the Church Hill Road area of Sandy Hook and the allowance for rear access to many of the businesses. Photographs of New Milford and Ridgefield storefronts were also reviewed. Commissioner Varda indicated that some of the Ridgefield town center landscaping is maintained by volunteers. There was additional discussion regarding size and materials of sidewalks.

Chairman Blessey left the meeting at 8:26 p.m.

Photographs of the center of Westport were reviewed, and the amount of space between the buildings and space was noted.

A Special Meeting will be held on October 17, 2013, at 6:00 p.m., in Room 209 if it is available.

- b. **Signs and Illumination:** Only discussion related to signs in above category.
- 8. **Comments of Commissioners:** None.
- 9. **Adjourn:** Commissioner Frankel moved to adjourn the meeting at 8:28 p.m. Commissioner Miller seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for October 24, 2013****