

**APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
April 10, 2014 Thursday,
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD**

1. Convene Meeting

Present: Chairman R. Blessey, Vice Chairman Grimes (arrived at 7:01 p.m.), Secretary F. Lollie, Alternate and Voting Member J. D'Entremont

Absent: J. Cordisco, E. Kukk, Alternate M. Frankel

Also Present: Community Development Director/Wetlands Enforcement Officer K. Daniel, Assistant Zoning Enforcement Officer F. Lollie, Recording Secretary D. Cioffi, Interested Members of the Public

Chairman Blessey moved to go to Agenda Item 7.e. Secretary Lollie seconded the motion, and it carried unanimously.

7. New Business

e. 63 Silvermine Road (Police Department) #201400211: Site Plan Modification for the Police Department's parking lot – expansion and resurfacing. Relocation of Impound, connection of upper & lower lots and expand parking on east side.

1. **“Site Layout Plan”** prepared by CCA, LLC dated 9/27/11 – sheet 1

R. Tedesco, Director of Public Works, was present. He reviewed the areas of the parking lot that will be modified: 1) moving the impound cage; 2) connection of upper lot to lower lot to improve access for trucks; 3) creation of ten spots on the upper lot; and 4) paving.

Vice Chairman Grimes arrived at 7:01 p.m.

Chairman Blessey moved to approve #201400211, Site Plan Modification for the Police Department's parking lot, at 63 Silvermine Road. Secretary Lollie seconded the motion, and it carried, 3-0-1, with Vice Chairman Grimes abstaining.

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

c. 227 Federal Road (La-Z-Boy) #201400203: Building sign (Illuminated) 117.66 sq. ft. *M. Buzzelli, and N. Torres, 227 Federal Rd., were present.* The application was reviewed. Chairman Blessey noted that part of the application was not completed. The linear footage of the front of the building is not listed. Upon inquiry from Secretary Lollie, Ms. Torres indicated this is a permanent sign. The square footage of the building was reviewed, along with the measurements on the application. After review, it was determined that the application is for a temporary sign. The applicants were requested to come in with a complete application when the permanent sign is applied for. Mr. Buzzelli estimated that the sign will be present for approximately thirty (30) days. He and Ms. Torres were advised that if it goes beyond the 30 days, an extension would be required.

It was noted that the application does not match the request listed above on this agenda.

The applicant's representatives were asked to have Adco complete the application in the proper manner, without any overlay of print, after reviewing the regulations, and provide the LED numbers.

The parties were advised that there is another meeting in two weeks, and the paperwork should be submitted to the Land Use Office in no later than one week.

No motion.

- d. **99 Federal Road (Savers) #201400209:** Site Plan Modification to add a 30' long storage container to site (*dec date 6/13/14*)
 - 1. “Site Plan” prepared by Ken McCracken, architect dated 4/2/14 – sheet A1.0
 - “Floor Plan Reference Only” dated 4/2/14 – sheet A2.3

J. Sferlezza, 99 Federal Rd., was present. He noted the proposed location for the storage container. Upon inquiry from Chairman Blessey, Mr. Sferlezza advised that the container is on wheels and may leave the site at times. Chairman Blessey changed the wording to read, “trailer”, and the applicant initialed the change.

Vice Chairman Grimes moved to approve #201400209, Site Plan Modification at 99 Federal Road for 30' long storage trailer. Secretary Lollie seconded the motion. Commissioner D'Entremont inquired if the container is a tractor trailer, and Mr. Sferlezza advised that it is. Motion carried unanimously.

3. Review Correspondence

- a. **Minutes of other Boards and Commissions:** Inland Wetlands Commission 3/24/14; Zoning Board of Appeals; Planning Commission; Zoning Sub-Committee
- b. **Legal Briefings for Building Inspectors:** March 2014
- c. Letter from Peter Bertolami to Zoning Commission received 3/31/14 Re: 23 Kellogg Street

No discussion/no motions.

6. Old Business:

- a. **110 Federal Road (BJ's Wholesale Club – Gas Station) #201100126:** Request for Final Bond Release in the amount of \$55,000.00 – F. Lollie advised that the paperwork has not been completed yet. **No motion.**

7. New Business (continued)

- b. **57 Laurel Hill Road #201200636:** Request for Permit Transfer from Lawrence Hoyt and Anne Hepner to Kenosia Development

The permit transfer request was reviewed.

Attorney P. Scalzo, 2 Stony Hill Rd., was present. There was discussion regarding whether this process is within the purview of the Zoning Commission. The Town Attorney will be consulted. **This matter will be discussed at the next meeting after consultation with the Town Attorney.**

4. Public Hearing: 7:30

- a. **Proposed Regulation Change #201400176:** Section 242-404 I(7)(a) – Planned Age-Restricted Communities, Development Standards – Number of Units.

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 March 30, 2014 and April 7, 2014. Chairman Blessey noted that the application was received on March 27, 2014. He then reviewed the policies and procedures that govern public hearings.

Secretary Lollie read the following corresponding: 1) to the Zoning Commission, from E. Cole-PreScott, dated April 7, 2014, indicating that the Planning Commission has not been convinced that

there is any specification in increasing the units in the PARC development, with attached draft minutes of the Planning Commission of April 3, 2014; and 2) a memo from HVCEO dated April 8, 2014, noting that the regulation change will have “no intermunicipal impact”.

Attorney P. Scalzo, 2 Stony Hill Rd., Bethel, CT, was present. He indicated that he submitted a letter earlier today, advising he was unable to attend the April 3, 2014 Planning Commission meeting, and requesting a continuance to allow him to attend its next meeting. Chairman Blessey indicated that the Zoning Commission wished to hear the presentation this evening. Attorney Scalzo explained that the regulation change is being proposed for the following reasons: 1) to promote uniformity in the zoning regulations. He discussed the history of PARC regulations since their inception in 2002, noting that since then, other multi-family communities are allowed 150 units, while the PARC communities are allowed 120 units. He added that it is in the best interests of the town to encourage planned age-restricted communities as they are a low tax burden (usually not utilizing school services) and a high tax revenue generator; and 2) from a policy standpoint, the Town should have elderly housing to encourage Brookfield homeowners to stay in town when they retire and downsize.

Chairman Blessey inquired regarding the few children listed in the data of the existing PARC, and Attorney Scalzo advised they are of high school age. There was discussion regarding how the current 120-unit limitation was derived, and Attorney Scalzo indicated that it was the result of settlement negotiations from the Newbury Village litigation.

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.

Chairman Blessey advised that the application went to the Planning Commission without a representative present. He explained that the Zoning Commission can act on the application with other requirements.

Vice Chairman Grimes moved to close the Public Hearing re: Proposed Regulation Change #201400176: Section 242-404I(7)(a) – Planned Age-Restricted Communities, Development Standards – Number of Units. Secretary Lollie seconded the motion, and it carried unanimously.

Chairman Blessey moved to approve Proposed Regulation Change #201400176: Section 242-404 I(7)(a) – Planned Age-Restricted Communities, Development Standards – Number of Units, to 150. Secretary Lollie seconded the motion, and it carried unanimously.

Chairman Blessey moved that the effective date for the above Regulation Change, #201400176, is ten days from today, or April 20, 2014. Secretary Lollie seconded the motion, and it carried unanimously.

5. Continued Public Hearing: none

Proposed Regulation Change #201400115: Section 242-404K and Appendix – Incentive Housing Guidelines – will be continued on 4/24/14

Vice Chairman Grimes moved to go to Agenda Item 9.a. Secretary Lollie seconded the motion, and it carried unanimously.

9. Informal Discussion:

a. **19 & 23 Station Road:** *Attorney P. Scalzo, 2 Stony Hill Rd., Bethel, A. Adams, Registered Landscape Architect, CCA, 40 Old New Milford Rd., and A. Rothman, for the owner/developer were present.*

A one minute recess was taken at 7:48 p.m.

Chairman Blessey recused himself and Vice Chairman Grimes took over as Acting Chair.

Attorney Scalzo reviewed the project that was approved in May 2013. He explained that the diagonal parking was removed from the plan. Additionally, the owner has recently purchased 19 & 23 Station Road to fulfill parking requirements. The owner would also like to develop mixed-use and townhouses on the site. The property will have to be “incentivized” in the perimeter subzone to allow townhouses. Attorney Scalzo advised that the proposal has been before the Inland Wetlands Commission. The applicant plans on conveying land to the Town, or putting a conservation restriction on the property. Twenty-four additional units are being proposed, and the applicant plans on filling the wetlands and relocating them. A. Adams stated that the application will be presented as a combined project to show that parking requirements will be met. She reviewed where parking would be eliminated, and where pedestrian connections will be located. Attorney Scalzo advised that 90% of the units will be at the incentive housing rate. Additionally, a bike path is proposed.

Ms. Adams indicated that the first step would be to change the zone to get the incentive overlay for the perimeter, followed by IWC approval and a full zoning application.

Chairman Blessey returned to the room @ 7:57 p.m. and resumed his position as Chairman.

Chairman Blessey moved to amend the Agenda to add as Item 9.c., Informal Discussion, 434 Federal Road. Vice Chairman Grimes seconded the motion, and it carried unanimously.

c. **434 Federal Rd.** – *S. Sullivan, PE, CCA, 40 Old New Milford Rd., was present, on behalf of FW Webb Plumbing Supply.* He indicated that the proposed applicant would like to determine if its use would fall under a commercial or industrial use, noting that the setbacks are different. Additionally, he is looking to determine if it is a “40 use” or “80 use”. Mr. Sullivan indicated he is seeking the Commission’s opinion on the use to determine what the front yard and side yard setbacks will be.

Chairman Blessey indicated that the impact to the town is a consideration. After some discussion, he and Secretary Lollie and Vice Chairman Grimes advised that the proposed business is closer to a retail/commercial use.

Mr. Sullivan noted that the business will only require 28-33 spaces, and that the proposed applicant would like to install fenced-in outdoor storage. The proposed applicant is willing to put the storage in the back.

6. Old Business (continued)

b. **398 & 414 Federal Road (Barnbeck Place) #201400147: Site Plan Modification for Incentive Housing Project to change building footprints, change parking layout and other modifications** *(dec. date by 5/9/14)*

1. Letter from Daniel E. Bertram to Zoning Commission dated 4/2/14 Re: Barnbeck Place site plan modification

2. “Sidewalk Extension Plan” map prepared by CCA, LLC dated 3/20/14 – sheet SW1
3. “Site Lighting Photometric Calculations” prepared by Apex Lighting Solutions dated 4/3/14 – sheets SL1 & SL2

S. Sullivan, PE, CCA, 40 Old New Milford Rd., was present. D. Bertram was present via teleconference.

Mr. Sullivan advised that since the last meeting, the applicant has submitted the photometric analysis, the applicant’s rationale regarding the modifications, the sidewalk extension plan, and the facilities maintenance plan. Additionally, he noted that the Water Source Committee submitted its comments, and the applicant’s representatives met with that group last night. The WSC has requested relocation of access way from south site to the north side of the barn, parallel to the proposed parking. To allow egress if fire trucks have it blocked, and to allow for the Fire Department’s aerial truck, the applicant has reduced the parking in the front of the barn. The three spaces have been relocated to the left side of the entranceway. There were no changes to the utility plans. Some shrubs and ornamental landscaping were shifted around the new access way location.

Mr. Sullivan read the WSC’s letter dated 4/2/14 regarding the standpipe locations. He then reviewed the proposed sidewalk extension (yellow), and a new portion (orange) on the plans. The applicant will go to the IWC for the change to the gravel path.

Secretary Lollie inquired if the sidewalk could be extended to the north property line. Mr. Sullivan indicated it was a deeded drive for Nordex.

There was discussion regarding changing the sidewalk material. WEO Daniel indicated it will still be pervious. The change will be a modification to the permit, and the IWC’s concern would relate to what the impact to wetlands/watercourses would be.

Chairman Blessey inquired if the applicant would be willing to extend the sidewalk 25’ north, where a projected cross walk would likely be. Mr. Bertram indicated that would be acceptable, and Mr. Sullivan added this to the plans.

Chairman Blessey moved to approve the Site Plan Modification for 398, 414 Federal Rd., Barnbeck Place, #201400147, with the following stipulations: 1) that the sidewalk on the southern building on the northern side of the entryway, as noted on SW1, rev. date 4/10/14, relocated emergency accessway at 398 Federal Rd., in green on that drawing; 2) that the building elevators be of sufficient size to accommodate a Stryker Power Pro XT stretcher, for both buildings; 3) both emergency accesses need to be designated as fire lanes, and they will have all of the State’s legal requirements for a fire lane; 4) that the emergency access/fire lane will be 16’ wide to accommodate the tight confines between the parking lot and the retention basin; 5) that the emergency access/fire lane shall be widened 26’ between the patio and parking garage entrance area, as designated in dash-green on C2; 6) the incentive housing documents be provided per Design Review Modification #201200274; 7) that the applicant shall show the location of fire department sprinkler and stand pipe connection for both buildings. 8) that the applicant show the pipe locations in the building and underground garage for both buildings. Vice Chairman Grimes seconded the motion, and it carried unanimously.

Mr. Sullivan will provide the Land Use Office with a clean copy with the modifications when he gets it on the plans.

Vice Chairman Grimes left the room at 8:39 p.m. and returned at 8:41 p.m.

b. Design Guidelines: *Sylvia Perdikas, Licensed Landscape Architect, was present.* She advised that she works with various professionals and municipalities to assist in lighting decisions during development. She demonstrated metal halite and LED lighting, and discussed color temperature and rendering index, efficiencies, reflectors and refractors. She indicated that the least efficient is high pressure sodium, metal halite and then LED. After discussion, the Commission decided to choose LED lighting for the guidelines.

There was discussion regarding full cut-off fixtures. Ms. Perdikas indicated that more decorative fixtures are not full cut-off. It was noted that light intensities are regulated by the IES (Illuminating Engineering Society of America) which classifies low, medium and high associated with activity levels and associates those levels with foot candles (fc's). Ms. Perdikas suggested a minimum of 1 fc, average, which is what is recommended by IES. She offered to provide a copy of the most recent IES standards for the Commission. The IES standards will be incorporated into the guidelines. Chairman Blessey pointed out that the immediate focus is on pedestrian walkways for the Town Center District.

There was discussion regarding recommended light color of 4,000.

With regard to styles of fixtures, Chairman Blessey indicated that increasing pole height to 14 feet reduces the number of poles needed. *A. Adams, CCA, was present,* and indicated she felt 16 feet was reasonable. CDD Daniel advised that the design guidelines will be for the standards for the Town Center District and guidelines for the incentive housing zone.

Ms. Perdikas indicated that typically the poles are 10-12 feet along pedestrian walkways, and 14-16 feet in parking areas. Chairman Blessey indicated that proximity to abutting properties will be addressed by cut-offs and shielding. There was discussion regarding calculating appropriate pole height and numbers of poles in various types of parking lots. Chairman Blessey recommended that interested parties submit ideas and calculations for preferred pole height at the next meeting in two weeks.

It was suggested that bracket arms, mounting heights and light source be clarified in the guidelines. Ms. Perdikas indicated she could have elevation drawings done to demonstrate examples. Photographs of several examples were reviewed.

Styles of lighting fixtures for streetscape and individual sites were reviewed. Ms. Perdikas discussed four- and six-sided lanterns, acorn-style, and bell-shaped fixtures. She also indicated that textures on the lens can be used provide cutoff. CDD Daniel requested that proposals be provided at the next meeting.

Ms. Perdikas indicated that IES does not address lighting levels at the property line. It was noted that 1 fc be set for industrial/commercial, and the use abutting a residential should not exceed .5 fc at the property line. There was discussion regarding utilizing house shields where applicable.

Draft guidelines will be available next Friday, and Ms. Perdikas will provide the Commission with the IES standards.

7. New Business: (continued)

- a. 20 Orchard Place #201400189: Site Plan Modification to replace existing pole light heads with LED at the Condominium Complex (dec date 6/13/14)**

1. Letter from Water Source to Zoning Commission dated 4/2/14 Re: 20 Orchard Place

No one present. No discussion/no motions.

1. Convene Meeting (continued)

- a. Review Minutes of Previous Meetings: 3/20/14 special – Not a sufficient quorum.

3/27/14 – Vice Chairman Grimes moved to approve the Minutes of the 3/27/14 Regular Meeting. Chairman Blessey seconded the motion, and it carried, 3-0-1, with Secretary Lollie abstaining.

3/27/14 Special – Not a sufficient quorum.

2. Land Use Enforcement

- a. Enforcement Officer's Report:

Requests for Voluntary Compliance

300 Federal Road, #201400104 – Assistant ZEO Lollie advised that the property owner has returned from Florida, and the vehicles will be removed within a week.

10 Winding Road, #201400136 – Assistant ZEO Lollie indicated that he and ZEO Dew are going to the site tomorrow. The property owner advised that he is selling the unregistered cars.

Cease and Desist Orders

101 Laurel Hill Road, #201300758 – The property owner has until April 14, 2014 to comply. As of April 2, 2014, there was no change at the site. **Vice Chairman Grimes moved to issue a Citation to 101 Laurel Hill Road, #201300758, if no compliance by April 14, 2014. Chairman Blessey seconded the motion, and it carried unanimously.**

20 Orchard Place, #20140009 – The application paperwork has been completed. No one was present for this agenda item tonight.

99 Federal Road, #201301096 – The storage was approved tonight. This matter can be removed from the Enforcement Report.

Citations

849 Federal Road, #201301175 – The property owner has until April 23, 2014 to leave the premises. **Vice Chairman Grimes moved to refer 849 Federal Road, #201301175, to Town Counsel if not moved out by April 23, 2014. Chairman Blessey seconded the motion, and it carried unanimously.**

44 Old Middle Road, #21301041 – The property owner has until April 14, 2014 to pay the fine.

Town Counsel Actions

1 High Ridge Road; 9 Stoney Farm Lane; 14 Oak Grove Road; 148 North Lake Shore; 439 Candlewood Lake Road – Attorney Beecher has sent a letter concerning each action. Chairman Blessey asked the Commissioners to read the letters and determine if they agree with the proposed actions.

8. Tabled Items: None.

10. Comments of Commissioners: Vice Chairman Grimes advised that the Charter Revision Commission did recommend that the Zoning Commission fill its own vacancies.

Chairman Blessey indicated that he and Secretary Lollie reviewed the design guidelines. He will provide a draft on Friday. He believes it will give developers an idea of what the Commission is requiring and recommending for proposed constructions. The latest draft will be emailed to the Commission. Additionally, he has requested that more photographs be provided to show examples of desired designs.

11. Adjourn:

Chairman Blessey moved to adjourn the meeting at 9:59 p.m. Vice Chairman Grimes seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for April 24, 2014****