

**APPROVED MINUTES  
BROOKFIELD ZONING COMMISSION  
Thursday, May 8, 2014 – 7:00 p.m.  
MEETING ROOM #135 – TOWN HALL, 100 POCONO ROAD**

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**1. Convene Meeting**

**Present:** Chairman R. Blessey, Vice Chairman M. Grimes, Secretary F. Lollie, J. Cordisco, E. Kukk, (arrived at 7:24 p.m.), Alternate and Voting Member (until arrival of Commissioner Kukk) M. Frankel

**Absent:** Alternate J. D'Entremont

**Also Present:** Zoning Enforcement Officer A. Dew, Community Development Director K. Daniel, Recording Secretary D. Cioffi

- a. **Review Minutes of Previous Meetings: 3/20/14 special – Commissioner Frankel moved to approve the Minutes of the 3/20/14 Special Meeting. Commissioner Cordisco seconded the motion, and it carried, 3-0-2, with Vice Chairman Grimes and Secretary Lollie abstaining.**

4/24/14 – Vice Chairman Grimes moved to approve the Minutes of the 4/24/14 meeting. Chairman Blessey seconded the motion. There was discussion regarding whether or not a motion for further enforcement was made in the matter of 101 Laurel Hill Road. Vice Chairman Grimes indicated he could make a motion this evening. Motion carried, 3-0-2, with Secretary Lollie and Commissioner Cordisco abstaining.

**2. Land Use Enforcement**

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

*ZEO Dew reported on the following:*

**Requests for Voluntary Compliance**

**10 Winding Rd., #201400136** – The violations have been resolved; ZEO Dew will remove this item.

**49 Federal Rd., #201400294** – A Request for Voluntary Compliance was sent because the property owner has not set a bond, nor has he finished the work on the parking lot. The property owner has advised it is completed. Upon inspection, it was determined the work has not been completed. ZEO Dew will send a Cease and Desist tomorrow. Chairman Blessey requested that the property owner be advised to install two cones to prevent parking in the access lane, and ZEO Dew indicated that the property owner has put the cones there. Because the area is not striped, the fire marshal has no jurisdiction. Chairman Blessey recommended that all future applications require striping for a fire lane to allow for enforcement of violations.

**849 Federal Rd., #201400301** – ZEO Dew advised that the woodcutting business equipment has been removed. At final inspection, she noted that storage of household items is occurring on the site. **Vice Chairman Grimes moved to issue a Cease and Desist Order if no application is filed by May 15, 2014. Secretary Lollie seconded the motion, and it carried unanimously.**

**21 Brookfield Meadows, #201400307** – A Customary Home Occupation application must be filed by May 30, 2014.

**Cease and Desist Orders**

**189 Federal Rd., #201400284** – The banners have been removed. This item can be removed from the Report.

**300 Federal Rd., #201400104** – The vehicles have been removed. This item can be removed from the Report.

**849 Federal Rd., #201301175** – The woodcutting business has been cleared up and the property owner has paid the fine. **Chairman Blessey moved to remove #201301175, 849 Federal Road, from the Enforcement Report. Secretary Lollie seconded the motion, and it carried unanimously.**

**44 Old Middle Rd., #201301041** – The paperwork from the Superior Court has to be filed on the Land Records. Vice Chairman Grimes suggested that an ordinance be drafted to allow small fines to be added to tax bills.

**101 Laurel Hill Rd., #201300758** – Chairman Blessey advised that the property owner has made significant effort to get the property in compliance. Upon inquiry from Commissioner Frankel, ZEO Dew advised that the following items remain on the property: 2 well rigs, and 3 tractor trailers (unregistered). A hearing must be requested by May 9, 2014. The Citation has been previously served. Chairman Blessey indicated that additional citations may thwart the desire of the property owner to continue to work toward compliance. ZEO Dew will call the property owner tomorrow and request that he come before the Commission to set a schedule for compliance. **Vice Chairman Grimes moved to refer 101 Laurel Hill Rd., #201300758, to Town Counsel if the property is not in compliance by June 1, 2014. Commissioner Frankel seconded the motion, and it carried unanimously.**

**Town Counsel Action**

**1 High Ridge Rd., #201000315; 9 Stoney Farm Lane, #201100095; 14 Oak Grove Rd., #201300832; - NO CHANGE.**

**148 N. Lake Shore Dr., #20131115** – This violation has been resolved, and the matter can be removed from the report. ZEO Dew can file the fines with the Hearing Officer up to the date that the vehicles were removed.

**Miscellaneous**

**Kellogg Street** – Chairman Blessey requested that enforcement staff inspect this area more frequently due to the boating season being open.

**Town Counsel Action (continued)**

**439 Candlewood Lake Rd., #201400006** – ZEO Dew reported that the property is acceptable at this time. Chairman Blessey indicated that parking has been occurring outside of the lot on the lower lot.

**3. Review Correspondence**

**a. Minutes of other Boards and Commissions: 04/17/14 Planning Commission; 04/28/14 Inland Wetlands Commission – **No discussion/no motions.****

**9. Informal Discussion:**

**b. 434 Federal Road** – FW Web Plumbing Supply – requested by Steve Sullivan.- A. Adams, Registered Landscape Architect, CCA, 40 Old New Milford Rd., and Mr. A. Macbeth, Green Leaf Construction, were present. Ms. Adams reviewed that the proposed occupant is FW Web Plumbing Supply, and discussed the proposed use, square footage and required parking. She advised that customers would usually visit by appointment only. There was discussion regarding whether the use and parking would fall under wholesale or commercial/retail.

*Commissioner Kukk arrived at 7:24 p.m. at which time Commissioner Frankel was no longer a Voting member.*

Ms. Adams advised that in its Boston area store of 47,000 square feet, there are 39 parking spaces. The proposed store in Brookfield would be 46,000 square feet.

*The discussion will continue after the Public Hearing.*

**4. Public Hearing:**

**Proposed Regulation Change #201400259: Section 242-602BB(2)(i) & (j) – Lighting Fixtures and Intensity**

Vice Chairman Grimes opened the Public Hearing and introduced the Commission Members.

Secretary Lollie read the legal notice, which was published in the News Times on April 28, 2014 and

May 5, 2014. Vice Chairman Grimes noted that the application was received on April 24, 2014. He then reviewed the policies and procedures that govern public hearings.

Secretary Lollie read the following correspondence: a letter from HVCEO noting the application is of local concern; and from Attorney T. Beecher, dated May 1, 2014, to Chairman Blessey.

Chairman Blessey presented the application. He indicated that the Town Center District changes have prompted the Commission to review the technical aspects of lighting regulations.

*Vice Chairman Grimes left the room from 7:36 p.m. to 7:40 p.m.*

Chairman Blessey indicated that the proposed regulation change reflects what is common and accepted for lighting standards in other municipalities' traffic and pedestrian areas. He read Appendix A to the application (the current regulation) and Appendix B (the proposed changes).

Commissioner Frankel inquired regarding the definition of a foot candle. It was noted it is a scientific standard of measure, or as read by Secretary Lollie, "a unit of illumination (now little used) equal to that given by a source of one candela at a distance of one foot, equivalent to one lumen per square foot, or 10.764 lux". A. Adams, Registered Landscape Architect, inquired if the regulations would include examples of the desired images. Chairman Blessey indicated those images would be in the design guidelines. With regard to the definition of "foot candle", a majority of the Commission felt that the definition was not necessary as it is a standard of measure. Commissioner Frankel inquired regarding acceptable and unacceptable fixtures, and Chairman Blessey referenced the discussion of this topic in the Minutes of a past meeting

*No one was present to speak in favor of the application, nor was anyone present to speak in opposition to the application.*

**Vice Chairman Grimes moved to close the Public Hearing re: Proposed Regulation Change #201400259. Section 242-602B(2)(i) & (j) – Lighting Fixtures and Intensity. Secretary Lollie seconded the motion, and it carried unanimously.**

**Vice Chairman Grimes moved to approve #201400259, Proposed Regulation Change Section 242-602B(2)(i) & (j) – Lighting Fixtures and Intensity, effective 5/15/2014, as submitted. Secretary Lollie seconded the motion, and it carried unanimously.**

**5. Continued Public Hearing:**

- a. Proposed Regulation Change #201400115: Section 242-404K and Appendix – Incentive Housing Guidelines.**

Commissioners Cordisco and Kukk indicated that they are familiar with the proposed regulation changes.

Chairman Blessey indicated that the same introduction as that of the last Public Hearing would be utilized, and there were no objections. He indicated that the application was filed by the Zoning Commission and was received on February 27, 2014. He noted that on May 1, 2014, the Draft was revised, based on comments made at the last meeting. Community Development Director Daniel reviewed the questions listed in the Minutes of the April 24, 2014 meeting, and indicated that revisions were made to the following Sections: Section 4.4.7 (clarification of the calculation of required public space); Section 4.4.8 (to address smaller lot sizes); Section 4.6 (removal of a guideline specifying certain style bike racks); Section 4.8 (the removal of a reference to "slow-growing plants"). CDD

Daniel noted that with regard to the points made in Questions 6, 7, 8; no revisions were made. With regard to Question 9, Section 4.9.1, the suggested change was made. No revisions were made to the points presented in Questions 10, 11 and 12 in the Minutes of the April 24, 2014 meeting.

CDD Daniel then read the letter from Attorney Beecher dated May 8, 2014, to Chairman Blessey and the Commission, regarding the proposed changes, and attaching a Revision dated May 6, 2014, denoting the Town Attorney's edits highlighted in yellow. It was noted that Attorney Beecher's letter provides the rationale for his recommended changes.

It was further noted that there was no other correspondence in the file since the April 24, 2014 meeting besides those mentioned above.

*There were no questions of clarification from the audience.*

Chairman Blessey polled the Commission members regarding a potential additional change. He suggested changing the requirement of having no more than 80 percent of the ground floor as residential use, and of having commercial properties only on public roads, for incentive housing developmetns in the core zone. Chairman Blessey recommended that the first floors of developments be 80 percent commercial, and the 20 percent remainder as residential.

CDD Daniel noted an example of a nearby community's regulations that defines mixed use.

Chairman Blessey suggested that if the Commission members wish to consider this change, the Public Hearing should be continued and left over until the next meeting. There was discussion regarding the rationale for having any residential on the first floor at all, and the attractiveness of the 20 percent residential requirement to developers, for compliance with the Americans with Disabilities Act.

ZEO Dew advised that the moratorium on applications expires on May 11, 2014.

The Commissioners indicated that they wished to keep the Public Hearing open until the next regular meeting.

**Vice Chairman Grimes moved to continue the Public Hearing for Proposed Regulation Change #201400115: Section 242-404K and Appendix & Section 242-505E&H(6) – Incentive Housing Guidelines, until the regular meeting of May 22, 2014. Commissioner Frankel inquired if a special meeting could be held to discuss this matter. Chairman Blessey advised he wanted the public to have time to review the change. There was brief discussion regarding the moratorium that is in place. Secretary Lollie seconded the motion, and it carried unanimously.**

The public will have the opportunity to ask questions on the new draft at the next regularly scheduled meeting.

**9. Informal Discussion (continued)**

**b. 434 Federal Road – FW Web Plumbing Supply (continued)**

*Ms. Adams and Mr. Macbeth were present.* Ms. Adams continued her inquiry regarding parking in the showroom/self-serve area. She reviewed the storage of materials in this area for pick up, and advised her client was seeking to provide 1 parking space per 2,000 square feet. Upon inquiry from Commissioner Kukk, Chairman Blessey explained that the proposed use is for a plumbing supply store in a commercial zone that used to be an industrial zone. The business provides wholesale sales of plumbing parts, warehouse, showroom and office support, Commissioner Frankel requested that when the application is filed, that the use of various areas for different purposes be delineated on the floor

plan. CDD Daniel inquired regarding reserving an area for additional parking, and Ms. Adams indicated there is an area on the plan that will be paved.

Ms. Adams then discussed the possibility of outdoor storage at the back of the building that will be fenced and gated, with a 16' lane for emergency vehicle access. Larger tanks that cannot be stored in boxes will be stored in this area.

Ms. Adams then indicated that the applicant plans to pave an existing access easement in the back lot that may be used for trucks to turn around, or for emergency access, but it will not be used for parking.

**a. Brookfield Bay Marina** – Discussion – *G. Roberts, 86 Town Farm Rd., New Milford, L. Ault, 3 Coolidge Lane, New Fairfield, were present.* Ms. Roberts and Ms. Ault are proposing to put gourmet food truck at the Brookfield Bay Marina site. Chairman Blessey explained that a potential application would be reviewed as an application for a food service unit on the site, if it is a permitted use on that site. Additionally, the setbacks for the zone would apply. It was noted that the proposed sites (2) are above the 440 line. Brookfield Bay Marina would have to apply for the Certificate of Zoning Compliance and the Site Plan. Commissioner Frankel recommended that the Commission only look at the application if an A2 survey is provided. ZEO Dew indicated that the zone is RS40, and she read parts of the applicable regulation, where it is stated that an accessory use may be granted by special permit.

**Miscellaneous**

Commissioner Frankel inquired regarding the application for a liquor permit at Candlewood East. ZEO Dew indicated that a permit is only required by Land Use if the permit is for take-out liquor.

ZEO Dew suggested that there be a regulation for signage during construction. She will draft a proposed regulation for consideration at future meeting.

**10. Comments of Commissioners:      None.**

**11. Adjourn:      Commissioner Cordisco moved to adjourn the meeting at 8:42 p.m. Secretary Lollie seconded the motion, and it carried unanimously.**

**\*\*Next Regular Meeting Scheduled for May 22, 2014\*\***