

**APPROVED AMENDED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, August 28, 2014 – 7:00 p.m.
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD**

1. Convene Meeting: Vice and Acting Chairman Grimes convened the meeting at 7:00 PM, and established a quorum of members:

Present: Vice Chair and Acting Chair M. Grimes; Secretary F. Lollie; Commissioner M. Frankel*; Commissioner J. D’Entremont*

Absent: Chairman R. Blessey; Commissioner J. Cordisco; Commissioner E. Kukk

Also Present: Zoning Enforcement Officer A. Dew; members of the public; Recording Secretary E. Cole Prescott

*Commissioners D’Entremont and Frankel were voting members for this evening’s meeting.

- a. Review Minutes of Previous Meetings: 6/12/14, 6/26/14, 7/10/14, 8/14/14**
06/12/14 – No meeting minutes approved. Acting Chair Grimes stated that these minutes will remain on the agenda until the next regular meeting on September 11th.

2. Land Use Enforcement

- a. Enforcement Officer’s Report:** ZEO Dew reported the following:
- **132 Federal Road:** ZEO Dew noted that the responsible party was to attend this evening’s meeting.
 - **177 Federal Road:** Irving Station – ZEO Dew stated that it looked as though some of the drainage area had been collapsing near the vacuums. ZEO Dew reported that the area has been inspected, and it looks as though the work has been repaired properly. Acting Chair Grimes requested that this item remain on the report.
 - **44 Mist Hill Drive:** ZEO Dew reported that there is no truck on site, and numerous re-inspections have been done. **Secretary Lollie motioned to remove 44 Mist Hill Drive from the report. Commissioner D’Entremont seconded the motion, and it carried unanimously.**
 - **34 Stony Hill Road:** ZEO Dew stated that she has sent the Cease and Desist for this matter, which has to do with property exchange, which has not been properly filed on the Land Records. She stated that the property owner has until September 4th to respond to the cease and desist. **Acting Chair Grimes moved to issues a Cease and Desist [for 34 Stony Hill Road] if no action by 09/04/14. Secretary Lollie seconded the motion, and it carried unanimously.**
 - **491 Federal Road:** ZEO Dew stated that this matter is on the report due to an overloaded dumpster that was by the business, Green Star. She stated that the dumpster has been cleaned, but filled since, although there is not garbage on the ground at this point. Acting Chair Grimes asked that this matter remain on the report.
 - **14 Candlewood Lake Road:** Raymour and Flanigan – This property is on the report due to the banners and streamers that have been on site. A cease and desist has been sent to the owner. ZEO Dew re-inspected on August 22, and the banners and streamers had been removed.
 - **99 Federal Road:** Harbor Freight – ZEO Dew stated that this business, Harbor Freight, has a new manager, who was not aware of the requirements for approvals for special events. ZEO Dew stated that a cease and desist was hand-delivered to the new manager, who will apply to the Zoning Commission for approval of future

temporary events. Secretary Lollie stated that the manager had stopped into the Land Use Office today to submit a schedule and apply for the next Zoning Commission meeting.

- **457 Federal Road**: Krypto Comics – ZEO Dew stated that Mr. Bray has submitted certificates of zoning compliance for all of the businesses on site, except for Krypto Comics, which business is in the process of eviction.
- **44 Old Middle Road**: ZEO Dew stated that she has sent Atty. Beecher an email regarding this matter, but he is currently on vacation.
- **101 Laurel Hill Road**: ZEO Dew stated that there have been some map changes, and there is a question of ownership.
- **51 Junction Road**: ZEO Dew stated that progress has been made to clean up the site. ZEO Dew sent a new Citation to A. Cossuto/B. Fusco on August 21st. The owners have until September 3rd to comply.
- **1 High Ridge Road**: ZEO Dew stated that Atty. Beecher is to complete a title search to determine current ownership of this property. He is currently on vacation.
- **14 Oak Grove Road**: ZEO Dew stated that Atty. Beecher will be checking the foreclosure documentation.
- **148 North Lake Shore Drive**: ZEO Dew stated that Mr. Pastor is working on additional parking; ZEO Dew has inspected and there was equipment in place to begin the driveway.
- **439 Candlewood Lake Road**: ZEO Dew stated that the person who was planning to buy Al's Cookout did not buy the property. ZEO Dew reported that there has been no parking on site.

3. Review Correspondence

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission 8/11/14; Zoning Board of Appeals; Planning Commission 8/7/14; Aquifer Protection Agency;**
- b. Legal Briefings for Building Inspectors: August 2014
- c. Memo from Planning Commission to Zoning Commission dated 8/22/14 Re: Brookfield Housing Study presentation September 4, 2014 @ 7:30 p.m.

No discussion/no motions.

4. Public Hearing: None.

5. Old Business:

- a. **891, 893 Still Water Circle (Federal Road) #201400705**: Design Review for 9 New Townhomes for Newbury Village PARC Development (*Public Hearing Scheduled for 9/11/14 @7:30 pm*) – No discussion/no motions.
- b. **Proposed Zone Change for 19 & 23 Station Road #201400370: Request for 19 & 23 Station Road which is currently in the Town Center District to include Incentive Housing District Overlay: Perimeter sub-zone (dec date 10/17/14 – 65 ext. days remaining)** – It was noted that Commissioner Cordisco is not present for this evening's meeting. No motions.
- c. **132 Federal Road (Straightline Home Improvement) #201400642: Site Plan Modification for warehousing of materials in unmarked parking area (dec date 10/17/14)** – No one was present. No motions.

6. New Business:

a. 24 Kellogg Street #201400752: Single Family Conversion for a 768 sq. ft. apartment

1. Sketch of apartment received in Land Use 8/19/14

Bill Fitzgibbons of 37 Ironworks Hill Road and Laurie Levitt of 19 Farview Road were present, both representing the property owner, Pierre Juliard. Commissioner Frankel stated that normally there is a letter to authorize applicants to speak on the owner's behalf. Acting Chair Grimes replied that the owner has signed the application. Mr. Fitzgibbons stated that the request is to have the area above the garage approved as a legal elderly conversion so that the space can be granted a certificate of occupancy. Ms. Levitt stated that she and Mr. Fitzgibbons have been working simultaneously with other Town Departments, such as the Building Department and the Health Department, in an attempt to make this garage space an approved space. She noted that the apartment had been built without permits, and now some building code modifications are needed for some parts of the space. Ms. Levitt explained that she and Mr. Fitzgibbons were informed to come to the Zoning Commission to request approval of the apartment as an elderly conversion. Commissioner Frankel asked if the dwelling is owner-occupied, and Ms. Levitt explained that only family currently resides there. Commissioner Frankel stated that the applicant is attempting to legalize a non-legal apartment. Ms. Levitt stated that the apartment had been created in the past without permits. Ms. Levitt stated that the owner would like to have this space as an elderly conversion, and the apartment has never been used. Acting Chair Grimes stated that he has never heard of an apartment being approved without a tenant's name. Commissioner Frankel stated that this approval, per the regulation, requires a special permit, and a special permit must go through the public hearing process, and the Commission is not holding a public hearing. Acting Chair Grimes stated that the Commission had taken the requirement to hold a public hearing away years ago because it was taking so much time to get the apartment approvals. Acting Chair Grimes stated that the Town Attorney at the time had reviewed that regulation change [to remove the public hearing requirements from the approval process for single family conversion apartments]. Commissioner Frankel pointed out the second page of the application, which has some wording about special permit approval. Mr. Fitzgibbons stated that the current owner has some significant health issues, and there has been some talk about the owner's daughter returning to live in the apartment space, but there has been no confirmation of this. Acting Chair Grimes stated that this application is too open to approve, because the Commission does not know the tenant. Secretary Lollie read the regulation about who can live in the apartment or the dwelling. Acting Chair Grimes stated that without it clearly defined who will be occupying the space, the Commission cannot approve this application. Acting Chair Grimes stated that if the Commission approves this application as-is, anyone can "go in there pretty much". Commissioner D'Entremont stated that the regulation states that no one can reside in the apartment except a family member. Acting Chair Grimes stated that if the initial applicant dies or moves out, and either the owner who is 55 years or older can rent the space to whoever they want or if the owner is under 55 they could rent the space to someone over 55. Acting Chair Grimes stated that the owner must complete an affidavit attesting to who lives in the apartment every year. Commissioner Frankel stated that this space was built without permits, and she stated the way that the regulations are written require that this application be approved via a special permit. A special permit must go through a public hearing. Commissioner Frankel stated that the Commission would be able to approve or deny a site plan application, which is how the Zoning Commission has historically been treating these types of applications. Secretary Lollie stated that it does not specify in the regulations that a special permit is

required. Acting Chair Grimes explained that the regulations had been changed years ago, and this application is a site plan application. Ms. Levitt stated that she is a realtor in Town, and this matter came up because she came to take a listing on the property and while she was there she informed the owner that everything needs to be made legal. She then asked Bill Fitzgibbons to help with applying for approvals. She stated that the goal is to do what is required to resolve the issue. Secretary Lollie suggested tabling discussion of the application, to give the Commission some time to obtain the Town Attorney’s opinion. Acting Chair Grimes stated that this seems as though it is an unconventional application. Ms. Levitt stated that this apartment space has been designed on the property for family or guests. Acting Chair Grimes stated that the Commission must review the application and determine if it meets the regulations. Commissioner D’Entremont asked if these approvals are transferred with the next owner. ZEO Dew explained that any new owner is to complete the information within a certain amount of time, and provided that they meet the requirements of the regulations, could have the apartment. **Commissioner D’Entermont made a motion to approve application #201400752, 24 Kellogg Street. There was no second. Acting Chair Grimes stated that the motion fails, with no second.** Ms. Levitt asked if the owner could re-apply for approval. Commissioner Frankel stated that the owner could apply for a special permit, or can appeal the decision. Acting Chair Grimes stated that there is no hardship for a Zoning Board of Appeals application. Secretary Lollie stated that he would like to ask counsel for some clarification.

b. 79 Long Meadow Hill Road #201400754: Single Family Conversion for a 480 sq. ft. apartment.

1. Sketch of apartment handed into Land use 8/15/14

Grant Highlander of 79 Long Meadow Hill Road was present. Secretary Lollie made a motion to approve #201400754 for 79 Long Meadow Hill Road for the elderly conversion. Commissioner D’Entermont seconded the motion. Motion carried, with Commissioner Frankel opposed, 3-1.

c. 14, 38, 42 Candlewood Lake Rd (Candlewood Plaza) #201400754: Site Plan Modification for proposed roof drainage improvements (dec date 10/31/14)

1. Letter of transmittal from Michael Marinis, P.E. for Barrett, Bonacci & Van Weele dated 8/8/14
2. “Site Plan Map” of Candlewood Plaza Shopping Center prepared by BBV Engineers dated 8/8/14 – sheet 1 of 1

Secretary Lollie stated that an application needs to also be filed with the Inland Wetlands Commission for this proposed work. This item is continued.

d. 328 Federal Road (Magic Touch Grooming) #201400762: Site Plan Modification to add a 12 x 16 fenced in area with a 6’ high white privacy fence (dec date 10/31/14)

1. GIS map showing area to be fenced in handed into Land Use 8/21/14

Carrie Collier of 328 Federal Road. Ms. Collier took pictures of the fencing, which is currently at 640 Federal Road. The fence will be moved from the premises at 640 Federal Road to the business now located at 328 Federal Road. Acting Chair Grimes made a motion to approve application #201400762 for 328 Federal Road. Secretary Lollie seconded the motion, and it carried unanimously.

7. Tabled Items:

8. Informal Discussion:

Discussion of Regulations: Commissioner Frankel asked if the regulations require the sending of certified letters. ZEO Dew offered research the old regulations. Commissioner Frankel asked why the neighbors are required to be sent notices, and asked why there would then not be a public hearing. Commissioner Frankel stated that legally, the Zoning Commission does not take comment from the neighbors during a site plan application. A site plan application is an administrative permit. Acting Chair Grimes stated that the Commission had discussed at the time of the previous regulation change what could be done to simplify this process.

b. Proposed Building Sign – Bridgewater Chocolate – 227 Federal Road – *Erich Landegran and Andrew Blauner, both of Bridgewater Chocolate at 227 Federal Raod, were present for discussion of this matter.* This matter is on the agenda as an informal discussion in regard to how to calculate the area around the proposed building sign for Bridgewater Chocolate. There is currently not an application. Mr. Tondegram stated that there is an issue with the square footage of the sign, because there is 26 linear footage in the front of the building, and the sign will be under 26 square feet, but this depends on the calculation of the rectangular area of the sign. The regulation calls for measurements in triangles, squares and quadrilaterals. Mr. Tondegram stated that he would like to use a polygon to measure the building sign square footage. The Commissioners reviewed the regulations, section 242-306C. Commissioner Frankel stated that Bridgewater Chocolate is the smallest rectangle and the logo is just an extra square box, so she does not think this extra box should be encompassed. Secretary Lollie stated that he agrees with Commissioner Frankel’s comments on this matter.

9. Comments of Commissioners: *It was noted that no one was present for 132 Federal Road.*

10. Adjourn: Commissioner Frankel made a motion to adjourn at 7:46 PM. Secretary Lollie seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for September 11, 2014****