

APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, September 11, 2014 – 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 (left the meeting at 8:43 p.m.), Vice Chairman M. Grimes (arrived at 7:31 p.m.), Secretary F. Lollie, E. Kukk (arrived at 7:05 p.m.), Alternate and Voting Members where indicated J. D'Entremont (arrived at 7:35 p.m), and M. Frankel

Absent: None.

Also Present: Zoning Enforcement Officer A. Dew, Recording Secretary D. Cioffi

- a. **Review Minutes of Previous Meetings:** 6/12/14 – Chairman Blessey moved to approve the Minutes of 6/12/14. Secretary Lollie seconded the motion, and it carried unanimously, 4-0. 6/26/14, 7/10/14, 8/14/14, 8/28/14 – Not a sufficient quorum at this time.

2. Land Use Enforcement

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

Request for Voluntary Compliance

132 Federal Rd., #201400566 – *No one present.* Secretary Lollie moved to go to Cease and Desist if a representative from 132 Federal Rd. does not appear at tonight's meeting. Commissioner Cordisco seconded the motion, and it carried unanimously.

177 Federal Rd., No activity number – ZEO Dew reinspected this site several times, and it appears the pavement is holding. Chairman Blessey advised her she may remove this item from the Enforcement Report.

132 Federal Rd., #201400566 (continued) – *A. Hall, 55 Arrowhead Rd., Brookfield, was present. M. Frankel recused herself from this matter.* ZEO Dew noted that this property is also on the Agenda under Item 5.b., for a Site Plan Modification for further storage of granite. The proposed location for this storage is not currently a parking area. Chairman Blessey inquired if the granite would be processed, and Secretary Lollie inquired if there was cutting taking place. Ms. Hall advised that her representation relates to the storage of the materials only. Chairman Blessey explained that a Town official saw the cutting of granite taking place, and noted that there was no Certificate of Zoning Compliance for storage or cutting.

Commissioner Kukk arrived at 7:05 p.m.

Chairman Blessey inquired of ZEO Dew if storage is a permitted use in the zone, and if the business owner had adequate parking. ZEO Dew replied affirmatively to both questions. It was noted that storage will use up some parking spaces, and if other uses occupy the site in the future, parking space may be a problem.

Chairman Blessey moved to go to Agenda Item 5.b., 132 Federal Rd. Secretary Lollie seconded the motion, and it carried unanimously.

5. New Business

- b. **132 Federal Road (Straightline Home Improvement) #201400642: Site Plan Modification for warehousing materials in unmarked parking area (dec date 10/17/14)**

Commissioner Frankel recused herself from this matter. A. Hall was present on behalf of the property owner.

ZEO Dew read the permitted uses for the zone, and it was noted that the business owner has already performed prohibited activity. Chairman Blessey reviewed for Commissioner Kukk what is occurring at the site, including the storage of granite, which is permitted, and also the fire marshal witnessing the processing of granite, which is not permitted. The proposed storage area is not a marked part of the parking lot, and Chairman Blessey showed the Commissioners the exact location on the plans.

Secretary Lollie moved to approve #201400642, for 132 Federal Rd., for only the storage of outdoor material, granite, not cutting, in the area highlighted and submitted, as per the application. Motion carried.

Chairman Blessey requested that Ms. Hall advise Mr. Weber that the approval relates to storage only, and that processing granite material is prohibited.

2. Land Use Enforcement (continued)

a. Enforcement Officer's Report:

Request for Voluntary Compliance

150 North Lakeshore, No activity number – This is the result of a complaint from a neighbor. The inspection did reveal a couple of cars outside of designated parking, so a Request for Voluntary Compliance was sent.

148 North Lakeshore – There were also two cars parked illegally at this site.

Cease and Desist

34 Stony Hill Rd, #201000274. – This property owner has until September 24, 2014 to respond.

491 Federal Rd., #201400729. – ZEO Dew reported that the garbage has been cleaned up. This matter will be left on the agenda for monitoring.

14 Candlewood Lake Rd., #201400745 - Banners and streamers have been removed.

457 Federal Rd., #201400473 – ZEO Dew has not had a response from this property owner since receipt of Notice to Comply on approximately September 2, 2014. **Chairman Blessey moved to go to Citation for 457 Federal Rd., Krypto Comics, for no Certificate of Zoning Compliance or permits for roadside signs. Secretary Lollie seconded the motion, and it carried unanimously.**

106 Federal Rd., #201400795 – ZEO Dew advised that the signs have been removed. This matter can be removed from the Report.

Citation

44 Old Middle Rd., #201301041 – ZEO Dew sent Attorney Beecher an email but has not received a response as of yet.

101 Laurel Hill Rd., #201300788 – ZEO Dew reported that the lot line revision went through the Planning Commission.

51 Junction Rd., #201400580 – ZEO Dew is awaiting vehicle registration. The site continues to be cleaned up.

3. Review Correspondence

a. Minutes of other Boards and Commissions: Inland Wetlands Commission 8/25/14; Zoning Board of Appeals; Planning Commission 8/21/14; Aquifer Protection Agency 8/28/14

b. Memo from K. Daniel, CDD to Zoning Commission dated 9/5/14 Re: Brookfield Housing Study

No discussion/no motions.

Chairman Blessey moved to go to Agenda Item 8.a. Secretary Lollie seconded the motion, and it carried unanimously.

8. Informal Discussion:

a. Accessory Apartments: Requested by Bob Novak of Echo Cottages

B. Novak, 25 Old Hollow Rd., Hopewell Junction, NY was present. He submitted material regarding ECHO (Elderly Cottage Housing Opportunities) structures. These buildings connect to existing water, septic and electric hook-up in a main house on a site and are intended for the occupation of elderly family members. They are approximately 450 square feet and leave no footprint. The approximate monthly cost is \$1,300.

4. Public Hearing 7:30 p.m.

a. 891, 893 Still Water Circle – Federal Road #201400705: Design Review for nine (9) new Townhomes for Newbury Village PARC Development and Natural Resources Removal Application (PH close date 10/15/14)

1. Response memo from Planning to Zoning dated 8/26/14 Re: 891 Federal Rd, 893 Federal Rd, Still Water Circle (Newbury Village) #201400705: Design Review for 9 additional townhouses for Newbury Village PARC Development.
2. Response memo from WPCA received 8/25/14 Re: Design Review Application #201400705

Chairman Blessey opened the Public Hearing and introduced the Commissioner members. Secretary Lollie read the legal notice that was published in the Pennysaver on August 28, 2014 and September 4, 2014.

Vice Chairman Grimes arrived at 7:31 p.m.

Chairman Blessey noted that the application was received on August 14, 2014. He then reviewed the policies and procedures that govern public hearings.

The following correspondence was noted in the file: 1) from the Planning Commission to the Zoning Commission dated August 21, 2014.

M. Handshy, Principal, was present on behalf of the applicant.

Alternate Commissioner J. D'Entremont arrived at 7:35 p.m.

Mr. Handshy reviewed the current Newbury Village layout, noting that the proposal will add 9 new units that will utilize existing infrastructure. At that point, the development will total 129 units. The same construction techniques and materials will be utilized. Mr. Handshy indicated that the Planned Age Restricted (PARC) regulation recently increased the number of allowable units to 150.

S. Sullivan, P.E., CCA, 40 Old New Milford Rd., was present. At the request of Chairman Blessey, Mr. Sullivan reviewed the current property line, what will be purchased, and the lot line revision.

Mr. Sullivan noted that there is an application for a natural resources removal permit for 9100 cubic yards. There is an extensive landscaping plan for shrubs, flowering trees, and an associated bond. The lighting that is proposed will match what currently exists in the development, and the berm will be consistent with the existing berm along Federal Road.

Approval has been obtained from the Wetlands Commission, and an application is pending with the Water Pollution Control Authority. The pre-application review of A. Dew dated July 30, 2014 was reviewed.

Commissioner Frankel inquired if the lighting and sidewalks were consistent with the current design guidelines. The recommendation of the Planning Commission to continue the sidewalk to the south property line was discussed.

Attorney P. Scalzo, 2 Stony Hill Rd, was present. There was discussion regarding the berm and putting the sidewalk in front of the berm.

There was discussion regarding the distance between the two driveways, and the north driveway to the property line. Mr. Handshy noted that to access Four Corners, residents could walk internally to the sidewalk to the south through the southern driveway

Commissioner Frankel inquired regarding refuse pick-up, and Mr. Sullivan advised it is at the end of individual driveways, on Thursdays.

There were no questions of clarification from the audience or the Commission.

R. Saluga, 32 Great Heron Lane, was present, and spoke in favor of the application. He expressed concern regarding the number of units, but is supportive of the project. *No one was present to speak in opposition to the application.*

Upon inquiry from Commissioner Frankel, ZEO Dew and Chairman Blessey confirmed that the Water Source Committee found the proposal satisfactory.

With regard to the sidewalks, Commissioner Cordisco indicated he was in favor of the recommendation of the Planning Commission. Commissioner Kukk, Secretary Lollie and Vice Chairman Grimes also deferred to the Planning Commission's rationale. Chairman Blessey stated that he felt it was not the intent of the guidelines to apply to the "entire piece" and the part of the modification is outside of the core and perimeter zones. Commissioner D'Entremont indicated he would be in favor of having sidewalks.

Commissioner Frankel stated that she believes the regulations were written for the entire TCD (Town Center District), and that the sidewalks should run the entire length of the property, noting that they could be constructed of other material besides concrete, perhaps gravel.

Chairman Blessey read the guidelines and standards in the regulations as they relate to streetscapes, including Section 4.10.1. He indicated that the modification should be treated as separate, and that the sidewalk be installed from the south access to the southern property line. Secretary Lollie believes it should be installed in the entire front property. There was discussion regarding what is across the street, and other areas in town that have sidewalks.

Attorney Scalzo indicated that his experience is that towns are discretionary with imposing new regulations for site plan modifications. Commissioner Frankel pointed out that the matter before the Commission is a design review special permit. Commissioner Kukk suggested that the Commission consider what review would be required for a new buyer. Chairman Blessey stated that the Commission should evaluate what is fair for the property. Commissioner Frankel pointed out that the applicant knew what the regulations were when it purchased the property. Chairman Blessey noted that the design standards were written for the core and perimeter zones. There was

discussion regarding whether or not a sidewalk could be put on the other side of the street, and Chairman Blessey pointed out that there is a section with a guardrail. Mr. Sullivan noted that the distance from driveway to driveway is 1,100 feet.

Vice Chairman Grimes moved to recess the Public Hearing re: 891, 893 Still Water Circle – Federal Road #201400705: Design Review for nine (9) new Townhomes for Newbury Village PARC Development and Natural Resources Removal Application until September 25, 2014. Secretary Lollie seconded the motion, and it carried unanimously.

Chairman Blessey moved to add to the Agenda 8.c., Informal Discussion, re: TCD signage. Secretary Lollie seconded the motion, and it carried unanimously.

Chairman Blessey moved to go to Agenda Item 8.c., Informal Discussion, re: TCD signage. Secretary Lollie seconded the motion, and it carried unanimously.

8. Informal Discussion (continued)

c. TCD Signage – *Jim Cangelosi, Brookfield Pharmacy, was present.* He explained the configuration of his store to the roads, and the difficulty of business patrons locating it when driving north. Currently, if driving north, there is one sign that faces Laurel Hill Road and is difficult to see. Commissioner Frankel inquired if other tenants are having similar problems, and Mr. Cangelosi indicated they are not. Chairman Blessey reviewed the sign regulations for the zone. There was discussion regarding the square footage on various sides of the building.

Chairman Blessey encouraged Mr. Cangelosi to go to the Zoning Board of Appeals to determine if a variance is possible.

Vice Chairman Grimes moved to go to Agenda Item 5.d., 14, 38, 42 Candlewood Lake Rd., #201400755. Commissioner D’Entremont seconded the motion, and it carried unanimously.

5. Old Business (continued)

d. 14, 38, 42 Candlewood Lake Rd (Candlewood Plaza) #201400755: Site Plan Modification for proposed roof drainage improvements.

M. Marinas, PE, 175A Commerce Dr., Haupague, NY, was present. Chairman Blessey reviewed the plans for drainage improvements, including a separator. **Vice Chairman Grimes moved to approve #201400755, 14, 38, 42 Candlewood Lake Rd., as submitted. Secretary Lollie seconded the motion, and it carried unanimously.**

Chairman Blessey left the meeting at 8:43 p.m., at which time Vice Chairman Grimes became Acting Chair, and Commissioner Frankel became a Voting Alternate.

Commissioner Cordisco moved to go to Agenda Item 5.a. Secretary Lollie seconded the motion, and it carried unanimously.

a. 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 remain)

Secretary Lollie moved to deny #201400370, Proposed Zone Change for 19 & 23 Station Rd., Proposed Zone Change for the reason that upon reviewing the Fitzgerald & Halliday Future Four Corners Concept Plan, as indicated at the Public Hearing, that this was a concept of the Four Corners; and upon reviewing what Fitzgerald & Halliday had proposed, it shows a southwest quadrant as a mixed-use development, and by the Commission changing the zone already, without allowing a chance for it to “take off” he questioned what standard or precedent the Commission is setting for applicants. Commissioner Frankel seconded the motion. All of the Commissioners agreed that the zone should not be changed for the reasons set forth by Secretary Lollie, as not enough has been seen in the development. The proposed zone change would be a good transition from strictly residential, the current zone allows for a good buffering between the mixed use and the residential in the area. Motion carried unanimously.

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

6. New Business:

- a. 111 Park Ridge Rd #201300134: Request for final bond release of \$6,900.00 – *Withdrawn.*
- b. 99 Federal Rd (Harbor Freight Tools) #201400813: Temporary Events – *Continue to next meeting.*
- c. 7 Spruce Drive #201100399: Request for final bond release of \$2,360.00 – *Withdrawn.*

1. Convene Meeting (continued)

a. Review Minutes of Previous Meetings:

6/26/14 – Acting and Vice Chairman Grimes moved to approve the Minutes of the 6/26/14 Meeting. Commissioner Kukuk seconded the motion, and it carried, 4-0-1, with Commissioner Cordisco abstaining.

7/10/14 – Acting and Vice Chairman Grimes moved to approve the Minutes of the 7/10/14 Meeting. Commissioner Cordisco seconded the motion, and it carried, 3-0-2, with Commissioners Frankel and Kukuk abstaining.

8/14/14 – Commissioner Kukuk moved to approve the Minutes of the 8/14/14 Meeting. Secretary Lollie seconded the motion, and it carried, 3-0-2, with Commissioners Frankel and Cordisco abstaining.

8/28/14 – Acting and Vice Chairman Grimes moved to approve the Minutes of the 8/28/14 Meeting. Secretary Lollie seconded the motion. Acting and Vice Chairman Grimes noted the following correction: On Page 5, Item 8.b., first sentence, to change “*Harry Tondegram*” to “*Erich Landegran*”. Motion to approve with the above correction carried 4-0-2, with Commissioner Cordisco and Kukuk abstaining.

- 7. Tabled Items: None.

8. Informal Discussion (continued)

- b. Single Family Conversions: Discussion of regulation wording. – No discussion/no motion.

9. **Comments of Commissioners:** Acting and Vice Chairman requested that ZEO Dew ask the property owner at 14 Candlewood Lake Road to remove the newspaper honor boxes.

10. **Adjourn:** Secretary Lollie moved to adjourn the meeting at 8:53 p.m. Commissioner Cordisco seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for September 25, 2014****