

APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, October 9, 2014 – 7:00 p.m.
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD

1. Convene Meeting

Secretary and Acting Chairman F. Lollie convened the meeting at 7:05 p.m. and established a quorum of members.

Present: Secretary and Acting Chairman F. Lollie (until Vice Chairman Grimes arrival at 7:46 p.m.), Alternate and Voting Members J. D'Entremont and M. Frankel, Vice Chairman M. Grimes (arrived at 7:46 p.m.)

Absent: Chairman R. Blessey, J. Cordisco, E. Kukk

a. Review Minutes of Previous Meetings: 9/25/14 – Not a sufficient quorum.

2. Land Use Enforcement

a. Enforcement Officer's Report:

Assistant ZEO F. Lollie reported on the following:

Request for Voluntary Compliance

150 North Lakeshore, No Activity Number – The vehicles in the non-designated parking area belonged to roofers working at the house. There is no longer a violation, so this matter will be removed from the report.

491 Federal Rd., #201400876 – This violation related to garbage and loose debris, and two vehicles parked in non-designated driveways. The matter has been cleared today.

131 Tower Rd., No Activity Number – Assistant ZEO Lollie referenced an email from the complainant in the Commissioners' after-the-fact packet. He noted that in 2008 the Commission approved an accessory use for special events for private parties only. The events that have precipitated the complaint have been open to the public. It is expected that the property owner will be in to address the violation.

Cease & Desist

14 Candlewood Lake Rd., #201400745 – The banners and streamers have been removed. It was requested that this item be removed from the report.

11 Conrad Rd., #201400924 – The trailers and backhoe have been removed, and the clean-up is complete. Assistant ZEO Lollie inspected the site this morning, and currently no violations exist. If another Commissioner in attendance at last week's meeting joins this meeting, the Commission can move to remove this item from the report.

34 Stony Hill Rd., #201000274 – Assistant ZEO Lollie reported that a Citation was hand-delivered to the house. Although residents were present at that delivery, they refused to answer the door.

Commissioner Frankel moved, regarding 34 Stony Hill Rd., #201000274, that if there is no response to the Citation by October 15, 2014, to send this matter to Town Counsel for Enforcement. Commissioner D'Entremont seconded the motion, and it carried unanimously

101 Laurel Hill Rd. – A pre-application meeting was held this past week with the property owners. They may be present tonight for informal discussion.

51 Junction Rd., #201400580 – Assistant ZEO Lollie hand-delivered a Citation to Mr. Cussuto. Re-inspection occurred today. There are three unregistered vehicles still present. **Commissioner Frankel moved to send the matter of 51 Junction Rd., #201400580, to Town Counsel, if no compliance by October 15, 2014. Commissioner D'Entremont seconded the motion, and it carried unanimously.**

Town Counsel Action

1 High Ridge Rd. – Attorney Beecher completed a title search and a judgment lien has been filed on the land records.

148 North Lakeshore Dr. – There are still vehicles parked in non-designated driveways. Mr. Pastor did receive approval from the Shores for a permit. He has until November 1, 2014 for full compliance.

3. Review Correspondence

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission 9/22/14; Zoning Board of Appeals; Planning Commission 9/18/14; Aquifer Protection Agency 9/25/14**
- b. Letter from Mark Vacirca to Zoning Board of Appeals dated 9/22/14 Re: Sokol Club Variance – ZBA Meeting 9/8/14
 - 1. Attachment dated 9/8/14
- c. Letter from Attorney Thomas Beecher to A. Dew, ZEO dated 9/30/14 Re: Zoning Enforcement and Town of Brookfield vs. Samir Zaky

No discussion/no motions.

4. Old Business:

- a. **891, 893 Still Water Circle – Federal Rd (Newbury Village) #201400705: Bond Set**
 - 1. Bond Estimate Sheet prepared by CCA, LLC dated 8/5/14 - \$42,207.00

Assistant ZEO Lollie advised he reviewed the bond sheet and it is satisfactory. **Secretary and Acting Chairman Lollie moved to approve the bond amount for #201400705, for \$42,207.00 for 891, 893 Still Water Circle. Commissioner D’Entremont seconded the motion, and it carried unanimously.**

5. New Business:

- a. **227 Federal Road #201400908: Site Plan Modification for an illuminated roadside pylon sign for new tenants (dec date 12/12/14)**
 - 1. Zoning Location Survey (showing proposed sign location) prepared by CCA, LLC dated 8/5/14 revised thru 9/10/14 – sheet 1 of 1

M. Palmer and G. Palmer, 227 Federal Rd., were present. The site plan modification relates to the sign. The sign is freestanding and meets the setbacks. Commissioner Frankel inquired regarding the “illuminated” portion of this application, and it was noted this was is for the next application, and this application, #201400908, is just for the pylon sign.

Commissioner Frankel moved to approve the site plan application #201400908, 227 Federal Rd., for a site plan modification for a roadside sign, pylon, removing “illuminated”. Commissioner D’Entremont seconded the motion, and it carried unanimously.

- b. **227 Federal Road #201400909: Illuminated roadside sign (directory).**

M. Palmer and G. Palmer were present. This application relates to the illumination of the aforementioned sign. Secretary and Acting Chairperson Lollie advised that the lumens meet the requirements of the regulations.

Commissioner D’Entremont moved to approve #201400909, 227 Federal Rd., Illuminated roadside sign. Secretary and Acting Chairperson Lollie seconded the motion, and it carried unanimously.

- c. **92 Pocono Road (Fire Station) #201400920: Illuminated 20 sq. ft. roadside sign**

R. Prinz, 134 Long Meadow Hill Rd., was present. The site plan was reviewed, as well as an illustration of proposed sign. It was noted that the sign will be 39 feet back from the road, 210 feet to the neighboring property, and 155 feet to Town property. Additionally, the flood lights are small, and will be shielded with junipers. The sign meets all setbacks. Post-construction, the applicant will

provide an engineered certificate with the exact distance. Commissioner D’Entremont moved to approve #201400920, Illuminated 20 sq. ft. roadside sign, 92 Pocono Rd. Secretary and Acting Chairperson Lollie seconded the motion, and it carried unanimously.

6. Tabled Items: None.

7. Informal Discussion:

a. Apartment Units within Single Family Dwellings (§242-405 A-B): Regulation Changes

1. E-mail from Tom Beecher, Town Attorney dated 9/17/14 with suggested changes attached.

Commissioner Frankel advised she disagrees with the changes, but would prefer to have a discussion with the full Commission. **No motions. Please leave this item on the agenda for the next meeting.**

b. 19 and 23 Station Road: Requested by Abigail Adams, CCA, LLC – Ms. A. Adams, Landscape Architect, CCA, 40 Old New Milford Rd., Attorney P. Scalzo, 2 Stony Hill Rd., Bethel, CT, and A. Rothman, were present on behalf of the applicant.

Attorney Scalzo reviewed the history of the applicant’s recent zone change request. He indicated that the applicant would like to come back with the same application. Commissioner Frankel noted that the application was unanimously denied.

Mr. Rothman recalled that he perceived the initial response from the Commission members as “positive”, and was surprised by the denial, while acknowledging that none of the applicant’s representatives were present at the time of the vote on the application.

Attorney Scalzo noted that the time period for an appeal has passed. Commissioner Frankel suggested that the applicant’s representatives listen to the recording of the meeting to understand the reasons for the denial.

Mr. Rothman inquired what the Commission desires on the lots in question. Secretary Lollie, speaking for himself, advised he would prefer to see a mixed use on Station Road. Ms. Adams discussed that a regulation change would be required, pointing out that having 60% first floor retail would not be successful.

Secretary Lollie read Section 242-505I(6) of the regulations.

Attorney Scalzo advised that the applicant would listen to the tape and return with an application that works with the regulations. **No motion.**

c. Town Center District Regulations: Requested by H. Kurfehs with attachments

1. E-mail from H. Kurfehs to K. Daniel dated 6/16/14
 - Document titled “Discussion on New Regulation”
2. E-mail from H. Kurfehs to K. Daniel dated 10/1/14
 - Document titled “Todd Pool 4 Corners Residential”

H. Kurfehs, 42 Obtuse Rocks Rd., was present. He referenced the above emails related to possible change of zone in the Town Center District. Mr. Kurfehs noted the abundance of retail space in Town, and the need to develop a population that would support retail in the Town Center District.

Commissioner Frankel inquired if there was another area town that allows residential development on the first floor. Mr. A. Lucera, Builder/Developer, was present, and discussed development in

Danbury. He advised that he is unaware of any place where there is commercial/retail, with residential. He indicated he is not opposed to the idea, but thinks there should be a compromise in the percentage of retail required. He reviewed a preliminary plan for the area and discussed the difficulties with having commercial retail in the rear.

Mr. Kurfehs advised that as the regulation stands, there is not enough demand for retail, and developers will not be interested in the sites.

Mr. Lucera agreed that a Town Center should be developed. He stated that the Brookfield Library would consider going to the area.

Vice Chairman Grimes arrived at 7:46 p.m., at which time he became Acting Chairman.

Mr. Kurfehs pointed out that the Town does not have the funds to develop a downtown, and will need the help of outside developers.

Vice and Acting Chairman Grimes inquired of the Commissioners what their thoughts were on what an acceptable percentage of retail would be. Secretary Lollie indicated that he felt the current percentage was “good” and that the Commission could make modifications. Commissioner D’Entremont thought it should be a “sliding scale” depending on the size of the development, and Vice and Acting Chairman Grimes agreed. He did note, however, that the current regulation has not been tested.

Mr. Kurfehs pointed out the Laurel Hill project, which is nearing completion. Mr. Lucera discussed another project that does not fall under the regulation. Commissioner Frankel acknowledged that there may be parcels that would benefit from a regulation change. She encouraged Mr. Kurfehs and Mr. Lucera to take advantage of the pre-application process or petition for a zone change.

Mr. Lucera indicated that he has two pending projects and is trying to determine how to go forward under the current regulation. He indicated he has met with the Land Use Office staff. Secretary Lollie read the following language from the regulation, “Modifications of Requirements” – “The Zoning Commission reserves the right to modify these requirements in harmony with the general intent, in unusual circumstances, indicated by the original site conditions. Technical complexities by overriding considerations of safety, general welfare ...”

There was additional discussion by Mr. Lucera regarding the possibility of development of the library, and a previous project from 1996. Mr. Lucera indicated that the Library Director and Board are interested in going on Federal Road. Chairman Grimes advised he believed they were interested in the Ptak property, while noting it is not appropriate to have the discussion regarding the library without an application. Commissioner Frankel agreed.

Mr. Kurfehs concluded the discussion noting that it the property being discussed is “very deep” and difficult to promote retail on.

d. 14 Candlewood Lake Road: Discussion of drive-thru pharmacy and hours of operation *S. Milnanow, Raymour & Flanigan, 7248 Morgan Rd., Liverpool, NY, was present.* He explained that Office Max in the plaza may be closing. Michael’s has expressed interest in the Office Max space, and CVS has indicated a desire to move to the Michael’s location, adding a drive-thru pharmacy.

Commissioner Frankel suggested that Mr. Milnanow’s company file an application to petition for a zone change. Mr. Milnanow demonstrated the possible routing of traffic through a drive-thru at the site. Commissioner Frankel recommended that he speak with Land Use Staff and research how other

towns handle drive-thru's for pharmacies. Additionally, she suggested that he have his company's traffic engineers review possible configurations, as well as focusing on safety and fire concerns related to any proposals.

No motion.

e. **371 Candlewood Lake Road:** Discussion of permitted uses in the RC-41 Zone in relation to personal training & classes and a Boxing Ring. Requested by Ilir Dedvukaj *I. Dedvukaj, 5 Nabby Rd., was present.* He indicated he would like to install a boxing gym at this site, where there are currently two food-service establishments. It was noted that the zone is RC41. The use table was reviewed. One-on-one training is not permitted at this time.

Vice and Acting Chairman Grimes encouraged Mr. Dedvukaj to utilize the Land Use Office staff and on-line regulations to assist him, or go to the Zoning Board of Appeals.

No motion.

f. **Definition of stories in regards to building height:** Requested by A. Dew, ZEO – There was discussion regarding the limitation of three stories or 42 feet for building height. An applicant has inquired if parking under the building counts toward the story calculation. Most of the Commissioners did not believe that it would be included in a story calculation. Commissioner Frankel read the regulation.

Secretary Lollie also referred to Ms. Dew's memo re: buffers/setbacks, with attached map.

It was requested that this item be left on the agenda for discussion at the next meeting.

2. Land Use Enforcement (continued)

a. Enforcement Officer's Report:

11 Conrad Rd., #201400924 – Assistant ZEO Lollie reported that the site was cleaned up. Vice and Acting Chairman Grimes agreed that this matter could be removed from the report.

101 Laurel Hill Rd. – Assistant ZEO Lollie was unable to inspect the site today.

8. Comments of Commissioners: Vice and Acting Chairman Grimes reminded the Commissioners to arrive at 6:30 p.m. on October 23, 2014, for the Aquifer Protection Agency Meeting. He will be present.

9. Adjourn: Commissioner Frankel moved to adjourn the meeting at 8:25 p.m. Commissioner D'Entremont seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for October 23, 2014****