

**APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, October 23, 2014 – 7:00 p.m.
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD**

1. Convene Meeting

Acting and Vice Chairman Grimes convened the meeting at 7:00 p.m. and established a quorum of members.

Present: Acting and Vice Chairman M. Grimes, Secretary F. Lollie, J. Cordisco, E. Kukk, Alternate and Voting Member M. Frankel

Absent: Chairman R. Blessey, J. D'Entremont

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

- a. **Review Minutes of Previous Meetings: 9/25/14 – Not a sufficient quorum. 10/9/14 – Commissioner Frankel moved to approve the Minutes of the October 9, 2014 meeting. Acting and Vice Chairman Grimes inquired of Secretary Lollie if the discussion on Pages 3 and 4, regarding Town Center District Regulations, was sufficient. Secretary Lollie advised he felt it was satisfactorily covered. Motion carried, 3-0-2, with Commissioners Cordisco and Kukk abstaining.**

2. Land Use Enforcement

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

Request for Voluntary Compliance

131 Tower Rd., No Activity Number – ZEO Dew advised that the property owner responded to the acoustic component of the complaint. Assistant ZEO Lollie has spoken with the property owner, and the complainant (who is present tonight). Assistant ZEO Lollie advised that the property owner received accessory approval for private special events, but has been holding events at the site that are open to the public.

G. Chelso, 127 Tower Rd., was present. He advised that while he has owned the house for several years, he recently returned there to live, and discovered that loud, amplified music was being played at these public events. Additionally, there is not sufficient parking. Mr. Chelso spoke with Assistant ZEO Lollie, who inspected the site twice. Assistant ZEO Lollie advised that in his last conversation with Dr. DeGrazia (the property owner), he reported that the events were coming to an end. Dr. DeGrazia also advised that he would be coming in for a modification of the approval for next year, as he said the events have been going on for thirty years. ZEO Dew believes there is one more event, but Dr. DeGrazia has indicated there would be no more amplified music. Upon inquiry from Commissioner Frankel, ZEO Dew advised that the approval is for a special permit. Acting and Vice Chairman Grimes indicated that he would expect that if the use was to be changed, neighbors should have been notified. The approval for the special events was granted by the Zoning Commission in 2008.

30 Pocono Rd., No Activity Number – This building is owned by Pepsi. New signs went up, but the sign company did not obtain permits. The property owner has advised the permits will be completed by October 25, 2014.

91 Commerce Dr., #201400957 – ZEO Dew advised that this violation relates to storage containers on side of building. A Request for Voluntary Compliance was sent, and the owner has indicated the containers would be moved by November 15, 2014.

Citations

101 Laurel Hill Rd., #201300758 – ZEO Dew advised that there are proposed plans for property, which is in the process of being sold. She recommended that this matter be left on the agenda.

Commissioner Frankel moved to send a Cease and Desist to 101 Laurel Hill Road. Acting and Vice Chairman Grimes noted that this matter is already under Citation. He inquired if a hearing has been requested. ZEO Dew advised it had not, and that the future property owners have indicated they wish to resolve the matter. Commissioner Frankel moved to send 101 Laurel

Hill Rd., #201300758, to Town Counsel. Commissioner Cordisco seconded the motion. Commissioner Kukk inquired if this was the matter where a timeline for compliance was requested, and ZEO Dew advised it was, and that the purchase negotiations then occurred. Additionally, the plans for compliance have been “pre-reviewed”. Motion carried unanimously.

Town Counsel Action

34 Stony Hill Rd., #201000274 – This matter has been sent to Town Counsel.

51 Junction Rd., #201400580 – This matter has been sent to Town Counsel.

44 Old Middle Rd., #201301041 – This matter is going to Superior Court to handle approvals through the Hearing Officer.

1 High Ridge Rd., #201000315 – The judgment lien has been filed.

14 Oak Grove Rd., #201300832 – The property is currently in foreclosure, therefore, no violation exists, because no one lives there. Acting and Vice Chairman Grimes would like to keep this matter on the agenda until the fines are collected.

148 North Lake Shore, #20131115 – ZEO Dew advised that an email was received from Mr. Pastor, which is in the Commissioners’ “after-the-fact” packets. *J. Pastor, 148 North Lake Shore Dr., was present.* ZEO Dew advised that Mr. Pastor is working to get an extra part of the driveway completed. Mr. Pastor indicated that the paving company has been there and the prep work will be done within two weeks, and the base will have to settle. Upon inquiry as to when the foundation will go in, Mr. Pastor reported that it will be done during the first two weeks in December, when it is deemed that the base is acceptable. The Commission advised Mr. Pastor that if the above plan is not accomplished, he should return to the Commission at its November 20, 2014 meeting. **Acting and Vice Chairman Grimes moved, in the matter of 148 North Lakeshore, #20131115, to extend the deadline to December 5, 2014, and if Mr. Pastor does not feel the work can be completed by then, that he will come to the November 20, 2014 meeting to discuss it. Commissioner Frankel seconded the motion, and it carried unanimously.**

439 Candlewood Realty Holdings, #20140006 – Nobody has been parking in the parking lot. Additionally, the proposed sale did not occur.

3. Review Correspondence

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission 10/6/14; Zoning Board of Appeals 10/6/14 ; Planning Commission 10/2/14;**
- b. **Memo to Zoning Commission from K. Daniel dated 10/16/14 requesting direction re: 20 Orchard Street Apartment bond**
- c. **Memo to Zoning Commission from K. Daniel dated 10/16/14 regarding funding for Zoning Regulation Revision**
- d. **Legal Briefings for Building Inspectors: October 2014**

Brief discussion below re: Item 3.b./no motions.

4. Old Business:

None.

5. New Business:

- a. **Proposed Regulation Change #201400956: Section 242-404K (7)(b)[1] – Incentive Housing Permitted Uses (earliest date to set ph is 11/13/14)**

Commissioner Kukk moved to set a Public Hearing for November 13, 2014, at 7:30 p.m. for Proposed Regulation Change, application by the Zoning Commission, #201400956, Section 242-404K(7)(b)[1], Incentive Housing Permitted Uses. Commissioner Frankel seconded the motion, and it carried unanimously.

- b. **857 – 857A Federal Road (Green Acres Luxury Apartments) #201400966: Site**

Plan Modification for proposed changes to building elevations, windows, Fenestration, trim and architectural features (dec date 12/26/14)

1. Letter from Michael Lillis, P.E. CCA, LLC to Zoning Commission dated 10/16/14
Re: Green Acres 857-857A Federal Rd, Site Plan Modifications for Brookfield Development LLC
2. **“Site Layout Plan” prepared by CCA, LLC dated 1/31/13 revised thru 10/16/14 – sheet C1**
3. **Map Cover Sheet titled “857 Federal Road” prepared by JCS Construction Group and Do H. Chung and Partners dated 10/16/14 – sheet CS-1**
 - “General Notes” dated 8/25/14 revised 10/16/14 – sheet A-001
 - “ADA Compliance” dated 8/25/14 revised 10/16/14 – sheet A-005
 - “Bldg. 1 Basement & 1st Floor Plans” dated 8/25/14 revised thru 10/16/14 – sheet A-101
 - “Bldg. 1 Typ. 2nd & 3rd Fl. & 4th Fl. Plans” dated 8/25/14 revised thru 10/16/14 – sheet A-102
 - “Bldg. 1 Loft & Roof Plans” dated 8/25/14 revised thru 10/16/14 – sheet A-103
 - “Bldg. II – Basement & 1st Floor Plans dated 8/25/14 revised thru 10/16/14 – sheet A-104
 - “Bldg. II – Typ. 2nd, 3rd & 4th Floor Plans dated 8/25/14 revised thru 10/16/14 – sheet A-105
 - “Bldg II – Loft Fl. & Roof Plan” dated 8/25/14 revised thru 10/16/14 – sheet A-106
 - “Bldg. III – Basement & 1st. Floor Plans dated 8/25/14 revised thru 10/16/14 – sheet A-107
 - “Bldg. III – 2nd & 3rd Floor Plans dated 8/25/14 revised thru 10/16/14 – sheet A-108
 - “Bldg. III – Loft Floor & Roof Plan” dated 8/25/14 revised thru 10/16/14 – sheet A-109
 - “Bldg. IV – Basement & 1st Floor Plans” dated 8/25/14 revised thru 10/16/14 – sheet A-110
 - “Bldg. IV – 2nd & 3rd Floor Plans” dated 10/10/14 revised 10/16/14 – sheet A-111
 - “Bldg. IV – Loft Floor & Roof Plan” dated 10/10/14 revised 10/16/14 – sheet A-111
 - “Building I & II Elevations” dated 8/25/14 revised thru 10/16/14 – sheet A-201
 - “Building III – Elevations” dated 8/25/14 revised thru 10/16/14 – sheet A-204
 - “Building IV – Elevations” dated 8/25/14 revised thru 10/16/14 – sheet A-207
 - “Wall Types” dated 8/25/14 revised 10/16/14 – sheet A-603
 - “Window, Door Jambs & Window Flashing Details” dated 8/25/14 revised 10/16/14 – sheet A-701

Continued to November 13, 2014.

c. 110 Federal Road (BJ’s Liquor) #201300900: Illumination Plan for building sign

110 Federal Rd. – *Commissioner Kukk recused himself from this matter. Rosalyn Holderfield, I.D. Associates, 1771 Industrial Rd., Dothan, AL, was present.* She indicated that the application relates to illuminating the sign at the liquor shop. Mr. Lollie advised that the proposed wattage meets the regulations. **Secretary Lollie moved to approve #201300900, 110 Federal Road (BJ’s Liquor) for the illumination of the building sign. Commissioner Cordisco seconded the motion, and it carried unanimously.**

6. Tabled Items: None.

7. Informal Discussion:

a. 330 Candlewood Lake Road: Gas Station – requested by Steven Coppolino – *Attorney W. Mazzucco, was present on behalf of the property owner.* Attorney Mazzucco advised that his client wishes to repair the roof and change the roof line prior to winter. He shared photographs of current building. He indicated that his client, S. Coppolino, was a tenant at the site. Attorney Mazzucco

noted that the lot lacks an operating well. The site had been connected to well on a neighboring property, but that did not work out. His client had an easement on the neighbor's property, but ultimately tried to get a well on his own property. When the old tanks were pulled, it was discovered that they had leaked. Mr. Coppolino desired the previous owner to clean up the site. He has filed paperwork with the Department of Energy and Environmental Protection to investigate this matter, and clean up the site. Mr. Coppolino would like to renovate the site. Attorney Mazzucco shared photographs of the site taken from several vantage points, noting the deteriorating roof. He indicated that his client will be returning with a proposed revised site plan. At present, he wishes to fix the roof, and elevate it "a few feet", so it will remain below the roof in the front. Commissioner Frankel inquired if the roof would stay the same style. *Mr. S. Coppolino, 330 Candlewood Lake Road, was present*, and indicated that it will be a steel roof of the same style it is now. Commissioner Frankel inquired if the garage meets the setbacks. Secretary Lollie reviewed regulation Section 242-309C(1) of the Zoning Regulations, and noted that because the building is non-conforming already, it cannot be altered "except to make it a conforming building ...".

Attorney Mazzucco replied that the footprint will not be enlarged, and cited the *Doyon* case, and the Connecticut Appellate Court's ruling therein that allowed "going up" on a building. After brief additional discussion, Attorney Mazzucco was advised to speak with Town Counsel.

b. Apartment Units within Single Family Dwellings (§242-405 A-b): Regulation Changes *(continued from 10/9/14 meeting)*

Apartment Units within Single Family Dwellings – At the request of the Commission, Attorney Beecher reviewed the regulation and recommended changes. There was discussion regarding changing the regulation through an application for a regulation change. Commissioner Frankel stated that she felt the language being proposed was discretionary, while ZEO Dew and Acting and Vice Chairman Grimes felt that Attorney Beecher's language brought clarification. Secretary Lollie agreed.

Commissioner Frankel stated that if the application is a site plan application, you cannot put any requirements on it. She indicated that as it reads now, it is either a special permit or site plan, and the Zoning Enforcement Officer can issue permits by right. A site plan or special permit has to come through the Commission, but a site plan does not require a public hearing, while a special permit does.

ZEO Dew recalled that the last change intended to make the process simple for residents. There was discussion regarding the notification of the neighbors without complicating the process. It was suggested that the term "special permit" be removed from the draft. Commissioner Frankel inquired how neighbors would be allowed the opportunity to speak. Acting and Vice Chairman Grimes indicated it would be by documenting notice by certified mail. Commissioner Kukuk suggested notifying neighbors of the applicant that they have until a certain date to write in to the Commission regarding the application.

Acting and Vice Chairman Grimes, Secretary Lollie and Commissioner Kukuk were in favor of removing the special permit application. Commissioner Kukuk wanted to ensure that the allowance of neighbors to participate in the approval process by notification of certified mail. This matter will be put on the next meeting's agenda as a Proposed Regulation Change.

c. Definition of stories in regards to building height: *(continued from 10/9/14 meeting)*

- E-mail from T. Beecher to A. Dew dated 10/16/14 Re: Stories in Brookfield – Acting and Vice Chairman Grimes read Attorney Beecher's email dated 10/17/14. Commissioner Frankel suggested that the language read, "existing grade" not "new grade". Commissioner Cordisco thought the proposed language was not clear. Commissioner Frankel suggested that the Commission look at how other municipalities calculate building height, and Acting and Vice Chairman Grimes agreed.

d. Streetscapes: Memo from A. Dew to Zoning Commission dated 10/16/14 Re: Town Center District Street Lighting and Streetscape Alternatives

- **Attachments** – ZEO Dew inquired if the Commission would like to submit their opinions regarding streetscape alternatives (attached) such as benches, and review designs for sidewalks. A STEAP grant is being obtained to begin work on an intersection.

3. Review Correspondence (continued)

b. Memo to Zoning Commission from K. Daniel dated 10/16/14 requesting direction re: 20 Orchard Street Apartment bond

ZEO Dew noted the memo regarding the Orchard Street bond. Assistant ZEO Lollie advised her that he gave a copy of the memo to Attorney Scalzo.

8. Comments of Commissioners: Discussion/no motions.

9. Adjourn: Commissioner Frankel moved to adjourn the meeting at 7:55 p.m. Commissioner Kukk seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for November 13, 2014****