

APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, February 5, 2015 – 7:00 p.m.
MEETING ROOM #135 – TOWN HALL, 100 POCONO ROAD

1. Convene Meeting

Acting and Vice Chairman M. Grimes convened the meeting at 7:00 p.m.

Present: Acting and Vice Chairman M. Grimes, Secretary F. Lollie, J. Cordisco, E. Kukk (arrived at 7:03 p.m.), Alternate and Voting Member J. D'Entremont

Absent: Chairman R. Blessey, Alternate M. Frankel

Also Present: Recording Secretary D. Cioffi

- a. **Review Minutes of Previous Meetings: 1/22/15 – Commissioner D'Entremont moved to approve the Minutes of the 1/22/15 meeting as submitted. Secretary Lollie seconded the motion, and it carried unanimously.**

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

5. Old Business:

- a. **800, 802, 806 Federal Rd & 7 Station Rd #201500027 (Brookfield Village): Site Plan Modification to the architecture of buildings #2 and #3 exclusively and to include minor rework of overall footprint. Addition of balconies as an amenity, addition of windows for architectural interest and visibility, a reduction of four (4) units, and change in textures. Realignment of walkways to entrances (dec date 3/28/15)**
 1. Memo from Nehring & Associates Arch. LLC dated 1/28/15 Re: Brookfield Village units 2 & 3 architectural changes
 2. Memo from A. Dew, ZEO to Zoning Commission dated 1/28/15 Re: Pre-Application Review for Brookfield Village (Federal 7 Station Road)

Attorney P. Scalzo, 2 Stony Hill Rd., Bethel, CT, A. Adams, Landscape Architect, and R. Posthauer, P.E., CCA, 40 Old New Milford Rd., R. Sullivan, Architect, Sullivan Architectural Group, Fairfield, CT, and A. Rothman, were present on behalf of the applicant.

Attorney Scalzo reviewed that the site plan modification relates to minor architectural and site plan changes. He noted that a pre-application review was held related to the changes, and an architect consulting for the Town (Chad Nehring) was present.

R. Sullivan was present. He reviewed the drawings and indicated that the revisions are representative of Mr. Nehring's comments.

Commissioner Kukk arrived at 7:03 p.m.

Attorney Scalzo reiterated the discussion from the last meeting regarding the applicant's desire to change the unit number to 72, of which, 36 will be one-bedroom units, and 36 will be two-bedroom units. *Mr. Rothman, for the applicant,* noted that the change was driven by market conditions that show the two-bedroom units are more attractive for the 55+ age group, which is the development's target market.

Attorney Scalzo submitted a revised Incentive Housing Restriction, which was done at the request of Zoning Enforcement Officer Dew, and incorporates the comments of Town Attorney Collins.

A. Adams, Landscape Architect, was present. She pointed out the changed entry locations that resulted from the change in door locations, and removed one large planter in center of plan, to provide more hardscaping for seating.

Upon inquiry from Acting and Vice Chairman Grimes, Mr. Rothman pointed out where delivery and refuse vehicles would have access.

Attorney Scalzo advised that the applicant met with First Selectman Tinsley, Community Development Director K. Daniel, Major Purcell of the Brookfield Police Department, and 10-12 representatives of the Department of Transportation. The proposed diagonal parking spaces that are partially in the right-of-way were discussed, and Mr. Rothman noted that making those spaces “public parking” will expedite the DOT process.

Attorney Scalzo pointed out that Brookfield Village would like to start construction in May 2015. He noted that the site plan will be invalid due to a deficiency in parking spaces, however, Subsection G(1) allows the use of other parking spaces to satisfy regulatory requirements as long as they are within 900 feet. Attorney Scalzo submitted a copy of a lease from the Brookfield Craft Center for the allowance of 23 parking spaces. He also noted that when the applicant returns with an application for 19-23 Station Road, there will be additional parking there. The leased parking will be in place to satisfy parking requirements should inspections for Certificates of Occupancy for Buildings 2 and 3 occur.

Attorney Scalzo further pointed out that the applicant will be returning to the Commission for phasing of the project.

Commissioner Kukk noted the termination date in the lease agreement with the Brookfield Craft Center is June 30, 2015. He would prefer a longer duration, to June 30, 2016. Mr. Rothman indicated that he is hopeful an application for 19 & 23 Station Road will be filed within a month.

Commissioner Kukk moved to approve application #201500027, for 800, 802, 806 Federal Road & 7 Station Road, with the stipulation that the applicant have parking for an additional 23 parking spaces until at least June 30, 2016. Commissioner Cordisco seconded the motion, and it carried unanimously.

6. New Business:

- a. **Proposed Regulation Change #201500053: Section Number 242-309C(2) – Nonconforming Buildings and Structures – An addition to a nonconforming building or structure (earliest ph date 2/26/15)**

Secretary Lollie moved to set a Public Hearing for February 26, 2015, at 7:30 p.m. for #201500053, Proposed Regulation Change, Section 242-309C(2) – Nonconforming Buildings and Structures – An addition to a nonconforming building or structure. Commissioner Cordisco seconded the motion, and it carried unanimously.

- b. **Proposed Regulation Change #201500052: Section Number 242-202 and Section 242-501: Drive-Through Restaurants (to become drive-through facility) (earliest ph date 2/26/15)**

Secretary Lollie moved to set a Public Hearing for February 26, 2015, as the second public hearing, following the first at 7:30 p.m., for #201500052, Section 242-202, Section 242-501: Drive-Through Restaurants (to become drive-through facility). Commissioner Cordisco seconded the motion, and it carried unanimously.

- c. **Proposed Regulation Change #201500050: Section Number 242-202 and 242-501: Brewery and Brewpub / restaurants** (earliest ph date 2/26/15)

Commissioner Kukk moved to set a Public Hearing for February 26, 2015, as the third public hearing, following the prior two at 7:30 p.m., #201500050, Section 242-202, Section 242-501: Brewery and Brewpub / restaurants. Secretary Lollie seconded the motion, and it carried unanimously.

- d. **164 Federal Road #201500059: Site Plan Modification to demise existing building to create two tenancies (one being Moe’s Southwest Grill), add new front entrance and remove building façade** (dec date 4/10/15)

1. “Plot Plan” prepared by CJOJ dated 11/26/91 handed into Land Use 1/29/15
2. “Exterior Elevations” prepared by Thomas Tedrow Architect dated 1/12/15 – sheet A5.0
3. Response memo from K. McPadden of WPCA to Zoning Commission dated 2/3/15
Re: Site Plan Modification.

D. Thuermer, 520 Powder Run Rd., Manchester, VT, was present. He discussed plans to divide the current location into two tenancies, one being for a Moe’s Southwest Grill, and the other for a tenant to be declared. The exterior of the building will be modified to “Moe’s” standards, and a second storefront entrance will be added for the other tenancy. No outdoor dining is being proposed. Additionally, the proposed sign will be generic to color and font, and will fall within the current regulations.

Secretary Lollie moved to approve #201500059, for 164 Federal Road, Moe’s Southwest Grill, as submitted. Commissioner D’Entremont seconded the motion, and it carried unanimously.

Mr. Thuermer advised he was in receipt of the above-listed memo from the WPCA.

2. Land Use Enforcement

a. Enforcement Officer’s Report:

Assistant Zoning Enforcement Officer Lollie provided the following report in ZEO Dew’s absence:

Request for Voluntary Compliance

6 Lillinonah Dr. – The property owner will have all of the cars moved by February 20, 2015. **Acting and Vice Chairman Grimes moved to issue a Cease and Desist if there is no compliance by February 21, 2015, for 6 Lillinonah Drive. Commissioner D’Entremont seconded the motion, and it carried unanimously.**

51 Berkshire Dr., #201401153 – This violation relates to an accessory apartment without approval. An application has been submitted, and will be on the March 12, 2015 meeting agenda.

33 White Pine Dr., #201400991 – This violation also relates to an accessory apartment without approval. Due to a misunderstanding by the property owner, the application will be submitted for the March 12, 2015 meeting.

Town Counsel Action

101 Laurel Hill Rd., #201300758 – Asst. ZEO Lollie advised that the property owner has been making attempts to empty the trailers, and vehicles have been moved. He is not sure if ZEO Dew has inspected the site since those actions have occurred, or if the property owner has responded to Attorney Beecher’s letter.

51 Junction Rd., #201400580 – The property owner has moved many vehicles; however, two are still remaining. It was requested that this matter be left on the Enforcement Report until the Town Attorney advises of resolution.

44 Old Middle Rd., #201301041 – Asst. ZEO Lollie advised that the final paperwork has been submitted, but he is unsure of the status of this matter.

1 High Ridge Rd., #201000315 – No update on this matter.

14 Oak Grove Rd., #201300832 – This matter is “on hold”.

148 North Lake Shore, #20131115 – Attorney Beecher sent a letter on 1/12/15, and a new Citation was issued on 1/13/2015.

There was brief discussion regarding if there is a zoning regulation regarding parking lot safety (i.e., salting).

3. Review Correspondence

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission; Zoning Board of Appeals; Planning Commission 1/22/15; Aquifer Protection Agency**
- b. **Save the Date memo from CT Planning & Zoning Agencies Re: CFPZA Annual Conference – March 26, 2015**
- c. **CT Federation of Planning and Zoning Agencies Quarterly Newsletter: Winter 2015**

No discussion/no motions.

A brief recess was taken from 7:27 p.m. to 7:30 p.m.

4. Continued Public Hearing

- a. **101, 103 & 105 Laurel Hill Rd #201401132: Design Review for a mixed use with 98 Residential Units and 8,600 square foot of Commercial buildings (ph close date 2/25/15 – 65 extension days available)**

No one present.

It was noted that the public hearing expiration date is February 25, 2015, which is the date before the next regularly scheduled meeting of the Zoning Commission. It was also pointed out that the applicant has issues to discuss with the Inland Wetlands Commission and will be meeting with that Commission next week on Monday, February 9, 2015.

The Zoning Commission will not take any action on this matter tonight. Acting and Vice Chairman Grimes noted that Chairman Blessey has the authority to call a Special Meeting if necessary.

7. Tabled Items: None.

8. Informal Discussion: None.

9. Comments of Commissioners: None.

10. Adjourn: Secretary Lollie moved to adjourn the meeting at 7:31 p.m. Commissioner D’Entremont seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for February 26, 2015****