GAGER, EMERSON, RICKART, BOWER & SCALZO, LLP
ATTORNEYS AT LAW

PLEASE REPLY TO:
2 STONY HILL ROAD
SUITE 208
BETHEL, CT 06801
TELEPHONE (203) 207-5400
FACSIMILE (203) 207-5407

April 27, 2015 **PERSONAL DELIVERY**

Ryan Blessey, Zoning Commission
Alice Dew, Zoning Enforcement Officer
Brookfield Zoning Commission
100 Pocono Road
Brookfield, Ct. 06804

RE: Proposed Zone change for 874 Federal Road

Dear Ryan and Alice:

Please find enclosed the application for a Zone Change for 874 Federal Road from TCD to Incentive Housing District Overlay Perimeter Sub-zone. Let me know if you have any questions or comments at this time.

Thank you,

Peter A. Scalzo, Esq.

325 SOUTH MAIN STREET
SOUTHBURY, CT 06488-2210
TELEPHONE (203) 262-6600
FACSIMILE (203) 262-6780

TOWN OF BROOKFIELD

ZONING COMMISSION

APPLICATION FOR ZONE OR REGULATION CHANGE

Applicant:
Anthony Lucera
60 Old New Milford Rd-Suite 1-F
Brookfield, CT 06804
Phone #: 203-470-6538
(Agent) Contact Person: Peter A. Scalzo, Esq
Phone #: 203-207-5400

Land Owner of Record: (if for specific parcel)
874 Federal Road, LLC
4573 West Chinook Lane
Beverly Hills, FL 34465
Phone #:
Contact Person: Michael Nahoum, Esq.
Phone #: 203-426-9018

Boundary Change:

A. Two (2) copies of an official zoning map are attached hereto indicating:
   (i) The area for which the change is requested.
   (ii) The proposed boundary lines and narrative description of the boundaries.
B. The current Zone Designation is: TCD
C. The proposed Zone Designation is: Incentive Housing District Overlay Perimeter sub-zone
D. Rationale for the requested change is attached.
E. A list of adjacent property owners is attached.

Regulation Change: N/A

A. The current Section Number is: _____ The current text reads:

B. The Proposed Section Number is: _____. The proposed text or deletion is:

C. Rationale for the requested change is attached.

Applicant Signature and Representation:
I apply herewith for a change in the Zoning Regulation of the Town of Brookfield in accordance with Chapter 124, Section 8-3 of the Connecticut General Statutes.

Applicant's Signature: Anthony Lucera

Land Owner's Signature: Michael Nahoum 4/15/15
(For Zone Change Applications)

Revised 3/20/13

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REASON FOR ZONING DISTRICT CHANGE REQUEST
874 FEDERAL ROAD
BROOKFIELD, CONNECTICUT

1. a.) Do you consider a mistake was made in the initial zoning of the property in question? **NO**

   b.) If your answer to the above is affirmative, what is the nature of said mistake? **N/A**

2. Do you consider there has been a substantial change in circumstances or conditions affecting the property in question or its immediate surroundings? **Yes, the Town of Brookfield has recently revised the boundaries of the established Incentive Housing District overlay. In addition, sub-zones have been established as part of the Incentive Housing regulations. This parcel abuts other Incentive Housing Zones.**

3. Refer to the stated purposes of the zone in question.

   a.) How does each aspect of this stated purpose relate to your proposal? **See attached Memorandum.**

   b.) Has the WPCA rendered an opinion as to the possible extension of the sewer line to service your project? **No, however the WPCA has assessed this property, but it is not currently connected to the municipal system**

   c.) Are you aware that since this would be an expansion of a municipal service, it requires the approval of the Planning Commission? **N/A**

4. Relative to your proposal, state why you consider the benefit to the Town at large is greater than the benefit to the applicant? **The proposed change would reinstate an overlay zone that was previously placed over the entire TCD. By allowing this change, a multi-family Housing Development could proceed which would provide housing opportunities in the 4 Corners area and in accordance with the Revitalization Plan. In addition, this overlay zone could potentially benefit the Town of Brookfield financially as provided by Connecticut General Statute Section 8-13m., et sequitur.**

5. How would you offset any adverse impact on the surrounding residential property owners, especially any potential for the diminution of property values**? In our opinion, there would be no adverse impact on the surrounding residential property owners. This parcel currently houses a commercial building and is located in the 4 corners area. It is surrounded by commercial and multi-family projects. As this request proposes to obtain the Perimeter sub-zone within the Incentive Housing District, the proposal would allow for multi family residential units.**

6. Is the applicant fully aware that although a use within a zone is permitted by the

Regulations, there is no guarantee that this particular use will meet all the requirements Of the Design Review Process? **Yes**

7. If the Commission were to approve your application, what reasons would you consider appropriate for rendering such a decision?

The reasons could include the following:

a) Potentially benefit the Town of Brookfield financially as provided by Connecticut General Statute Section 8-13m., et sequitur.
b) Provides additional local populations to support the surrounding businesses.
c) Provides work force affordable housing opportunities, i.e. town employees, police, fire fighters, etc.

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MEMORANDUM

TO: Brookfield Zoning Commission
RE: Application for Incentive Housing Overlay Zone – Perimeter Sub-Zone
DATE: April, 2014

In accordance with Subsection (1) of Section 242-404K of the Town of Brookfield Zoning Regulations governing the Purposes of Incentive Housing developments, this site offers the following:

(a) In order to promote the revitalization of the commercial districts of Brookfield by encouraging mixed-use development that will provide for a variety of housing and business opportunities, this site will provide a variety of housing opportunities located closely to commercial establishments.
(b) In order to promote the development of a transit oriented, pedestrian friendly town center area, the site offers an integrated sidewalk system within close proximity to other mixed use development and the 4 Corners area (TCD).
(c) The benefit of financial incentives provided by CT General Statutes Section 8-13 m., et sequitur.
(d) It fosters housing opportunities for Town employees and moderate income residents.
(e) It complies with the recommendations of the Plan of Conservation and Development, which provides a map indicating the subject parcel to be included in the expansion of the Village District (now known as the Town Center District). Although this site is already Zoned Town Center District, we consider the proposed Incentive Housing I Perimeter Sub-Zone Overlay as a compliment to the TCD and the expansion of the "Village Center" concept.

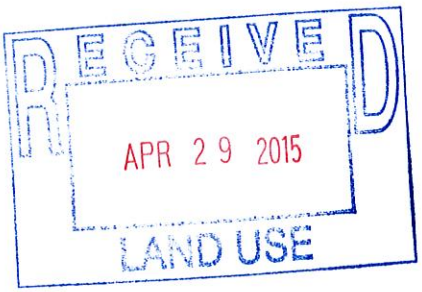
As required under Subsection (3) of the Incentive Housing Regulations, Designation of Overlay Districts, this site offers the following:

(a) Reasonable accessibility to and integration with various modes of transportation.
(b) It is capable of supporting a pedestrian friendly streetscape and parking needs.
(c) It is nearby retail commercial activities.
(d) It is suitable for the construction of public congregation areas and parks.

By proposing an Incentive Housing Restriction on the subject parcels, the Applicant ensures compliance with the Incentive Housing Regulations and the Incentive Housing Statute, if an Incentive housing development were to move forward. As required by Subsection (6) of the Incentive Housing Regulations, the Incentive Housing Restriction provides that:

1. 20% of the residential dwelling units of the development will be designated as Incentive Housing Units.
2. For at least 30 years after their initial occupancy, the Incentive Housing Units shall only be rented or sold at, or below, prices which will preserve the units as housing for which persons pay thirty percent (30%) or less of their annual income where such income is less than or equal to eighty percent (80%) of the area median income as determined by the United States Department of Housing and Urban Development for the Brookfield area; and

It is understood that plans that may be submitted in connection with an Applicant's future Design Review Application shall abide by the Design and Technical Standards set forth in Subsection (8) of the Incentive Housing Regulations.



ADJOINING PROPERTY OWNERS
PREPARED FOR
874 FEDERAL ROAD
BROOKFIELD, CT

ASSESSOR'S #	OWNER'S ADDRESS
D06 056	874 FEDERAL ROAD LLC 4573 WEST CHINOOK LANE BEVERLY HILLS, FL 34465
C06 033	DAMOND L & SARAH M DAMPIER 115 LAUREL HILL ROAD BROOKFIELD, CT 06804
C06 032	ANNA P & ALLEN B BLACKMAN PO BOX 1 BROOKFIELD, CT 06804
D06 057	ROBERT J DITULLIO JR 170 LAKE ROAD WARREN, CT 06777
D06 052	RIVERVIEW AT BROOKFIELD LLC 60 OLD NEW MILFORD ROAD SUITE 1F BROOKFIELD, CT 06804
D07 101	ROBERTA D BACON 1 CROSS ROAD BROOKFIELD, CT 06804
D06 061	EDWARD MCCARTY PO BOX 419 GEORGETOWN, CT 06829
D06 053	BROOKFIELD DEVELOPMENT LLC 44 HOMESTEAD AVENUE STAMFORD, CT 06902
C07 036	NANCY A HUSE 102 LAUREL HILL ROAD BROOKFIELD, CT 06804
C06 025	EDWARD L HUTCHINGS 1 EAST KINGS DANBURY, CT 06811
C06 034	ALAN H & DEBRA A NOBES 109 LAUREL HILL ROAD BROOKFIELD, CT 06804