

**APPROVED MINUTES  
BROOKFIELD ZONING COMMISSION  
Thursday, October 11, 2012 – 7:00 p.m.  
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD**

---

**1. Convene Meeting**

**Present:** Chairman R. Blessey, Vice Chairman M. Grimes, Secretary F. Lollie, C. Lynch, L. Miller (arrived at 7:02 p.m.), Alternate and Voting Members where indicated J. Varda and J. Cordisco

**Absent:** Alternate M. Frankel

**Also Present:** Zoning Enforcement Officer A. Dew, Recording Secretary D. Cioffi, Town Attorney J. Buchsbaum (for Executive Session only)

*Alternate J. Varda was appointed a Voting Member.*

**Vice Chairman Grimes moved to add to the Agenda, Item 7.f., Executive Session with the Town Attorney. Chairman Blessey seconded the motion, and it carried unanimously.**

**7. New Business**

**f. Executive Session with the Town Attorney – Commissioner Grimes moved to go into Executive Session regarding 11 Nicole's Court, and invite the Zoning Enforcement Officer and Attorney Buchsbaum. Chairman Blessey seconded the motion, and it carried unanimously.**

*Executive Session was entered into at 7:02 p.m.*

*Commissioner Miller arrived at 7:02 p.m., at which time Commissioner Varda was no longer a Voting Alternate.*

**Vice Chairman Grimes moved to come out of Executive Session at 7:14 p.m., and noted that no motions were made or voted upon in Executive Session. Commissioner Lynch seconded the motion, and it carried unanimously.**

**Vice Chairman Grimes moved to add 807 Federal Road to New Business at Item 7.g. No second. Motion withdrawn.**

- a. Review Minutes of Previous Meetings: 9/27/12 – Commissioner Lynch moved to approve the Minutes of the September 27, 2012 meeting. Secretary Lollie seconded the motion.**

*Commissioner Miller recused himself from voting and discussion on the Minutes, and it was noted that Alternate Commissioners Varda and Cordisco were Voting Members for this item.*

**Motion to approve the Minutes carried unanimously with the Voting Members.**

**2. Land Use Enforcement**

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

**Requests for Voluntary Compliance**

**6 Lillinonah Dr., #201200578** – The property owner has removed most of the items. He has not yet obtained a permit for the garage, but has until November 1, 2012.

**36 Kellogg St., #201200714** – A Cease and Desist was sent on October 9, 2012.

**483 Federal Rd., #201200772** – ZEO Dew advised that all signs and banners appear to be gone.

**15 Hopbrook Rd., #201200816** – A Show Cause Hearing was scheduled for tonight; however, per the inspection done on Wednesday, the eviction is complete. ZEO Dew will remove this item from the Report.

**Chairman Blessey moved to go to Item 7.a., 177 Federal Road. Vice Chairman Grimes seconded the motion, and it carried unanimously.**

**7. New Business (continued)**

- a. 177 Federal Road (Irving Gas Station) #201200822: Signage – 60 sq. ft. awning and a 5.6 sq ft. roadside Diesel sign.**

*Sonan Lal, 177 Federal Rd., was present.* He indicated that he wished to have additional signage at the property, so a sign was installed for the Irving Company. It has been determined that the application was not complete. Additionally, it was noted that the Zoning Board of Appeals does not grant variances for signs. The Commission advised Mr. Lal that the regulations do not allow what he has done without the application, and the sign has to be removed.

**Vice Chairman Grimes moved to issue a Cease and Desist Order to 177 Federal Road. Chairman Blessey suggested that this be left as a Request for Voluntary Compliance. No second to the motion.**

Mr. Lal was requested to remove the sign within three weeks. **Vice Chairman Grimes moved to issue a Cease and Desist to 177 Federal Road, if the property is not in compliance by October 31, 2012. Commissioner Cordisco seconded the motion, and it carried unanimously.**

Mr. Lal was advised that the sign must be removed. ZEO Dew advised the Commission that the Land Use was very specific with Mr. Lal's sign contractor regarding the calculations for allowed signage. ZEO Dew will measure the signage at the site on Monday morning.

**b. Show Cause Hearing:**

1. 15 Hop Brook Road: This matter has been resolved. See discussion below under Enforcement.

**3. Review Correspondence**

- a. Minutes of other Boards and Commissions: Inland Wetlands Commission 9/24/12; Zoning Board of Appeals; Planning Commission 9/20/12; Zoning Sub-Committee**

**4. Public Hearing 7:30 p.m.**

- a. 366 Federal Road (Healthy Weighs, Inc.) #201200795: Design Review for a 2,105 square foot building addition (PH close date 11/15/12)**

Chairman Blessey opened the public hearing and introduced the Commission members. Secretary Lollie read the legal notice which was published in the News Times on September 28, 2012 and October 8, 2012. Chairman Blessey noted the application was received on September 13, 2012, and then explained the policies and procedures that govern public hearings.

It was noted that there was no correspondence.

*W. and J. Conner and A. Adams, Registered Landscape Architect, CCA, 40 Old New Milford Rd., were present.* Ms. Adams explained the location of the property, noting that it is an odd-shaped lot and pre-existing and non-conforming. She pointed out the location of the existing structure, parking spaces and access points. The site is connected to water and sewer, and there is an existing hydrant on Old New Milford Rd.

The addition is approximately 900 square feet on the north side of the building, and will contain three levels. Ms. Adams noted an existing concrete pad that will be enclosed and be part of the addition, as well as a new main entrance with improved handicapped access.

To facilitate the construction of the addition, four parking spaces will be removed and three additional spaces are proposed. Ms. Adams also reviewed the proposed footing drains and rain garden. She indicated there would only be surface overflow.

Commissioner Miller inquired regarding the grade on the rain garden and Ms. Adams reviewed the elevation. No changes are proposed to the signage or parking area lighting on the site.

Additionally, the elevations and architecture are similar to the neighboring building. Ms. Adams advised that several variances were obtained from the Zoning Board of Appeals. The only additions to the plans presented to the ZBA are the utility connections.

Chairman Blessey inquired if the driveway would be full service and Ms. Conner advised it would not be. Commissioner Lynch inquired regarding the proposed use and was advised by Ms. Conner that it would be a medical/chiropractic office.

There were no questions of clarification from the audience.

Chairman Blessey inquired if the plan had been reviewed by the Water Source Committee and it was noted that there was nothing in the file that indicated that it occurred. It was noted that this information should be obtained prior to closing the public hearing.

*No one was present to speak in favor of the application, nor was anyone present to speak in opposition.*

**Commissioner Miller moved to continue the Public Hearing for 366 Federal Road (Healthy Weighs, Inc.), #201200795, to the next regularly scheduled meeting, for the express purpose of accepting comments from the Water Source Committee. Secretary Lollie seconded the motion, and it carried unanimously.**

There was discussion regarding when the WSC meets again. ZEO Dew and Chairman Blessey will inquire of the Committee if it has comments.

**5. Continued Public Hearing:**

- a. **40 & 64 Laurel Hill Road (The Residences at Laurel Hill) #201200588: Design Review for a proposed Incentive Housing Project (PH close date 10/11/12)**

The same introduction that was utilized for the prior public hearing was utilized for this hearing, and there were no objections.

*Attorney P. Scalzo, 2 Stony Hill Rd., Bethel, CT, was present.* He expressed his gratitude to the Commission for the planning discussions. A revised site plan was submitted today, and Attorney Scalzo produced an extension letter until the next regularly scheduled meeting October 25, 2012. The revised site plan will move historic house from 40 Laurel Hill Road and the site will be of mixed-use. Attorney Scalzo advised that the revised plan will be before the Inland Wetlands Commission on October 15, 2012.

*Ms. A. Adams, CCA, was present, and reviewed the changes to the density calculations. The utilities will connect the relocated structure to the water main and pump station at back of Building #3, and a rain garden is being proposed on the northwestern side. She also discussed the changes to the conservation easement. Ms. Adams added that the parking spaces will remain the same due to the mixed use.*

*Mr. R. Arista, of Dakota Partners, was present. Copies of color drawings were submitted for the file. He discussed the changes to the architecture that resulted from the discussions at planning meetings. The exterior will be a wide hardy plank and traditional clapboard. There will be changes to the roof, dormers and eye brows, and a copula was added for directional purposes.*

Ms. Adams reviewed the revisions to the courtyard. Chairman Blessey noted that the applicant will have an opportunity to present this on October 25, 2012.

**Vice Chairman Grimes moved to recess the Public Hearing re: 40 & 64 Laurel Hill Road (The Residences at Laurel Hill), #201200588, to October 25, 2012, per the letter received from Attorney P. Scalzo, on October 11, 2012. Secretary Lollie seconded the motion, and it carried unanimously.**

**2. Land Use Enforcement (continued)**

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

**Requests for Voluntary Compliance (continued)**

**215 Federal Rd., #201200826** – This matter has been resolved.

**34 Stony Hill Rd., #201200874** – A plan will be submitted to address the setback issue.

**169 Pocono Rd., #201200892** – This complaint involves a tractor trailer cab parked on the site. A letter has been sent.

**Cease and Desist Order**

**14 Valley View Road, #201200777** – There has been no response to the Request for Voluntary Compliance sent on October 5, 2012. **Vice Chairman Grimes moved to issue a Citation to 14 Valley View Road, #201200777, if not in compliance by October 15, 2012. Secretary Lollie seconded the motion, and it carried unanimously.**

**Town Counsel Action**

**11 Nicole's Court, #201200331** - This matter was discussed in Executive Session above.

**533 Federal Rd., #201200122**– A new hearing date was set for December, 2012. ZEO Dew advised that the property owners may attempt to clean up the site on their own.

**1 High Ridge Rd., #201000315** – No updated information from Attorney Olsen.

**9 Stoney Farm Lane, #201100095** – No updated information from Attorney Olsen.

**54 Ironworks Hill Rd., #201100755** – The bank is accepting bids for the clean up.

**Vice Chairman Grimes moved to go to Agenda Item 7.b., 270 Federal Road, #201200878. Commissioner Miller seconded the motion, and it carried unanimously.**

**b. 270 Federal Road #201200878: Site Plan Modification for revision to fascia (gable end and color) and revise glass (dec date 12/15/12)**

1. **"Elevation Map"** prepared by Borghesi Engineering Co. dated 10/1/12 – sheet A2
2. **"Existing Site Plan"** prepared by CCA, LLC dated 6/29/00 revised thru 8/15/01 – sheet 1

*R. Blanchette, Borghesi & Associates, and G. Palmer, Property Owner, was present. He presented a site plan modification for a new tenant, and reviewed the changes to the glass and masonry. Two colors (Elmira white and Glacier white) were submitted. Commissioners Lynch and Cordisco*

expressed their dissatisfaction with the proposed change to the gables, stating that it represented a lack of symmetry.

**Vice Chairman Grimes moved to approve #201200878, 270 Federal Road. Commissioner Miller seconded the motion. Commissioners Lynch and Cordisco reiterated their dissatisfaction with the plan. Secretary Lollie indicated he would prefer a uniform ridge line. Commissioner Varda noted that there are more unattractive properties, and he would prefer not to disrupt the existing businesses with additional work. Commissioner Miller advised he finds the plan acceptable, as did Chairman Blessey and Vice Chairman Grimes. Motion carried, 4-1, with Commissioner Lynch opposed.**

**6. Old Business:**

- a. 57 Laurel Hill Road #201200636: Design Review for proposed Incentive Housing (dec date 10/27/12) –**

*Commissioner Miller recused himself from this matter, and Alternate Cordisco became a Voting Member.*

*Ms. A. Adams, CCA, was present.* She reviewed the increase the width of the exit drive to 20' and the change to the retaining wall to provide more room to the level area. Chairman Blessey advised that the Water Source Committee desired 26' for the aerial truck. Ms. Adams indicated that the applicant's plan meets the NFPA standards listed in the regulations. Chairman Blessey discussed the proximity to the road and the size of the stabilizing mechanisms on the fire truck which necessitate more area. Possible locations for fire truck parking were reviewed.

*M. Daigle, Dakota Partners, was present.* The applicant agreed to provide 16' of hard surface, and 5' of crushed stone on each side to accommodate the fire truck.

There was additional discussion regarding the need for a sidewalk. The regulation for sidewalks in the Town Center District was reviewed. The border of the TCD zone was pointed out. A. Adams denoted a possible location for a sidewalk.

**Vice Chairman Grimes moved to approve application #201200636, 57 Laurel Hill Road, Design Review for proposed Incentive Housing, with the following stipulations: 1) a change in the driveway to 16' pavement with gravel, for 26' total width, of access of hard scape; 2) a sidewalk coming from the point of the current end of the proposed sidewalk to the northern edge of the property line; and 3) and Belgium block curbing to the end. Commissioner Lynch seconded the motion. Motion carried unanimously.**

*Vice Chairman Grimes left the meeting at 8:42 p.m. at which time Alternate Varda became a Voting Alternate.*

- b. 887 Federal Road #200300284: Application for Permit Extension – 5 years and Request for Bond Reduction of \$130,083.12**

*No one was present.* Chairman Blessey advised that per the Town Attorney, this permit should be extended in one-year increments only, to ensure that it does not extend for more than 15 years.

**Chairman Blessey moved to extend the application permit for 887 Federal Road, #200300284, for one year only, and to reduce the bond as applied for. Secretary Lollie seconded the motion, and it carried unanimously.**

- c. 871 Federal Road (Riverview Incentive Condominium Development) #201200840:**

**Site Plan Modification for changes limited to subsurface revision of storm water detention system and sanitary sewers, and replacement of box culvert with CMP arch pipe (dec date 12/1/12)**

**It was requested that this matter be tabled until October 25, 2012; and a letter from M. Lillis, P.E., CCA, to the Commission, with this request, was submitted by A. Adams.**

- d. *Proposed Regulation Change #201200834: Section 242-308C(2) – Temporary permit for carnivals, etc (PH scheduled for 10/25/12)*
- e. *Proposed Regulation Change #201200835: Section 242-306F(7) – Special Event Signs for Commercial Establishments and Section 242-306G(6) – Special Event Signs for Shopping Centers (PH scheduled for 10/25/12)*
- f. *Proposed Regulation Change #201200836: Section 242-501G(11) – Industrial and Commercial Districts Special Conditions – Restaurant, cocktail lounge, cabaret. Also included in this application is Section 242-202: Definition of “Drive-through Restaurant” (PH scheduled for 10/25/12)*
- g. *Proposed Regulation Change #201200843: Section 242-202: Definition Open Space (PH scheduled for 10/25/12)*

**7. New Business:**

- c. **7 Station Road #201200881: Certificate of Zoning Compliance in the Town Center District for “Connecticut Fence and Landscaping” business also in the Aquifer Protection Zone. – This matter will be discussed at the next meeting.**
- d. **332 Federal Road (Lombardo & Bastiani, D.M.D.S, LLC)#201200885: Site Plan Modification to add new Handicap Ramp, windows, paint & fix up existing sign (dec date 12/15/12)**
  - 1. Map titled “Existing Plans” prepared by Bennett Sullivan Assoc., Inc. dated 10/4/12 – drawing X.101
    - “Proposed Plans, Road Sign & Existing Photos” dated 10/4/12 – drawing A.101
    - “Proposed Exterior Elevations” dated 10/4/12 – drawing A.200

*K. Bennett, Bennett, Sullivan Associates, Southbury, was present, on behalf of Lombardo & Bastiani. He presented a site modification to add handicapped access to back of building (an existing structure), and modify and clean up the sign in the front. The former sign has been removed, and he is proposing to add the name of dentist practice. Additionally, Mr. Bennett reviewed elevations, parking, and window modifications.*

**Secretary Lollie moved to approve #201200855, 332 Federal Road, Site Plan Modification. Commissioner Lynch seconded the motion, and it carried unanimously.**

- e. **857-857A Federal Road (Riverview Luxury Apartments) #201200887: Design Review for three 9,200 sq ft Incentive Housing Apartment Development (Dec date 12/15/12)**
  - 1. Letter from Michael Lillis, P.E. to Zoning Commission dated 10/4/12 Re: Riverview Luxury Apartments, 857-857A Federal Road, Site Plan for Design Review Approval for Coreplus Properties
  - 2. Drainage Report prepared by CCA, LLC dated 9/19/12
  - 3. Site Location Map (Key Map) dated Jan 1972
  - 4. **Map Cover Sheet titled “Riverview Luxury Apartments Proposed Incentive Housing Development” prepared by CCA, LLC dated 9/19/12 revised 10/3/12**
    - “General Legend, Notes And Abbreviations” dated 9/19/12 – sheet N1
    - “Boundary & Topographic Survey” dated 06/14/12 – sheet 1 of 1

- “Site layout Plan” dated 9/19/12 revised 10/3/12 – sheet C1
  - “Grading And Drainage Plan” dated 9/19/12 revised 10/3/12 – sheet C2
  - “Utilities Plan” dated 9/19/12 revised 10/3/12 – sheet C3
  - “Landscaping Plan” dated 9/19/12 revised 10/3/12 – sheet C4
  - “Erosion And Sediment Control Plan” dated 9/19/12 revised 10/3/12 – sheet C5
  - “Notes And Details” dated 9/19/12 – sheet C6
  - “Notes And Details” dated 9/19/12 – sheet C7
  - “Notes And Details” dated 9/19/12 – sheet C8
  - “Sedimentation And Erosion Control Plan” dated 12/7/05 – sheet E1
5. “Schematic Design” prepared by Seventy2 Architects dated 10/4/12
- Schematic Design – Elevations dated 10/4/12

Attorney P. Scalzo, 2 Stony Hill Rd., Bethel, CT, was present. He advised that the “Incentive Housing Restriction” will be submitted as soon as possible.

**Chairman Blessey moved to set a Public Hearing for 857-857A Federal Road (Riverview Luxury Apartments) #201200887: Design Review for three 9,2000 sq. ft. Incentive Housing Aprarmtnet Development, for November 8, 2012. Secretary Lollie seconded the motion, and it carried unanimously.**

**8. Tabled Items:           None.**

**9. Informal Discussion:**

**a.     640 Federal Road: Discussion regarding apartments – This matter is pending in Land Use Office.**

**b.     53 Commerce Drive: Discussion “Northern Lights Landscaping” business –  
*Chairman Blessey recused himself from this matter and left the room at 8:56 p.m.***

*J. Hartman was present.* She is proposing to purchase the property to store empty roll offs, trucks and landscaping tools. Ms. Hartmans is aware that the site is located within the aquifer protection district. She proposes to store the trucks on the blacktopped area of the site, and the other area will be organic material, trailers, plows, etc.

ZEO Dew shared the existing Certificate of Zoning Compliance, for soil manufacturing. Commissioner Miller inquired if there would be any changes to the current use by Mr. Cassuto, and Ms. Hartman advised that there would not be. The roll off containers will be empty. ZEO Dew advised that the only complaint registered for the site has been for dust, and a sprinkler system has been installed. ZEO Dew pointed out where screening from pine trees exists. It was recommended that the roll offs be screened.

Commissioner Miller inquired regarding the storage of any materials. Ms. Hartman indicated that gas and oil will be stored on trailers, and there is a garage on the site. No pesticides will be stored on the site. Additionally, the three trucks on the site will not be started until 6:30 a.m. Commission members noted the concern of rain water mixing with residue in the dumpsters, given that the site is on the aquifer. It was suggested that Ms. Hartman speak with engineers regarding containment. Additionally, Commissioner Miller requested that the square footage of roll off container storage be provided when the application is completed.

**No motions.**

*Chairman Blessey returned to the meeting at 9:14 p.m.*

- c. **117 Whisconier Road** – *P. DiScala, 256A Great Plain Rd., Danbury, was present.* He is proposing to purchase property at 117 Whisconier Rd., and use it as a contractor's yard. A sketch was submitted. Chairman Blessey reviewed the current use and the history of enforcement issues at the site. The contractor's yard use will be pre-existing and non-conforming. The existing Certificate of Zoning Compliance from 1999 has several stipulations attached. Commissioner Miller discussed the remediation work done at the 115 Whisconier Road by that property owner. It was recommended that Mr. DiScala also appear before the Inland Wetlands Commission.

Mr. DiScala advised that he would have to store salt and sand on-site, related to the landscaping use.

The stipulations from the 1999 CZC will be considered when an application is submitted.

**10. Comments of Commissioners:** Commissioner Lynch noted his concern with the mission statement of the TCD that was discussed at the last meeting. A Special Meeting will be held on October 25, 2012 at 6:00 p.m. to discuss this further.

**11. Adjourn:** Chairman Blessey moved to adjourn the meeting at 9:32 p.m. Commissioner Lynch seconded the motion, and it carried unanimously.

**\*\*Next Regular Meeting Scheduled for October 25, 2012\*\***