

**APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, June 26, 2014 – 7:00 p.m.
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD**

1. Convene Meeting

Present: Acting and Vice Chairman M. Grimes, Secretary F. Lollie, E. Kukk, M. Frankel

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

Also Present: Recording Secretary D. Cioffi

- a. **Review Minutes of Previous Meetings: 6/12/14 – Not a sufficient quorum.**

2. Land Use Enforcement

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

Assistant Zoning Enforcement Officer F. Lollie reported on the following.

Requests for Voluntary Compliance

16 Pleasant Rise, #2013001172 – The Land Use Office is awaiting receipt of an A2 survey.

34 Stony Hill Rd., #201000274 – Compliance is due by July 23, 2014.

Cease and Desist Orders

49 Federal Rd., #201400294 – The property owner recently returned from out of the country. CCA is working on a final as-built. Upon inquiry from Acting and Vice Chairman Grimes, Asst. ZEO Lollie advised that the Cease and Desist was issued on May 12, 2014. **Acting and Vice Chairman Grimes moved to go to Citation on 49 Federal Rd., #201400294. Commissioner Frankel seconded the motion, and it carried, 3-0-1, with Assistant ZEO/Secretary Lollie abstaining. Acting and Vice Chairman Grimes requested that a Citation be issued on Friday, June 27, 2014.**

44 Mist Hill Rd., #201400521 – Asst. ZEO Lollie advised that a complaint was received regarding tow trucks at the property. Upon inspection, he observed tow trucks. Since the Cease and Desist Order was sent, there have not been any more tow trucks on the property. Acting and Vice Chairman Grimes requested that it be clarified that the property owner has until July 8, 2014, to schedule a hearing, as a hearing is part of the Citation process. Asst. ZEO Lollie will check into this matter.

Citation

44 Old Middle Rd., #201301041 – No change.

101 Laurel Hill Rd., #201300758 – Asst. ZEO Lollie reported that there is continued progress at this site. It was noted that fines are still due.

Town Counsel Action – Attorney Beecher will be at the July 24, 2014 meeting.

1 High Ridge Rd., #201000315 – No change.

14 Oak Grove Rd., #201300832 – No change.

148 North Lake Shore, #20131115 – No change.

439 Candlewood Lake Rd., #201400006 – No change.

3. Review Correspondence

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission 6/9/14; Zoning Board of Appeals; Planning Commission 6/5/14, 6/19/14;**
- b. E-mail from Hal Kurfehs to Katherine Daniel dated 6/17/14 Re: Zoning Regulation
- Addition string of e-mails attached on the subject

No discussion/no motions.

5. Continued Public Hearing: No Continued hearings

6. Old Business:

- a. **Proposed Zone Change for 19 & 23 Station Road #201400370:** Request for 19 & 23 Station Rd which is currently in the Town Center District to include Incentive Housing District Overlay: Perimeter sub-zone (*Public Hearing scheduled for 7/10/14 @7:30*)

1. Response memo from Planning to Zoning dated 6/20/14 Re: 19i & 23 Station Rd – Proposed Zone Change #201400370 – Receipt of Memo from Planning noted.

7. New Business:

- a. **578 Federal Road (Extra Space Storage) #201400524:** Site Plan Modification for a 52.8 KW Solar Rooftop System (*dec date 8/29/14*)

1. Map titled “Renderings & Street Views” prepared by PurePower Systems dated 6/2/14 revised thru 6/6/14 – drawing # R100

- “Overall Array Plan” dated 6/2/14 revised thru 6/6/14 – drawing # G100

Chris Grablutz, 50 Harrison St., Ste. 306, Hoboken, NJ, and M. Nelidin, 989 6th Ave., 5th Floor, NY, NY were present on behalf of the applicant. Mr. Grablutz advised that the proposal is to install a solar rooftop on the existing business. He reviewed the rendering showing views from the north, south, east and west, as well as a street view of the site, which showed that the structure will not be visible from the street. There was brief discussion regarding possible changes to the building front where the office is housed, but the applicant’s representatives decided to keep the proposal as it is.

Secretary Lollie moved to approve 578 Federal Rd., #201400524, for a 52.8 KW Solar Rooftop System, as submitted. Commissioner Kukk seconded the motion, and it carried unanimously.

- c. **110 Federal Road (BJ’s) #201100126:** Request for final bond release of \$55,000

Acting and Vice Chairman Grimes moved to recommend to the Board of Selectmen the release of the bond for \$55,000, at 110 Federal Road, #201100126, BJ’s. Secretary Lollie seconded the motion. Commissioner Frankel requested that the Land Use Office send a letter noting that all of the requirements have been met. It was noted that ZEO Dew sends such a letter to the BOS. It was requested that a copy of the letter be included in the Zoning file. Motion carried 3-0-1, with Commissioner Kukk abstaining.

- d. **366 Federal Road (Healthy Weighs) #201200968:** Request for final bond release of \$5,000.00

Acting and Vice Chairman Grimes moved to recommend to the Board of Selectmen the release of the final bond for \$5,000, Healthy Weighs, #201200968. Secretary Lollie seconded the motion, and it carried unanimously.

- e. **28 Twilight Lane #201300766:** Request for final bond release of \$5,300.00

Acting and Vice Chairman Grimes moved to recommend to the Board of Selectmen the release of the final bond for \$5,300, for 28 Twilight Lane, #201300766. Secretary Lollie seconded the motion, and it carried unanimously.

- h. **133 Junction Rd. (First Assembly of God) #201400534:** Site Plan Modification for the installation of walkway lights.

1. Map titled “Proposed Sidewalk Layout” prepared by William Sharp Architect and BBS Design, LLC dated 12/17/13 revised 4/1/14 – sheet SP-1
2. “Site Photometric Calculation - sidewalk “ prepared by Apex Lighting Solutions dated 6/18/14 – sheet SL-1. B

L. Morris, 133 Junction Rd., was present. He indicated that lighting off of the building could not be accomplished. He explained that the new plan was designed by the manufacturer to ensure compliance with regulations. The materials will consist of black aluminum bollards.

Commissioner Frankel moved to approve 133 Junction Rd. (First Assembly of God), #201400534, Site Plan Modification for the installation of walkway lights, as presented. Secretary Lollie seconded the motion, and it carried unanimously.

- i. **419 Federal Rd (Sunburst Landscaping) #201400538:** Site Plan Modification to relocate employee parking, relocate trash receptacle, add non-retaining wall, add earth materials storage areas (*dec date 8/29/14*)
 - 1. Map titled “Revised Site Plan” prepared by Artel Engineering Group, LLC dated 2/22/13 revised thru 6/17/14 – sheet 1

M. Kornhaas, Artel Engineering, and P. DiScala, Sunburst Landscaping, 419 Federal Rd., were present. Mr. Kornhaas explained that the proposal is to move the employee parking lot to the southern side. He demonstrated the locations on the plans per the request of Ms. Frankel. The changes will make the refuse container more accessible, and result in a minor improvement with the drainage. Mr. DiScala advised that a permit was obtained for the retaining wall. Commissioner Frankel noted that the regulations require landscaping for proposals with 10 or more parking spaces, and the applicant agreed to install trees. The applicant will work with Assistant ZEO Lollie regarding the type of trees. The existing handicapped parking will remain.

Commissioner Frankel moved to approve 419 Federal Rd., (Sunburst Landscaping) #201400538, Site Plan Modification for the relocation of 11 parking spaces, adding 2 trees to the south side of the property. Secretary Lollie seconded the motion, and it carried unanimously.

8. Tabled Items:

- a. **204 Candlewood Lake Rd #201200635:** Request for first bond release of \$10,000.00 – Asst. ZEO Lollie reported that the site is not ready. It was requested that this matter be kept on the agenda.
- b. **227 Federal Rd (Buzaid Appliance) #201400465:** Illuminated 30 sq. ft. building sign – *M. Palmer, 17 Sunset Dr., Danbury, and N. Buzaid, 29 Lakecrest Dr., Danbury, CT, were present.* There was discussion regarding the colors on the signs, and it was noted they are similar to that at 67 Federal Road. The wattage is under the limitations of the regulation. **Secretary Lollie moved to approve #201400465, (Buzaid Appliance), for building sign, 227 Federal Rd. Commissioner Kukuk seconded the motion, and it carried unanimously.**

4. Public Hearing 7:30 p.m.

- a. **434 Federal Road (FW Webb) #201400480:** Design Review for new 27,350 square foot building & Associated site amenities (*ph close date 7/30/14*)
 - 1. Map titled “Layout & Materials Plan” prepared by CCA, LLC dated 6/4/14 revised for sign location and sidewalk 6/18/14 – sheet C1

Acting and Vice Chairman Grimes opened the public hearing and introduced the Commission members. Secretary Lollie read the legal notice that was published in the News Times on June 15, 2014 and June 23, 2014. It was noted that the application was received on June 12, 2014. Acting and Vice Chairman Grimes reviewed the policies and procedures that govern public hearing. It was noted that there was no correspondence in the file related to the application.

S. Sullivan, P.E., CCA, 40 Old New Milford Rd., was present, on behalf of the applicant. He reviewed the specifications of the site, noting an existing retaining wall and the flat topography. He advised that there are no wetlands on the property. The proposal is for a building for FW Webb Plumbing Supply that will be 27,350 square feet. There will be two loading docks in the rear, and 43 proposed parking spaces. Mr. Sullivan indicated that 8 of the parking spaces will be reserved for future use if needed. There will be 2 handicapped parking spaces, and a sidewalk system in front of the building and along Federal Road, with concrete aprons at each driveway. The rear portion of the building will be used for outside storage that will be fenced in. Mr. Sullivan also reviewed the storm water management system and utility connections. The building will be serviced by sprinklers. Landscaping will include

foundation plantings adjacent to the building, end island trees in the parking area, and front yard landscaped buffer with a variety of trees and shrubs. Erosion controls will be standard at the construction entrances at both driveways. Mr. Sullivan discussed the lighting proposal and bond estimate.

Andy McBeth, Green Leaf Construction, was present. He discussed the indoor specifications of the building, as well as the elevations and the materials that will be utilized.

Mr. Sullivan added that the fenced in area for storage will have sliding gates and a Knox Box for the Fire Department.

There were no questions of clarification from the audience.

Commissioner Frankel inquired if the air conditioning unit would be on the roof, and Mr. McBeth explained that there will be four units on the roof. Additionally, she inquired regarding the color of the building materials, and Mr. McBeth indicated it would be dark/slate/charcoal grey.

Secretary Lollie inquired regarding the location of the oil grit separator and this was pointed out by Mr. Sullivan. Upon inquiry from Acting and Vice Chairman Grimes, Mr. Sullivan indicated that the application to the Water Pollution and Control Authority would occur after the zoning review.

Mr. Sullivan also confirmed that the proposal went through a pre-application review in the Land Use Office.

Commissioner Frankel inquired regarding the need for future parking. Mr. Sullivan advised that the client does not anticipate needing any additional parking. Mr. McBeth added that much of the customer sale business is by appointment.

Upon inquiry from Acting and Vice Chairman Grimes, Mr. Sullivan explained the delivery truck access routes. Mr. McBeth added that most deliveries occur once a week. There was discussion regard an easement to the town for the sidewalk area. It was noted that the bond estimate is in the file.

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

Commissioner Frankel moved to close the Public Hearing for 434 Federal Road (FW Webb) #201400480: Design Review for new 27,350 square foot building & Associated site amenities. Secretary Lollie seconded the motion, and it carried unanimously.

Commissioner Frankel moved to add to the Agenda, as Item 7.j., 434 Federal Road (FW Webb) #201400480: Design Review for new 27,350 square foot building & Associated site amenities, for discussion on the application. Commissioner Kukk seconded the motion, and it carried unanimously.

7. New Business (continued)

- j. 434 Federal Road (FW Webb) #201400480: Design Review for new 27,350 square foot building & Associated site amenities**

Secretary Lollie moved to approve #201400480, Design Review the new 27,350 square foot building, only the building, as submitted, and set a bond as submitted in the amount of \$39,187.50. Commissioner Kukk seconded the motion. Commissioner Frankel requested that it

be clarified that the approval includes the building and all site improvements as proposed. Secretary Lollie stated that this is what he is moving to approve, the application as submitted. Motion carried unanimously.

- f. **434 Federal Road (FW Webb Co.) #201400535:** Building and illuminated roadside signs for FW Webb
1. Spec sheet for Roadside sign prepared by Barlo Signs dated 6/19/14 – sheet 1.0
 2. Spec sheet for building sign prepared by Barlo Signs dated 6/19/14 – sheet 2.0
 3. Layout & Materials Plan prepared by CCA, LLC dated 6/4/14 revised 6/18/14 for sign location and sidewalk – sheet C1

S. Sullivan, P.E., CCA, 40 Old New Milford Rd., and A. McBeth, Green Leaf Construction, were present. Secretary Lollie referred to a revision in the application in the Commission's after-the-fact packet that meets the regulation. The building sign and pile-on sign specifications were reviewed by Mr. McBeth. It was confirmed that the colors on both signs would be the same. The pile-on sign will be internally lit. Upon inquiry from Commissioner Frankel, Mr. Sullivan indicated that there is approximately 6-8 feet between the sidewalk and the pile-on sign.

Commissioner Kukk moved to approve 434 Federal Road, FW Webb Co. #201400535, sign application, as submitted. Secretary Lollie seconded the application. Commissioner Frankel verified for the record that the Commission is approving a 9' X 5' free-standing sign. Motion carried unanimously.

- b. **227 Federal Road (Jersey Mike's Subs) #201400523:** 28.8 sq. ft. Illuminated Building Sign
1. "Front Store Elevation" prepared by Indentiti Resources dated 4/16/14 – sheet S1-2
 2. "Rear (East) Store Elevation" dated 4/16/14 – sheet S2-1
 3. "Sign Specifications" dated 4/16/14 – sheet SPEC

J. Morrison, Connecticut Sign Service, 5 Chadwick Dr., Old Lyme, CT, was present. He described the halo-lit, channel letter sign that will line up with the other signs on the building, and will comply with the regulations.

Commissioner Frankel moved to approve 227 Federal Road, (Jersey Mike's Subs) #201400523, for a one-face sign on the front of the building, as presented, as it meets the regulations. Secretary Lollie seconded the motion, and it carried unanimously.

- g. **140 Federal Rd (Chick-fil-A) #201400536:** Building and Roadside signs including directional signs, monument sign, drive thru clearance bar, drive thru menu boards with canopy and a flag pole.
1. "Site Plan" detailing sign locations prepared by AnchorSign dated 12/04/12 revised thur 6/17/14
 - "Front Elevation (South)" dated 12/4/12 revised thru 6/17/14 – A1
 - "Right Elevation (Southwest) dated 12/4/12 revised thru 6/17/14 – A2
 - "Sign Layout Detail" dated 12/4/12 revised thru 6/17/14 – A1 & A2
 - "Monument Sign Elevation" dated 12/4/12 revised thru 6/17/14 – B1
 - "D/F Directional Sign" dated 12/4/12 revised thru 6/17/14 – D4
 - "D/F Directional Sign" dated 12/4/12 revised thru 6/17/14 – D-12
 - "Clearance Bar Detail" dated 12/4/12 revised thru 6/17/14
 - "Drive Thru Canopy Detail" dated 12/4/12 revised thru 6/17/14

J. Morrison, Connecticut Sign Service, 5 Chadwick Dr., Old Lyme, CT, was present. Mr. Morrison advised that the revision complies with the regulations. He reviewed the two building signs. Upon

inquiry from Commissioner Frankel, he explained what the manual reader board display is. Mr. Morrison also reviewed the directional, internally illuminated signs, the clearance bar, and the two drive-thru canopies. All of the signs meet the regulations per Secretary Lollie. Section 242-306C(3) was reviewed.

Acting and Vice Chairman Grimes moved to approve the sign application for 140 Federal Road (Chick-fil-A), as submitted. Secretary Lollie seconded the motion, and it carried, 3-0-1, with Commissioner Frankel abstaining.

Mr. Morrison inquired what the procedure would be for adding a flagpole to the site. The Commission indicated that it would require a site plan modification and a public hearing.

Acting and Vice Chairman Grimes moved to add to the Agenda, as Item 7.k., Aquifer Protection Agency Meeting Schedule. Commissioner Frankel seconded the motion, and it carried unanimously.

k. Aquifer Protection Agency Draft Meeting Schedule – Acting and Vice Chairman Grimes moved to amend the Draft Schedule of the Aquifer Protection Agency Meeting Schedule, to hold at 6:30 p.m., Zoning Commission meeting, to change the first date of July 24, 2014, to July 10, 2014, and then read: August 28, 2014, September 25, 2014, October 23, 2014, November 20, 2014, and December 18, 2014, as the schedule for the Aquifer Protection Agency (which is the Zoning Commission as designated by the Board of Selectmen). Secretary Lollie seconded the motion, and it carried unanimously.

9. Informal Discussion:

a. None.

10. Comments of Commissioners: Brief discussion/no motions.

There was brief additional discussion regarding the sign application at 140 Federal Rd. Secretary Lollie explained that the original signage was approved at the time of the plan approval. The sign exceeded the roadside sign regulations, so the applicant returned for the modification. It was reiterated that if the applicant erects a flagpole, a site plan modification would be necessary.

11. Adjourn: Commissioner Frankel moved to adjourn the meeting at 8:11 p.m. Secretary Lollie seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for July 10, 2014****