

**APPROVED MINUTES**  
**BROOKFIELD ZONING COMMISSION**  
**Thursday, April 26, 2012 – 7:00 p.m.**  
**MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD**

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**1. Convene Meeting**

**Present:** Acting and Vice Chairman R. Blessey, Secretary F. Lollie, M. Grimes (arrived at 7:47 p.m.), Alternate and Voting Member R. Ziembicki, Alternate and Voting Member J. Varda (arrived at 7:05 p.m.)

**Absent:** Chairman W. Mercer, C. Lynch, J. Cordisco

**Also Present:** Zoning Enforcement Officer A. Dew

**2. Land Use Enforcement**

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

**Requests for Voluntary Compliance**

**213 Candlewood Lake Rd., #201101044** – ZEO Dew advised that the last remaining boats were due to be removed by April 25, 2012, and they were not. **Acting and Vice Chairman Blessey moved to send a Cease and Desist to 213 Candlewood Lake Road for parking boats in the fire lane.**

**Secretary Lollie seconded the motion, and it carried unanimously.**

**273 Whisconier Rd., #201200123** – ZEO Dew advised that the business owner has withdrawn its application for the upcoming ZBA meeting. The applicant is also speaking with the First Selectman about having the fee waived. She will leave this on the report as it is.

**119 Long Meadow Hill Rd., #201200301** – This violation involved signs in the Town right-of-way. W. Loesch and ZEO Dew sent the property owner a letter, and the signs were removed yesterday.

**11 Nicole's Court, #201200331** – ZEO Dew has sent a letter to the property owner requesting removal of two vans, a box truck and a boat that are in an easement. The property owner has until May 23, 2012 to comply.

**Cease and Desist Orders**

**10 Whisconier Rd., #201200023** – ZEO Dew reviewed that the variance request for this property was denied, and the shed has now been put within setbacks. The property owner is now filing a variance application for lot coverage, which will be heard at the Zoning Board of Appeals' May 7, 2012 meeting.

**Citations**

**54 Ironworks Road, #201100755**- Town Counsel has sent letters to the property owners' Georgia address, however, the letters are being refused. Acting and Vice Chairman Blessey requested that ZEO Dew move this item to the "Town Counsel Action" portion of the Enforcement Report. He would also like a report from Town Counsel regarding the Town's options for further action.

*Alternate Commissioner J. Varda arrived at 7:05 p.m., and was appointed a Voting Member.*

**Town Counsel Action**

**20 Station Rd., #200101116** – ZEO Dew reported that part of the structure still has to be removed.

**533 Federal Rd., #2012000122** – ZEO Dew advised that Town Counsel has a letter to send to the two property owners, and the Inland Wetlands Commission is adding a Citation to the letter. It is hoped that the letter will go out by the beginning of next week.

**45 Riverford Rd., #200900768** – ZEO Dew referenced the memo from Town Counsel.

**1 High Ridge Rd., #201000315** – Acting and Vice Chairman requested a report from Attorney P. Olson in light of the new application. ZEO Dew further advised that renewed complaints from both property owners have been received.

**9 Stoney Farm Lane, #201100095**– No action.

**b. Show Cause Hearing:**

1. 37 Vale Road #201200303: *C. Canfield, 6 Deep Wood Dr., Danbury, CT, was present.*

It was noted that the Cease and Desist relates to a structure on the site that does not have a permit.

Acting and Vice Chairman Blessey shared a photograph of the structure. Mr. Canfield indicated that he installed a “temporary” tent on the site in 1999, and has not been able to construct a building due to the economy. He advised that he was unaware of any time limit. Acting and Vice Chairman Blessey further noted the presence of storage containers on the property. Mr. Canfield argued that they could be moved “in two hours”. Acting and Vice Chairman Blessey advised Mr. Canfield that the Commission cannot allow the violation to continue. He further stated that the Cease and Desist will stand until the structure(s) are removed. Mr. Canfield indicated he is working on the application with Kevin Archer. Acting and Vice Chairman Blessey indicated that the Land Use Office would be of assistance if necessary. The date of the Cease and Desist is April 19, 2012. The Commission will allow Mr. Canfield two weeks to complete an application. Upon completion of an application that will get the property in compliance, the Cease and Desist will be withdrawn. Acting and Vice Chairman Blessey advised that the Building Department and Fire Marshal must also review the permit. He also made Mr. Canfield aware that the next meeting will be May 17, 2012.

- a. **Review Minutes of Previous Meetings:** 4/12/12 – Secretary Lollie moved to approve the Minutes of the April 12, 2012 meeting. Acting and Vice Chairman Blessey seconded the motion. Commissioner Ziembicki requested that when the regulation changes are discussed at the meeting, and when motions are made, that the proposed change be more specifically described. Motion carried, 3-0-1, with Commissioner Varda abstaining.

**3. Review Correspondence**

- a. **Minutes of other Boards and Commissions:** Inland Wetlands Commission 4/9/12; Zoning Board of Appeals; Planning Commission 4/5/12; Zoning Sub-Committee
- b. **Building Inspectors Report:** April 2012 issue
- c. **Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter:** Spring 2012

No discussion/no motions.

Acting and Vice Chairman Blessey moved to go to Item 5.g., 92 Pocono Road. Secretary Lollie seconded the motion, and it carried unanimously.

**5. New Business**

- g. **92 Pocono Road #201200315 (Fire Department):** Site Plan Modification to add parking spaces as well as move some existing parking further North (*dec date 6/30/12*)
  1. Map titled “Site Plan Revision” prepared by CCA, LLC dated 6/8/10 revised 3/20/12 – sheet 1

*W. Loesch, Vice President, Brookfield Volunteer Fire Department, 92 Pocono Road, was present.* He reviewed the parking spots that will be moved at the site. **Secretary Lollie moved to approve #201200315, 92 Pocono Road, Site Plan Modification to add parking spaces as well as move some existing parking further north.** Commissioner Varda seconded the motion, and it carried unanimously.

Acting and Vice Chairman Blessey noted that the May 10, 2012 meeting will be rescheduled to May 17, 2012.

**4. Old Business:**

- a. **Proposed Regulation Change #201200258:** Section 242-305F – Commercial Vehicles in

*Residential Zones (Public Hearing set for 5/10/12)* - Secretary Lollie moved to move the Public Hearing for the Proposed Regulation Change, #201200258, Section 242-305F – Commercial Vehicles in Residential Zone, to May 17, 2012. Acting and Vice Chairman Blessey seconded the motion, and it carried unanimously.

b. *Proposed Regulation Change #201200259: Section 242-401A(2)(g) – Customary Home Occupation (Public Hearing set for 5/10/12)* – Secretary Lollie moved to move the Public Hearing for the Proposed Regulation Change, #201200259, Section 242-401A(2)(g), to May 17, 2012. Acting and Vice Chairman Blessey seconded the motion, and it c carried unanimously.

c. *Proposed Regulation Change #201200260: Section 242-501 – Table of Permitted Uses for Industrial & Commercial Districts (Public Hearing set for 5/10/12)* – Secretary Lollie moved to move the Public Hearing for Proposed Regulation Change, #201200260, Section 242-501, Table of Permitted Uses for Industrial and Commercial Districts, to May 17, 2012. Acting and Vice Chairman Blessey seconded the motion, and it carried unanimously.

d. *Proposed Regulation Change #201200261: Section 242-405 – Apartment Units within single-family dwellings (Public Hearing set for 5/10/12)* – Secretary Lollie moved to move the Public Hearing for the Proposed Regulation Change, #201200261, Section 242-405 – Apartment Units within single-family dwellings, to May 17, 2012. Acting and Vice Chairman Blessey seconded the motion, and it carried unanimously.

##### 5. New Business: (continued)

- a. **388, 398, 414 Federal Road (Barnbeck Place) #201200274: Design Review Modification to change footprint of south building, changed from PARC development to Incentive Housing** (*dec date 6/30/12*)
1. Memo from Julia B. Morris, Esq. To Zoning Commission dated 4/5/12 Re: Application For Approval of Site Plan/Design Review Modification in an Incentive Housing Overlay Zone
  2. Letter from Richard Howard, P.E. of CCA, LLC to Daniel Bertram dated 3/21/12 Re: Barnbeck Site Plan Modification Federal Road
  3. Memo from Ralph Tedesco to Zoning Commission dated 4/13/12 Re: Barnbeck Application #201200274
  4. Map Cover Sheet titled “Site Development Plans” prepared by CCA, LLC dated February 2010 revised 4/2/12
    - “General Legend, Notes And Abbreviations” dated Jan. 2006 – sheet N1
    - “Existing Building Location Survey” dated 2/15/08 – sheet 1
    - “Layout & Materials Plan” dated 1/26/10 revised 4/2/12 – sheet C1
    - “Grading & Drainage Plan” dated 1/26/10 revised 4/2/12 – sheet C2
    - “Site Utilities Plan” dated 1/26/10 revised 4/2/12 – sheet C3
    - “Erosion & Sedimentation Control Plan” dated 1/26/10 revised 4/2/12 – sheet C4
    - “Landscape Plan” dated 1/26/10 revised 4/2/12 – sheet C5
    - “Sanitary Sewer Plan & Profiles” dated 1/26/10 revised 4/2/12 – sheet C6
    - “Notes & Details” dated 1/26/10 revised 4/2/12 – sheet D1
    - “Notes & Details” dated 1/26/10 revised 4/2/12 – sheet D2
    - “Notes & Details” dated 1/26/10 revised 4/2/12 – sheet D3
    - “Sanitary Sewer Details” dated 1/2610 – sheet D4

- “Sanitary Sewer Details” dated 1/26/10 – sheet D5
  - “Sanitary Sewer Details” dated 1/26/10 – sheet D6
  - “Sedimentation And Erosion Control Plan” dated 12/7/05 – sheet E1
4. Map titled “South Building Second Floor Plan” prepared by Humphreys & Partners Architects dated 4/3/12
- “North Building Second Floor Plan” dated 4/3/12
  - “South & North Building Ground Floor Plans” dated 4/3/12
5. Elevation Maps prepared by Humphreys & Partners Architects
- “South Building - North & East Elevation” dated 4/3/12
  - “North Building – East Elevation” dated 4/3/12

*S. Sullivan, P.E., CCA, 40 Old New Milford Rd., Attorney J. Morris, and D. Bertram, BRT Development, Newtown Rd., Danbury, CT, were present.* S. Sullivan reviewed the proposal for changes in the southern portion of the site. They include: a change in the unit count to 165; a change in the parking spaces count to 276; and no commercial or retail in the existing barn (this will now be utilized as a common area for the residents). The proposal for the site maintains the same road widening and signal improvements of the original approval, however, the applicant must return to the State Traffic Commission to modify its existing permit related to the unit count. Mr. Sullivan advised that the density for the site will be 23.9 units per acre, therefore, meeting the incentive housing requirements. The dimensional waivers include: 1) 24’ aisles in the parking garage; 2) 18’ long parking spaces inside the garage; and 3) 11’ landscaped area between the driveway and building. Mr. Sullivan further stated that the building height is 47’, and he explained how that is calculated. The parking spaces were calculated utilizing “nationwide best practices”, per Mr. Bertram (1 per studio unit, 1.5 per 1-bedroom unit, and 2 per 2-bedroom unit, along with visitor and staff parking).

Acting and Vice Chairman Blessey reviewed with the other Commissioners the discretion that the Commission has with incentive housing. Attorney Norris pointed out that this is also outlined in the State statutes.

Mr. Sullivan advised that the applicant is in receipt of Mr. Tedesco’s memo regarding sloping. He indicated that there are fewer of the 1:1 slopes, and requested that it again be stipulated that the applicant’s geotechnical engineer will provide a statement of the stability of the slope.

Acting and Vice Chairman Blessey indicated that the Commission has not had time to review the material submitted. He further advised the applicant’s representatives that the next meeting will be May 17, 2012. Mr. Sullivan noted that Attorney Norris submitted a document regarding incentive housing with the application materials. Attorney Norris pointed out that the exhibits and schedules for this application are similar to those of the incentive housing project at 540 Federal Road.

Mr. Sullivan also advised that there are architectural renderings that have been submitted.

Attorney Norris pointed out that the relevant statute is Connecticut General Statutes Section 8-13n(c)

Upon inquiry from Commissioner Varda, Mr. Bertram explained that larger vehicles will still fit in the 18’ parking spaces and there is ample outside parking for exceptionally large vehicles.

- b. 84, 106, 112, 128 & 140 Federal Road (BJ’s Wholesale Club) #201200273: Site Plan Modification for revised site electric, eliminated overhead service replaced with switchgear and underground services (dec date 6/30/12)**
1. Letter from Jamie Anderson, Assoc. at RJO’Connell & Assoc. to Katherine Daniel dated 3/23/12 Re: BJ’s Wholesale Club Site Lighting Plan for Design Review

Modification

2. Map titled “A2 Survey Plan” prepared by EA Engineering Advantage, Inc. dated 4/5/12 – sheet SKE-1
3. Map titled “Site Lighting Plan” prepared by RJO’Connell & Assoc. dated 2/9/11 revised 4/5/12 – sheet SL-1

*M. Fitzpatrick, Samuels & Associates, was present.* He reviewed the changes in the lighting plan and a change per Connecticut Light & Power requirements for an easement. He advised that ZEO Dew and Chairman Mercer are satisfied with the changes.

Mr. Fitzpatrick then reviewed the changes to move the power per the 11” X 17” plan submitted, including a pole with an overhead line that needs to be corrected, a transformer, and the provision of underground power. A second change relates to the lighting plan that included fixtures and poles that conform to the current, revised zoning regulations. The fixtures have increased pole height, fewer poles, and improved light distribution.

**Commissioner Varda moved to approve 84, 106, 112, 128 & 140 Federal Road, #201200273: Site Plan Modification for revised site electric, eliminated overhead service replaced with switchgear and underground services. Secretary Lollie seconded the motion, and it carried unanimously.**

*Commissioner Grimes arrived at 7:47 p.m.*

- c. **100 Silvermine Road (On Track Karting) #201200300: Site Plan Modification to install a 300 gallon fuel tank (dec date 6/30/12)**
  1. Site Plan showing location of fuel tank – received in Land Use 4/17/12

*M. Tyrrel, 51 Lanyon Dr., Cheshire, CT, and C. Tyrrel, 810 Rustic Ln., Cheshire, CT, were present.* M. Tyrrel explained that the egress stairs were fixed based upon comments from the Building Inspector. Additionally, the applicant would like to install an awning over the stairs on the west parking lot. The egress stairs next to concrete ramp on left side of the building were also not compliant, and they have been replaced. Lastly, the Fire Marshal requested an additional egress point at the back of the building, and a sidewalk at that area was installed to connect to parking area, at the request of the Building Inspector.

M. Tyrrel and Acting and Vice Chairman Blessey also noted that the previously approved gas tank will now be outside, and connected to ramp on side of building. The tank will be installed by Mitchell Fuel. Acting and Vice Chairman Blessey inquired regarding the details of the tank. M. Tyrrel explained that it is “a tank within a tank”. Acting and Vice Chairman Blessey pointed out the Commission’s concern with aquifer protection, and requested that a containment basin be built to hold the capacity of the tank, and also to install a rain shed roof over it. He requested that this be stipulated and put on the drawings before the next meeting.

Commissioner Ziembicki inquired if the tank must comply with the same rules as a gas station, and Acting and Vice Chairman Blessey indicated he does not know how it compares to that, but it is not similar that of a residential oil tank. Commissioner Ziembicki also inquired if there was an alarm on the tank. The Commission noted that the applicant must supply more specifics related to the gas tank.

**Commissioner Grimes moved to table 100 Silvermine Road (On Track Karting), #201200300: Site Plan Modification to install a 300 gallon fuel tank, to May 17, 2012. Commissioner Ziembicki seconded the motion, and it carried unanimously.**

There will also be discussion at the May 17, 2012 meeting regarding making the radius conform to the fire truck radius at the site.

**d. 132 Federal Road (“Alternative Sales”) #201200311: Certificate of Zoning Compliance for a Used Car Finance/Dealer business**

*D. Moots was present.* He discussed his virtual car dealership in relation to a repairer’s license. He will subcontract the repairs for his vehicles under someone who currently works under that “grandfathered” use at the site, and will be working under Mr. Moots’ license. Acting and Vice Chairman Blessey indicated that there is adequate parking on the site. He advised that in this IRC zone, the applicant’s use is an approved use.

**Acting and Vice Chairman Blessey moved to approve the application for the commercial use at 132 Federal Road, #201200311, with the stipulation that the applicant does not have his own repair operation; that it is subcontracted to a repair operation already on the premises; and that he has no more than 6 cars in storage at that property, outside. Commissioner Grimes seconded the motion. Mr. Moots discussed the repairers’ license and the requirement of two bays, which will be leased from someone else. Commissioner Varda inquired what would happen if Mr. Moots acquired the existing business. The motion was read back, and Acting and Vice Chairman Blessey withdrew his motion, and Commissioner Grimes withdrew his second.**

**Acting and Vice Chairman Blessey moved to approve #201200311 for 132 Federal Road, with stipulation that the applicant does not increase the number of allowed repair facilities at that property, and that he does not store more than six vehicle outside at any given time. Commissioner Grimes seconded the motion, and it carried unanimously.**

Mr. Moots was advised that ZEO Dew can sign the State licensing paperwork.

**e. 200 & 236 Federal Road (Costco) #201200312: Site Plan Modification for building addition & construction, gas dispensing and pavement reconstruction (*dec date 6/30/12*)**

1. Letter from Thomas P. Cody, to Zoning Commission dated 4/18/12 Re: Costco Wholesale Corporation Application Site Plan/Design Review Modification
2. Memo from Ralph Tedesco to Zoning Commission dated 4/12/12 Re: Costco Application #201100583
3. Map Cover Sheet titled “Costco Renovation & Expansion, Relocation of Bank And New Fuel Facility 200 & 236 Federal Road” prepared by BL Companies dated 7/21/11 revised 4/4/12
  - “Property/Topographic Survey” dated 5/19/11 revised 4/16/12 – sheet EX-1
  - “Demolition Plan” dated 7/21/11 revised 4/11/12 – sheet DM-1
  - “Site Plan” dated 7/21/11 revised 4/11/12 – sheet SP-1
  - “Grading And Drainage Plan” dated 7/21/11 revised 4/11/12 – sheet GD-1
  - “Grading And Drainage Enlargements” dated 7/21/11 revised 4/11/12 – sheet GD-2
  - “Site Utilities Plan” dated 7/21/11 revised 4/11/12 – sheet SU-1
  - “Initial Phase Erosion Control Plan” dated 7/21/11 revised 4/11/12 – sheet EC-1
  - “Final Phase Erosion Control Plan” dated 7/21/11 revised 4/11/12 – sheet EC-2
  - “Erosion Control Notes & Details” dated 7/21/11 revised 4/11/12 – sheet EC-3
  - “Overall Landscape Plan” dated 7/21/11 revised 4/11/12 – sheet LL-1
  - “Landscape Plan Enlargement” dated 7/21/11 revised 4/11/12 – sheet LL-2

- “Landscape Plan Enlargement” dated 7/21/11 revised 4/11/12 – sheet LL-3
- “Overall Irrigation Plan” dated 7/21/11 revised 4/11/12 – sheet IR-1
- “Irrigation Plan Enlargement” dated 7/21/11 revised 4/11/12 – sheet IR-2
- “Irrigation Plan Enlargement” dated 7/21/11 revised 4/11/12 – sheet IR-3
- “Details” dated 7/21/11 revised 4/11/12 – sheet DN-1
- “Details” dated 7/21/11 revised 4/11/12 – sheet DN-2
- “Details” dated 7/21/11 revised 4/11/12 – sheet DN-3
- “Details” dated 7/21/11 revised 4/11/12 – sheet DN-4
- “Details” dated 7/21/11 revised 4/11/12 – sheet DN-5
- “Site Lighting Plan” prepared by T.E., Inc. dated 12/2011 revised 4/16/12 – sheet SE-1
- “Floor Plan” prepared by Mulvanny Architecture, G2 dated 8/3/11 revised 3/29/12 – sheet A101
- “Exterior Elevations” prepared by Mulvanny Architecture, G2 dated 8/3/11 revised 3/29/12 – sheet A301

*Secretary Lollie left the room at 8:10 p.m.*

Acting and Vice Chairman Blessey advised that Chairman Mercer has a meeting with Mr. Montesano (a representative of the applicant) next week in the Land Use Office today. He further stated that Costco has leased 75 off-site spaces to help mitigate parking issues and is running shuttle bus, for employees only. He encouraged the Commissioners to inspect the parking situation on their own and advise ZEO Dew and/or Chairman Mercer of any issues.

*Secretary Lollie returned to the room at 8:12 p.m.*

- f. 10 Huckleberry Hill Road #201200313: Site Plan Modification to increase pool enclosure building by 1900 square feet (dec date 6/30/12)**
1. “Site Plan” prepared by CCA, LLC dated 4/1/11 revised 4/12/12 – sheet S1
  2. Map of pool area prepared by John S. Madzula Architect dated 4/4/12 – sheet 1
    - Map of Elevations dated 4/4/12 – sheet 2

*J. Madzula, 20 The Boulevard, Newtown, CT, S. Sullivan, P.E., CCA, 40 Old New Milford Rd., and M. Miszewski, President and CEO, Regional YMCA of Western CT, 246 Federal Rd., B21, Brookfield, CT, were present.* Mr. Sullivan reviewed the modification to the site plan. He indicated that the parking is completed, and the next step will be Phase 3 (the enclosure of the pool) and Phase 4 (to complete the aquatic center). He noted that the modification is to change the material for the enclosure and increase footprint 10 feet to the access road. Mr. Madzula discussed the change from conventional building material to the high-strength membrane structure for cost purposes. The south wall will be a conventional wall of concrete block. He also reviewed how portions of the membrane material can be removed during the warmer seasons. Mr. Madzula advised that the fabric conforms to fire codes. A color chart for the material was reviewed. It was noted that the structure has already been approved, and other areas of the proposal require Building Department approval. The applicant will get more details about the colors and the material, and this matter will be discussed at the next regular meeting.

Commissioner Varda inquired regarding the parking, and Ms. Miszewski explained the additions to the parking, and the rationale for the recent changes.

Commissioner Grimes moved to table 10 Huckleberry Hill Road, #201200313, Site Plan Modification to increase pool enclosure building by 1900 square feet. Acting and Vice Chairman Blessey seconded the motion, and it carried unanimously.

6. **Tabled Items:**           None.

7. **Informal Discussion:**

c. **10 Station Road, Green Bubbles: Signs** – *G. DiLascio, Long Meadow Hill Rd., was present.* He explained that he is proposing to add a directional sign to point out the detailing area of the business, and another “car wash” sign. Acting and Vice Chairman Blessey noted that currently, there is no building sign.

*Secretary Lollie briefly left the room at 8:26 p.m.*

The property frontage was looked at. Acting and Vice Chairman Blessey explained the sign calculation in relationship to that footage. Mr. DiLascio is asking if the Commission would approve these two separate signs as noted above. Acting and Vice Chairman Blessey noted that the Commission has discretion if the property stays within the calculations. The wording of the regulation, as well as the site’s location within the Town Center District, was discussed. The Commissioners had no concerns, and ZEO Dew was advised that she can approve the sign application.

a. **331 Federal Road (Jesters Coffee): Signs** – *No one present.* Acting and Vice Chairman Blessey explained the location and use at the site, and the possibility of the property owner buying the neighboring parcel, and utilizing both sign allowances. There was discussion regarding the calculations for the signs at this property.

b. **7 Station Road: Proposed redemption center for recycling of cans and bottles business (Bobby Dunn)** - *No one present.* The location of the property was discussed. It was noted that this use is not listed on the Use Table. The Commission will request that the property owner come to the next meeting to discuss this matter.

8. **Comments of Commissioners:**       There was brief discussion regarding the former BP gas station at Four Corners.

9. **Adjourn:**       Commissioner Grimes moved to adjourn the meeting at 8:41 p.m. Acting and Vice Chairman Blessey seconded the motion, and it carried unanimously.

**\*\*Next Regular Meeting Scheduled for May 17, 2012\*\***