

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION**

**Special Meeting
Tuesday, January 16, 2018
Clifford B. Green Meeting Center
69 South Main Street
6:30 p.m.**

MINUTES

I. Call to Order – Carleen Kelleher, Acting Chair, called the meeting to order at 6:30 p.m.

II. Roll Call –Carleen Kelleher, A. Kerouac, J. Mohn, J. D’Agostino, Austin Tanner.
Michelle Sigfridson was absent with notice. Alan Carpenter was absent.

III. Seating of Alternates – None.

IV. Public Commentary – None.

V. New Business

a. None.

VI. Unfinished Business:

a. Discussion of Zoning Regulation Rewrite (Zoning Map, Contractor’s Yards, One Sink Hair Salon, etc.).

The Commission discussed contractor’s yards. Draft Regulations Section 5.E, Industrial Zone and Section 6. Use-Related Provisions (both dated January 10, 2018) were included in packets to Commission Members.

J. Roberson read a definition for Contractor’s Storage Yard as follows: “A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor.”

Ms. Roberson suggested removing “Storage” from the title and from the definition. A. Kerouac suggested just removing it from the title, but keep “store” in the definition. He also suggested adding “excluding on site sales.” There were no objections.

C. Kelleher and J. D’Agostino questioned whether the following language is too vague, “. . .construction equipment and other materials and facilities customarily required in the building trade by a construction contractor.”

Ms. Roberson asked the Commission to consider contractor’s yards that may have a need for retail sales. She explained that there are contractors who have outgrown where they are and need a place to expand. She suggested some ways they could work under the current Regulations:

- Add contractor’s yard to a zone;
- Limited Business Enterprise - C. Kelleher and J. D’Agostino objected to this suggestion, although C. Kelleher stated maybe on parts of Route 6, but not on Route 169. J. Roberson stated that Martha Fraenkel had expressed that she feels that Route 6 is a great place to

provide for business uses because: 1) It's the biggest highway in Town; and 2) It's not such a great place to live anymore.

- Modify Home Business or Home Enterprise Regulations to be more permissive. There was discussion regarding Mr. Malone's situation (which was discussed at the last meeting on January 3rd).

J. Roberson recommended that the Commission, at a minimum, identify a zone where contractor's yards could be a permitted use. A. Kerouac suggested making it work as a Home Business and gave an example of how it worked for another business in another town. Mr. Kerouac stated agreement with Ms. Kelleher regarding Limited Business Enterprise. J. Mohn feels that Home Business and Home Enterprise would be limiting because of the requirement for residence on the property.

There was more discussion regarding Mr. Malone's situation. One of the Tiffany Mill properties (undeveloped parcel approximately 15 acres) at the end of Tiffany Street may work for his needs.

J. D'Agostino suggested that contractor's yards be allowed in the Industrial Zone. **There was a consensus to add to the Industrial Zone as site plan review with criteria.** It was suggested that what is already in the Industrial Zone for criteria is good. The following criteria were suggested:

- Security
There was discussion regarding provisions (page 83).
- Setbacks apply to all aspects as a use. When adjacent to a residential zone that has a residential use on it, the setback requirements are...
- Wildlife fencing
- Noise
- Lighting
- There was discussion regarding performance standards. Include review of hazardous materials storage methods as part of site plan criteria. There was discussion regarding hazardous materials/equipment dripping. J. Roberson will discuss this with Martha Fraenkel.

A. Kerouac asked about, if it reverts back to Industrial that abuts the River, how would this relate to the Aquifer Protection Area Regulations. There was discussion regarding whether contractor's yard would fall under the prohibited uses listed in the Aquifer Protection Area Regulations. J. Roberson will research to make a determination.

J. D'Agostino asked about access to the Industrial Zone.

A. Kerouac suggested not allowing contractor's yards in GC, VCD, R-10 and R-30 are too congested for it. He is okay with it in RA provided there is some sort of land requirement. J. D'Agostino disagreed with it being allowed in the RA Zone.

The Commission reviewed a copy of the Zoning Districts Map (effective date of April 11, 2016, and was signed by C. Kelleher on July 14, 2016. The Map shows A. Kerouac's suggestions for zone changes:

- A new district all around Tiffany Street (Starting from the turn onto Tiffany Street, the Tiffany Mill, parts of R-10, Quebec Square, Community/Teen Center, including undeveloped lots near St. Regis).
Ms. Roberson stated that, although there are Residential uses there, this area may have more of a future as Industrial rather than Residential.
There was discussion about the current Industrial Zone and access to it. J. Roberson would like to see the deeded right of access.

C. Kelleher questioned whether two industrial areas are needed with the current Industrial area and if portions of the MMUDD are re-zoned back to Industrial

and adding another parcel that is currently R-30 and possibly some others too. J. Roberson stated that they are trying to find places for contractor's yards. A. Tanner brought up the traffic on Tiffany Street since that would be the only access and he suggested putting a bridge over the River. A. Kerouac explained that he is not in favor as there is the new zone that would allow someone to drop a floating zone there to do certain things. He spoke of other towns that have created innovation hubs that have funding tied to them on the state and federal levels. He feels a new zone should be created and call it something else. He stated that only option in Brooklyn to have a walkable neighborhood is East Brooklyn and the only way to attract young people/single/people/empty nesters is to have a walkable neighborhood. J. Roberson spoke of the importance of finding a place for contractor's yards and stated that it is a short route (1/4 mile) from Route 6 to Tiffany although there are some impacts to residences. A. Kerouac expressed concern that, if it is re-zoned Industrial, the needs of contractor's yards still won't be met because so many of the people who come in asking for it are in the RA and he gave an example of one on Tatic Road. Discussion continued regarding Mr. Malone. J. Roberson suggested that Home Enterprise/Home Business could be looked into to see if something could be done to accommodate the home-based people who want to be home based. A. Kerouac suggested putting contractor's yards in the Business Zone that was created off of Rock. J. Mohn asked why a well-controlled contractor's yard couldn't be in the RA. J. Roberson and A. Kerouac expressed that they are okay with it and Ms. Roberson explained that a lot of people don't have a lot of land or can't meet all of the buffering requirements (which are important in the RA Zone). J. D'Agostino stated opposition to contractor's yards in the RA Zone.

J. Roberson asked if the Commission is in favor of an Industrial Zone on Tiffany Street:

- A. Kerouac is not in favor and he explained why he pointed out the Business Zone instead (which he suggested a location for on the Map off of Brickyard Road. He stated that he had worked on these suggested Map revisions and had submitted it to Ms. Roberson before the work on the re-write of the Regulations began.

C. Kelleher voiced concern for trying to discuss all of these changes at this time and suggested limiting discussion on changes to just what needs to be discussed now. She is concerned about getting the draft completed. They will just concentrate on contractor's yards now.

- Tanner is not in favor, due to access problems. He would be in favor if access were improved.
- A. Kerouac would be in favor if access were improved (bridge built).
- C. Kelleher stated that she understands the traffic and social justice issues, but the amount of traffic that would be generated is not known. She stated that if it is a lot of traffic, the access would be a problem, but if it is not a lot of traffic, it is doable.
- J. Mohn feels that, from the road, it looks more Industrial than anything else. Comparing it to the other Industrial Zone, it appears comparable. A. Tanner stated agreement.
- J. D'Agostino is in favor of Industrial Zone on Tiffany Street if the traffic permits. The answer may be to build a bridge, but it is not feasible.

A. Kerouac asked if everyone is in favor of an Industrial Zone on Tiffany Street, but only if they have their own access to Route 6. J.

D'Agostino stated, "if the traffic permits, yes, because there are homes there."

J. Roberson suggested a criteria regarding keeping the volume of traffic to a certain level. She stated that there wouldn't be that many contractors because there are only fifteen acres on this parcel and a lot of contractors want to stay at their houses. A. Kerouac feels that this does not address the issue, he feels that it only addresses the issue for Mr. Malone. Discussion continued.

Discussion began regarding the current Industrial Zone (maybe access to South Main Street – southern access). Entrance is the same as for the East Brooklyn Fire Department. A. Kerouac thinks that the access off of South Street may have been terminated when houses were built. J. Roberson thinks the access on the north side may not be a real access. She has questions about the property boundaries. There was discussion regarding surrounding properties that had been zoned Industrial in the past. A. Kerouac suggested a deeded right of way (direct access to a State highway) requirement for anything going into the Industrial Zone so they're not going through a high density area. A. Kerouac asked that this be paired with a discussion regarding a Business Zone which had been suggested by Paula Stahl (for contractors, shipping businesses that don't need to be in the Industrial Zone). He explained his suggested location on the Map for a Business Zone. The area is mostly two property owners and one of them already has a use that would fit a Business Zone who came before the Commission regarding his trucks. Discussion continued regarding a property that is currently for sale and that the Town could approach the current owner before it is sold to make an offer to gain a public right of way through the property (due to difficulty for trucks to turn). Discussion continued.

Mr. Kerouac stated that his two suggestions for contractor's yards are in the current Industrial Zone and in the area he suggested on the Map for a potential Business Zone.

J. Roberson recapped:

- Keeping the current Industrial Zone and allowing contractor's yards there.
A. Tanner and J. D'Agostino stated that it should be given more thought.
C. Kelleher commented that John Filchak (NECCOG) will be attending an EDC meeting. What the EDC does, relates to the PZC. There was discussion.
Mr. Tanner stated that he feels that the Tiffany Street parcel would be a great place for contractors, if the impact can be kept low enough, but he doesn't know how to use the whole parcel without having more impact than one contractor would cause. Ms. Roberson will try to find a way to address the concerns. She suggested making either 7.5 acres or 15 acres the minimum area for a contractor's yard. There was discussion regarding whether the vehicle tax would bring revenue to the Town. Ms. Roberson will research.

The Commission discussed one-sink salons and Home-Base Businesses

A.Kerouac suggested redefining hair salon: A hair salon is two or more work stations.

Home Businesses are only allowed in the RA and the VC. The property of the person who made a request is in the R10. Does the Commission want to revisit whether or not it should/could be allowed in other zones? C. Kelleher is opposed to extending Home Business or Home Enterprise to the more densely populated zones. The question of why Home Business is not allowed in other zones was asked. The intent was to have minimum impact on a residential zone (RA could absorb the impact / it is encouraged in the VCD / minimum size for Home Business is 40,000 s.f. minimum and Home Enterprise is 3 acres).

C. Kelleher suggested a change to the draft: In the provisions, she asked that it say what zones they are in (in both places) in all instances.

6.A.3.2.2. (Page 103) A. Kerouac suggested changing 40,000 s.f. to 30,000 s.f. which could allow it in R-30. C. Kelleher and J. D'Agostino voiced opposition.

J. Roberson suggested a review the list of prohibited uses in Section 6.A.1.

There was discussion. C. Kelleher is not opposed to it in the RA and the VCD.

J. Roberson asked the Commission: Should Home Businesses, as currently defined, be prohibited in the two high density zones? A. Kerouac read aloud from page 104, Section 6.A.3.2.14. There was discussion and Ms. Roberson clarified that it is in the right place in the packet provided for this meeting (page 102, Section 6.A.1). She asked that the Commission consider that there is a higher need for them in the higher density zones because people try to do it all the time (not with permission). There was discussion about commercial vehicles (page 103, 6.A.3.2.14) and also being able to use up to 50 percent of the building for the business. C. Kelleher does not feel that it belongs in the densely populated areas. A. Kerouac does not mind Home Business in R-30, but would not want it in R-10.

Home Businesses are allowed in RA and VCD, but not in R-30 and R-10.

A.Kerouac asked for a poll of the Commission to see how many are in favor of Home Businesses in the R-30:

- Kerouac – yes;
- J. D'Agostino – yes;
- Not sure how A. Tanner voted;
- C. Kelleher – opposed;
- J. D'Agostino withdrew his vote;
- J. Mohn – Leave as is.

J. Roberson asked the Commission if the one-sink hairdresser should be called a beauty shop.

- J. D'Agostino – It is a beauty shop;
- J. Mohn – Does not think it is a beauty shop;
- C. Kelleher – Much less intense than what a home business is. Although it doesn't fit under the Home Business Section, there may be a way to get it in someplace else.

Ms. Roberson suggested defining what a beauty shop is and it doesn't include a one -sink salon. Home Office can include a one-sink hair salon. She thinks that they could just define beauty shop as being more than one sink. She will consult with Martha Fraenkel. C. Kelleher stated that it still would not allow her to do it under home-based business because of the zone and because home office is limited to mail and electronic. People cannot be coming and going to a home office. C. Kelleher asked about making it an unregulated

activity because it doesn't bother anybody and you wouldn't even know that it is there. Ms. Roberson will look into it. It would be for all zones. A. Kerouac commented that the appearance of the building cannot be changed.

There was discussion regarding number of commercial vehicles allowed and also regarding 50 percent of the building being allowed to be used for the business.

A. Kerouac asked what unregulated use means. J. Roberson explained that it makes it explicit that a zoning permit is not needed or any other kind of approval (as-of-right use). Ms. Roberson will get the modern definitions for beauty salon/shop and barbershop. It was suggested that pet salon could be for more than one stalls.

A. Kerouac stated that the one-sink salon could be a professional license and then it could be called her office because it can't be called a Home Office. J. Mohn suggested that, since everyone is in favor, J. Roberson and Martha Fraenkel can figure out the best way to accommodate it in the Regulations.

The Commission went back to discussing contractor's yards. It was decided earlier that they would be allowed in the Industrial Zone, maybe on Tiffany Street. It is unresolved whether they could be in the RA Zone. Ms. Roberson asked if the Commission would consider allowing contractor's yards in one of the other business zones (VCD, Restricted Business, Neighborhood Commercial, Planned Commercial). The Commission previously did not want it in the Planned Commercial and also suggested a new zone that does not exist yet.

J. D'Agostino stated that he prefers that it be allowed in Industrial only.

There was discussion regarding whether to allow contractor's yards in the RB Zone (existing zone boundary).

- C. Kelleher wouldn't mind since it is already an existing zone, but she would not want to see expansion of that type of use along Route 6.
- A. Kerouac explained that the reason he has an issue with contractor's yards being allowed in the RB is because of the existing boundary. There was discussion regarding A. Kerouac's suggestions for the Zoning Map which he said would make more consistency in the Zone and it would be going from RA through, gradually, to more business uses (RB not PC), then going to VCD (full commercial uses allowed), then back to RB. He suggests expanding the RB. He is opposed to allowing contractor's yards in the RB.

Ms. Roberson indicated the current Route 6 RB Zone (Village Gateway Area) on the 2011 POCD Map. She stated that the Commission does not have to follow it, but if they don't, they have to put it on the record why they are not. There was discussion regarding intensity of uses. A. Kerouac stated that he is surprised that the Commission is not wanting to fix the second largest area (R-30) in Town by not allowing Home Businesses. He feels that the RB needs to be protected, not ruin it with contractor's yards.

J. Roberson asked, without changing any zone boundaries, what zones could a contractor's yard go in?

- J. Mohn – Industrial and A part of the RA. He also wants to recognize that there is a lot of acreage in Town that is very rural. He does not want to destroy the value of the farm community.
- J. D'Agostino – Industrial only.
- C. Kelleher does not think it should be as a Home Enterprise in RA and she read aloud from the purpose for Home-Based Businesses. She stated that she agrees

with Mr. Mohn - in the A part of the RA Zone. In certain locations, it would be fine, and in other locations it would not be fine. You have to have the criteria that would allow it. Not devaluing other people's property. A part of the RA Zone means a non-residential area in the RA Zone.

There was discussion regarding trucks on the roads.

- A. Kerouac stated that his position on this issue is the same thing he said earlier.

There was discussion regarding how a small contractor living on the property could qualify as Home Enterprise. They would have to meet a lot of criteria. J. Roberson stated that there are businesses in Town operating under the radar that could not meet the criteria right now. Zoning violations will be addressed when time becomes available.

It was recognized that a consensus is not going to be reached. C. Kelleher stated, "under some circumstances enough acreage and buffers that, I mean they're there. They're already here. And to say that they can only be in the Industrial Zone, which I'd like to say, denies reality. I think that's the problem." J. Mohn stated, "that is what I was trying to say when I said the A part of the RA." C. Kelleher replied, "That's why I agreed with you on that." J. Roberson stated, "And I didn't know what that meant."

Since there was confusion regarding poll results, the Commission decided to re-do the poll regarding where to allow contractor's yards:

- J. D'Agostino – Industrial Zone only. He does not see this business in the RA Zone at all.
- A. Tanner stated that he disagrees with J. D'Agostino. He does see it in the Ra Zone and Industrial.
- J. Mohn – Industrial and RA with the kind of restrictions that C. Kelleher spoke about.
- C. Kelleher – Industrial and RA with conditions and stipulations.
- A. Kerouac – Industrial only.

RESULTS OF POLL – IN WHICH ZONES WILL CONTRACTOR'S YARDS BE ALLOWED?

**3 IN FAVOR OF INDUSTRIAL ZONE AND RA ZONE
2 IN FAVOR OF INDUSTRIAL ZONE ONLY**

A. Kerouac asked, "We're doing the RA so that it brings things into compliance. Why wouldn't we do the R-30 so that it bring things into compliance? We're missing three other members." C. Kelleher replied that Ms. Roberson needs some guidance regarding what to put down on paper which, at this point, is subject to review. Mr. Kerouac asked Ms. Roberson to prepare for the next meeting how many people are in the R-30 that fall under Home Business that will stay illegal Home Businesses. Ms. Roberson explained that she does not have that number and pointed out that if you see a business advertising in local papers or on a telephone pole with a phone number, but no address, that's a pretty good indication.

b. Discussion of solicitation of public input.

J. Roberson reviewed/explained the schedule for public review of the draft that she prepared per the request of Mr. D'Agostino. There was discussion. J. Roberson will compile her notes into a summary of the changes.

Contractor's Yards to be added to the Industrial Zone by Site Plan Review and to be added to the RA Zone by Special Permit.

There was discussion regarding when the Draft Map needs to be done. A decision is needed regarding the MMUDD Zone. The Map needs to be finalized 35 days before the public hearing. A. Kerouac asked if the PZC wants to have a map subcommittee or a map group? A. Kerouac has/will reach out to WPCA, the Selectmen, IWWC, EDC, Agricultural Commission for feedback. The PZC will be the Map Committee and it will be discussed at PZC meetings. Everyone is to bring any notes that have.

VII. Public Commentary – None.

VIII. Adjourn

Motion was made by J. D'Agostino to adjourn at 9:57 p.m. Second by A. Tanner. There was no vote. The meeting adjourned.

Respectfully submitted,

J.S. Perreault

Recording Secretary

(The Recording Secretary was not present at this meeting and did the minutes from the audio recording.)