

**TOWN OF OXFORD**  
S.B. Church Memorial Town Hall  
486 Oxford Road, Oxford, Connecticut 06478-1298  
[www.Oxford-CT.gov](http://www.Oxford-CT.gov)

## Planning & Zoning Commission

### REGULAR MEETING MINUTES

Tuesday, May 7, 2013  
7:30 PM, Main Meeting Room  
Oxford Town Hall

#### CALL TO ORDER

**Chairman Bill Johnson** called the Planning & Zoning Regular Meeting of May 7, 2013 to order at 8:53 P.M.

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL

**Present:** Alternate Joe Rasberry, Alternate Joe Dempsey, Harold Cosgrove, Alternate Edna Cruz, Wayne Watt, Chairman Bill Johnson, Secretary Pat Cocchiarella and Tanya Carver.

**Also Present:** Jessica Pennell, Administrative Secretary, Jeff Holzman, ZEO, Town Engineer, Jim Galligan, Town Planner, Brian Miller and Town Attorney Kevin Condon.

**Absent:** Alan Goldstone and Vice Chairman Bonnie Bartosiak,

#### CHAIRMAN'S REPORT (see *Attachment A*)

#### SEATING OF ALTERNATES

**Chairman Bill Johnson** seated Alternate Edna Cruz for Alan Goldstone and Alternate Joe Rasberry for Vice Chairman Bonnie Bartosiak.

#### AUDIENCE OF CITIZENS (Not for Pending Applications)

#### AMENDMENTS TO AGENDA

**MOTION BY Secretary Pat Cocchiarella to *amend the agenda* to move New Business #5 (25 Reality Road), and Old Business #2 (Randall Drive) directly after Amendments to the Agenda and preceding Old Business in order to receive input from any experts in attendance at this meeting.**  
**Second by Chairman Bill Johnson. All Ayes.**

**New Business #5**

**Z-13-030 [RES-A] – 25 Reality Road, Leslie & Leonard Alexander (Shed Permit – 12x24)**

**(a.) Letter from Dominick Thomas dated 4/29/2013**

**Secretary Pat Cocchiarella** read a letter dated 4/29/2013 from Dominick Thomas.

**Attorney Dominick Thomas** spoke on behalf of the Ott's who live at 4 Flora Lane. He stated that Mr. & Mrs. Ott originally came to him to discuss the restrictive covenant on the subdivision which prohibits animals other than pets. The Alexander's had a petition signed in an effort to amend the covenant to permit the keeping of animals if they are not a nuisance or for commercial purposes. He stated that the Alexander's received a zoning permit for a shed, which turned out to be more of a barn. He went onto question the commission's interpretation of the zoning regulations pertaining to animals other than pets (Article 5, Section 3.2). He also questioned if the Alexander's were running a business out of their home.

The commission members referred this issue to Town Attorney Kevin Condon.

**Chairman Bill Johnson** stated that the original application was for a shed, but the applicant's have changed the application, it is for a barn and has been approved by the ZEO. He also stated that he has been on site and currently there are no farm animals on the property.

**Secretary Pat Cocchiarella** also mentioned that this should be investigated and the commission should get some legal advice.

**Town Attorney Kevin Condon** questioned if there are currently any animals on site.

**Attorney Dominick Thomas** stated that there are no animals on site.

**Town Planner, Brian Miller** stated that there is ambiguity in the regulations and it needs to be defined.

**Chairman Bill Johnson** referred this item to Town Attorney Kevin Condon and Town Planner Brian Miller.

**Old Business #2**

**Z-04-006 - Susan Petinella, Governor's Hill Road – Petinella Subdivision/Randall Drive**

**Secretary Pat Cocchiarella** read two e-mails from Sue Kopec Jutcawitz.

**Secretary Pat Cocchiarella** referred to Town Engineer Jim Galligan.

**Town Engineer, Jim Galligan** stated that it seemed to him that they were getting ready to move forward at the site.

**Secretary Pat Cocchiarella** stated that come May 31<sup>st</sup>, the bond should be called.

**Town Engineer, Jim Galligan** stated that the retaining wall was discussed at the pre-construction meeting and there was a drawing of the retaining wall.

The commission asked Town Attorney Kevin Condon to send a letter to Sue Kopec-Jutcawitz stating that if the work on the retaining wall is not complete by May 31<sup>st</sup>, the bond will be called.

**OLD BUSINESS**

- (1.) **Z-12-130 (Owner): Ziat, LLC – (Applicant): 2<sup>nd</sup> Street Leasing, LLC – 315 Riggs Street, Unit 7, Building B** (Use Permit - Special Exception - Article 9, Section 3.16) (Indoor Auto Repairs)

**MOTION BY Secretary Pat Cocchiarella:**

**WHEREAS**, The Oxford Planning & Zoning Commission has received the Application **Z-12-130**; Application of 2<sup>nd</sup> Street Leasing, LLC; 315 Riggs Street for a Special Permit to establish a motor vehicle repair facility within the Industrial Zone, Article 9, of the Oxford Zoning Regulations.

**WHEREAS**, the Public Hearing for this application was legally noticed, in conformance with Connecticut State Statutes and the Zoning Regulations of the Town of Oxford.

**WHEREAS**, The Oxford Planning & Zoning Commission has considered the testimony presented at the public hearing held on January 15, 2013, with members of the public.

**WHEREAS**, information on the application was submitted, along with supporting information on file in the Planning & Zoning Department of the Town of Oxford.

**BE IT RESOLVED**, that based upon the application and testimony, this application is approved for the following reasons;

1. The proposal is consistent with the overall industrial character of the area.
2. The Commission finds that the proposed use is permitted within the Industrial Zone and that this application is in conformance with Article 9, Section 3.16 of the Oxford Zoning Regulations.
3. The application is consistent with the requirements of Article 10, Section 3.1 of the Oxford Zoning Regulations, in that the proposed uses will not be detrimental to the health, safety welfare and property values of the neighborhood.
4. The application is consistent with the requirements of Article 10, Section 3.2 of the Oxford Zoning Regulations in that the proposed uses would not create traffic which cannot be adequately accommodated on the existing roadway system.
5. The application is consistent with the requirements of Article 10, Section 3.3 of the Oxford Zoning Regulations since no new building is proposed and therefore, the design of the proposed building is adequate to preserve the appearance and character of the neighborhood.
6. The application is consistent with the requirements of Article 10, Section 3.4 of the Oxford Zoning Regulations, in that the lot on which the building is located is adequate for the conduct of such, in a manner that will not be detrimental to the adjoining property and the neighborhood.

Subject to the following conditions:

1. Compliance with the Oxford Zoning Regulations in place as of this date.

2. Applicant and their assigns must comply with all representations made at Planning & Zoning Meetings and Public Hearings regarding this application.
3. Per Article 3, Section 19.1 of the Oxford Zoning Regulations, the applicant shall be responsible for rendering payment for any outside experts the Commission assigns to review this application, from initial review through inspection and issuance of a certificate of compliance.
4. All repair operations shall be conducted inside the building.
5. There shall be no outside storage of automotive parts.
6. There shall be no retail vehicular repair services, in that all repairs conducted shall be conducted on a contractual basis.
7. Any change in use or size, as determined by the Zoning Enforcement Officer shall require approval by the Commission.
8. There shall be no more than four (4) vehicles awaiting repair stored outdoors on the site and no vehicle shall be stored outside for more than thirty (30) days.

**Second by Wayne Watt. All Ayes.**

**NEW BUSINESS**

- (1.) **Z-13-024 [RES/A] – 66 Old Country Road, Sylvia Hynds, Oxford Floor Covering & Decorating** (Application for Cottage Business Permit)

**MOTION by Secretary Pat Cocchiarella to *approve* Z-13-024, based on plans dated 4/4/2013 with the following conditions;**

1. Applicant and their assigns must comply with all representations made at the Planning & Zoning meeting regarding this application.
2. Compliance with the Statement of Use dated 4/4/2013.
3. Compliance with P.D.D.H.'s approval.
4. Compliance with Fire Marshal's approval.
5. Compliance with the Oxford Zoning Regulations as of this date.
6. Any changes and/or modifications to the use permit must come back before the Planning & Zoning Commission for approval, including any lease changes or changes in ownership.
7. Per **Article 3, Section 19.1** of the Oxford Zoning Regulations, the applicant shall be responsible for rendering any payment for any outside experts the Commission assigns to review this application.

The reason for approval is that this application meets Oxford Zoning Regulations in effect as of this date.

**Second by Wayne Watt. All Ayes.**

- (2.) **Z-13-025 [COMM] – 357 Oxford Road, (Applicant): Hiren & Nilam Patel (Owner): Alliance Energy, LLC** (Use Permit)

**MOTION BY Secretary Pat Cocchiarella to *approve* Z-13-025** based on plans dated **1/16/2013** with the following conditions;

1. Applicant and their assigns must comply with all representations made at the Planning & Zoning meeting regarding this application.
2. Compliance with the Statement of Use dated 4/8/2013.
3. Compliance with P.D.D.H.'s approval letter dated 1/22/2013.
4. Compliance with the Oxford Zoning Regulations as of this date.\
5. Any changes and/or modifications to the use permit must come back before the Planning & Zoning Commission for approval, including any lease changes or changes in ownership.
6. Per **Article 3, Section 19.1** of the Oxford Zoning Regulations, the applicant shall be responsible for rendering any payment for any outside experts the Commission assigns to review this application.

The reason for approval is that this application meets Oxford Zoning Regulations in effect as of this date.

**Second by Tanya Carver. All Ayes.**

- (3.) **Z-13-038 [RES-A] – 16 Edwards Drive, (Applicant & Owner): James L. Clark** (Cottage Business Permit)

**MOTION by Secretary Pat Cocchiarella to *approve* Z-13-038**, based on plans dated **4/2/2013** with the following conditions;

1. Applicant and their assigns must comply with all representations made at the Planning & Zoning meeting regarding this application.
2. Compliance with the Statement of Use dated 4/2/2013.
3. Compliance with P.D.D.H.'s approval dated 4/29/2013.
4. Compliance with the Oxford Zoning Regulations as of this date.
5. Any changes and/or modifications to the use permit must come back before the Planning & Zoning Commission for approval, including any lease changes or changes in ownership.
6. Per **Article 3, Section 19.1** of the Oxford Zoning Regulations, the applicant shall be responsible for rendering any payment for any outside experts the Commission assigns to review this application.

The reason for approval is that this application meets Oxford Zoning Regulations in effect as of this date.

**Second by Wayne Watt. All Ayes.**

- (4.) **Z-13-021 [IND] – 91 Willenbrock Road, B-1, (Applicant): Walter Schneider – Villa Radiology Systems, LLC (Owner): WFS Properties** (Use Permit)

**MOTION BY Secretary Pat Cocchiarella to *approve* Z-13-021 based on plans dated 3/12/2013 with the following conditions:**

1. Applicant and their assigns must comply with all representations made at the Planning & Zoning meeting regarding this application.
2. Compliance with the Statement of Use dated 3/12/2013.
3. Compliance with the Oxford Zoning Regulations as of this date.
4. Compliance with W.P.C.A. approval dated 4/18/2013.
5. Any changes and/or modifications to the use permit must come back before the Planning & Zoning Commission for approval, including any lease changes or changes in ownership.
6. Per **Article 3, Section 19.1** of the Oxford Zoning Regulations, the applicant shall be responsible for rendering any payment for any outside experts the Commission assigns to review this application.

Reason for approval is that it meets Oxford Zoning Regulations in effect as of this date.

**Second by Joe Rasberry. All Ayes.**

- (5.) **Previously discussed as an Amendment – 25 Reality Road**
- (6.) **Z-13-042 – Lot 6 Butternut Ridge Road (# 11), Dave Steeves** (Special Permit for height over 35')

**MOTION BY Secretary Pat Cocchiarella to set a Public Hearing date of *May 21, 2013 at 7:00 PM.***

**Second by Wayne Watt. All Ayes.**

### **ZONING ENFORCEMENT**

**The ZEO briefly discussed and informed the commission of two items.**

- 1.) 97 Seth Den Road - Complaint
- 2.) 48 Condon Road – Complaint

**Jeff Holzman, ZEO also handed out his revenue report for April.**

### **CORRESPONDENCE**

**All correspondence is on file in the Planning & Zoning Department.**

**ACCEPTANCE OF MINUTES:**

**MOTION BY Harold Cosgrove to approve** the following minutes;

- (a.) March 19, 2013 Public Hearing/Special Meeting Minutes
- (b.) March 19, 2013 Public Hearing/Special Meeting Minutes
- (c.) March 19, 2013 Regular Meeting Minutes

**Second by Wayne Watt. All Ayes.**

**MOTION BY Harold Cosgrove to approve** the following minutes;

- (d.) April 2, 2013 Regular Meeting Minutes

**Second by Wayne Watt. All Ayes.**

**OTHER BUSINESS**

**MOTION BY Secretary Pat Cocchiarella to approve the Invoice from the Republican American.**

**Second by Wayne Watt. All Ayes.**

- (a.) Invoice from the Republican American – Legal Notice

**MOTION BY Tanya Carver to forward this invoice to the Selectmen for payment.**

**Second by Harold Cosgrove. All Ayes.**

- (b.) Invoice from Peter S. Olsen, Land Use & Conservation Counsel

**MOTION BY Tanya Carver to approve the invoice for payment to the CT Federation of Planning & Zoning Agencies.**

**Second by Wayne Watt. All Ayes.**

- (c.) Invoice from CT Federation of Planning & Zoning Agencies

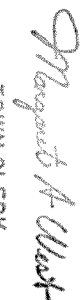
**ADJOURNMENT**

**MOTION BY Tanya Carver to adjourn the meeting at 10:30 PM. Second by Wayne Watt. All Ayes.**

Respectfully submitted,



Jessica Pennell  
Administrative Secretary  
Planning & Zoning Commission

13 MAY 15 AM 10:09  
TOWN OF OXFORD, CT  
  
TOWN CLERK

## Chairman's Remarks – May 07, 2013

1. The committee to work on our regulations has been setup and have met three times already. It meets every Thursday at 11:00 a.m.
  - a. Jeff Holzman will coordinate all efforts.
  - b. Any member wanting to be part of the committee please contact Jeff.
  - c. Anyone with suggestions or changes, please contact Jeff.
2. I need to setup another committee to work on the Affordable Housing Amnesty.
  - a. The first meeting will be on Thursday May 16<sup>th</sup> at 10 a.m.
  - b. Attorney Peter Olson will coordinate all efforts.
3. Glendale has applied to P & Z. Their formal application date is May 07, 2013 – we have 65 days to schedule a public hearing.
  - a. They have currently applied to Wetlands.
  - b. We need to calculate the application fees as well as getting estimates from the Town Planner and the Town Engineer.
4. Meadowbrook Estates has applied for a site plan modification:
  - a. I asked Jim Gallegan to notify Haynes as to which set of plans are required for review.
  - b. I received an email from Haynes today stating that they are not ready to attend our meeting tonight.
  - c. We need to set the fees for the application.