



Planning & Zoning Commission

TOWN OF OXFORD
S.B. Church Memorial Town Hall
486 Oxford Road, Oxford, Connecticut 06478-1298
www.Oxford-CT.gov

Minutes approved by
Planning & Zoning
Commission on
_____ 2012.

REGULAR MEETING MINUTES

August 7, 2012

**7:30 PM, Main Meeting Room
Oxford Town Hall**

CALL TO ORDER

Chairman Bill Johnson called the meeting to order at 7:33 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Also Present: Jessica Pennell, Administrative Secretary.

Alan Goldstone arrived at 8:30 PM.

Chairman Bill Johnson seated **Alternate Joe Dempsey** in Commissioner Alan Goldstone's absence.

Vice Chairman Bonnie Bartosiak noted that Alternate Dempsey was seated at the last meeting and they are supposed to alternate who is seated.

The commission agreed that Alternate Joe Dempsey could be seated for this meeting.

CHAIRMAN'S REPORT

Chairman Bill Johnson briefly discussed the following items:

- (1) Informed the Commission that another Affordable Housing Planning Session was held; it was a continuation of the 1st session. He noted that in attendance were Chairman Bill Johnson, Tanya Carver, First Selectman George Temple, Attorney Peter Olson, Town Planner, Brian Miller and Attorney Kevin Condon. He stated the purpose of the session was to discuss how the information would be presented to the Commission. He stated that they discussed breaking

things up into blocks in order to make the goals attainable. He stated that Attorney Olson plans to make a presentation at the August 21, 2012 Regular Meeting.

- (2) Informed the Commission that another pre-application meeting was held regarding Glendale, in attendance were, Chairman Bill Johnson, Attorney Peter Olson, Anna Rycenga, ZEO and representatives of Glendale. He stated that they are threatening an 8-30(g) application with 182 homes and they would also like to remove the 55+ restriction. He commented that after meeting with them, they are down to 96 homes, which is what they were originally approved for, and they will be single family, two bedroom homes. He commented that they will be 20% affordable. He noted that Attorney Peter Olson is working with Chris Smith, the attorney representing Glendale.
- (3) Informed the commission that he and Joe Dempsey had a meeting regarding ZEO reports.
- (4) Informed the commission that Attorney Peter Olson will be reviewing the Planning & Zoning Bylaws and will be giving a clarification on the election of officers and rules on alternates.
- (5) Noted that he spoke to Dominick Thomas about Phoenix Propane, and that Attorney Thomas stated that all work done for Phoenix Propane in the future will be done according to the site plan and any variation will need to come before the commission.
- (6) Chairman Bill Johnson stated that in speaking to Joe Dempsey he thought that Secretary Jessica Pennell should also possible speak briefly at one or both meetings each month to report to the commission any issues or concerns that she is dealing with in the department.
- (7) Chairman Bill Johnson stated that Public Hearings will now have separate tapes and minutes from Regular Meetings.
- (8) Informed the commission that he has spoken to Attorney Olson again about the Timberlake appeal and that an executive session should be held on the August 21, 2012 Regular Meeting.

AMENDMENTS TO AGENDA - NONE

AUDIENCE OF CITIZENS

John DiBiaso, 1009 White Birch Lane, stated that Meadowbrook Estates is an 55+ community and presently has no street lighting. He stated that they believe this is one of the few 55+ communities in the state without street lighting. He stated that UI and Northeast Utilities cover about 95% of the state and they cannot recall any URD (Underground Residential Development) projects that do not have street lighting. He stated that it is well documented that street lighting provides security and safety. He informed the commission that he has discussed this with police and emergency responders and they agree that street lighting is important. He commented that he realizes that Meadowbrook Estates is already grandfathered in, in regards to street lighting, but would like to urge the commission to consider adopting regulations that would require any new development to provide street and security lighting plan for the commission's approval.

Vice Chairman Bonnie Bartosiak stated that they do have regulations for lighting and that they would have to get a copy of the original approval for Meadowbrook. She stated that the lighting should be in the plans.

John DiBiaso stated that he has a print dated 2004, and no street lighting has been installed.

Vice Chairman Bonnie Bartosiak questioned if it was in the original plans.

Secretary Pat Cocchiarella stated that if it was in the original conditions of approval and it was not done, the commission can order it to be done.

Chairman Bill Johnson stated that they have to get the original approval for Meadowbrook.

Vice Chairman Bonnie Bartosiak stated that lighting is usually pretty standard on all subdivisions.

John DiBiaso stated that the utility companies are surprised that there is no street lighting, especially at the intersections.

Joe Dempsey stated that they would need to look at the original conditions of approval.

Chairman Bill Johnson stated that they will check into this and also stated that the commission is trying to be more formal, with members raising their hands and being recognized by the Chairman before speaking.

Joe Dempsey stated that in the July 19, 2012 minutes, Anna Rycenga, ZEO explained that Mr. DiBiaso wants to propose street lighting at Meadowbrook and she noted that in order to do that they would have to provide her with a detailed plan per the conditions of approval. He stated that since Anna Rycenga, ZEO stated that, he has to assume that she had no reason to believe that this was part of the original conditions of approval. He stated that the other thing could be that this is what Anna Rycenga, ZEO stated to Mr. DiBiaso before she has had a chance to research the matter further.

John DiBiaso stated that at the annual meeting in October, he and the committee are going to present a plan to put some street lighting into the complex. He stated that they are at least going to try to get lights installed at the intersections.

Joe Dempsey stated that Mr. DiBiaso should come back and see Anna Rycenga, ZEO, to make sure that street lighting is not in the original plan or original approval. He commented that if it is in the plans or approval, then Haynes is at fault and they would be responsible.

Harold Cosgrove stated that part of whatever they do in the future, the commission should also make sure that the exterior lights by the garage are motion activated.

Joe Rasberry questioned if Harold Cosgrove was saying that it should be a permanent zoning rule to require motion sensor lighting.

Harold Cosgrove stated that when they are doing the construction, he thinks they should have proper lighting for security.

Secretary Pat Cocchiarella stated that it does not have to be in the zoning regulations but can be added as a condition of approval.

Joe Rasberry stated that he thinks it is going a little too far to tell the owner of a home that they have to have motion sensor lighting.

Harold Cosgrove stated that it is not the owner, it is the people that are buying the house, and it should be done when the home is constructed.

Wayne Watt stated that the regulations are the regulations and whatever was accepted was accepted, but if Haynes or any other developers have agreed to put in lighting, they should pay for it, let the project be done and not have the HOA foot the bill.

Pat Simpson, Meadowbrook Road stated that they are not allowed to put in "electric eyes" because people are concerned about security and safety; they were told they can have absolutely no motion lights.

Harold Cosgrove stated that he disagrees.

Joe Dempsey questioned who made that statement.

Pat Simpson stated it was whoever was on the board when the project was approved.

Edna Cruz questioned the residents present if they brought this before Seymour.

John DiBiaso stated that he met with the Seymour planner and asked him if he had any requirements for lighting and was told that there were no requirements, but that there should be a light at every intersection at minimum. He stated that he would follow up on this matter with Anna Rycenga, ZEO.

Susan Arpin, 1003 White Birch Lane read a prepared statement to the commission (See Attached).

Chairman Bill Johnson stated that if it was in fact a condition of approval, the commission would get Haynes to take care of it, and if not, they would need to talk to the HOA and get their approval. He stated from what he gathers, the cost is nominal.

John DiBiaso stated that it will be approximately \$3,000.00 and Haynes has committed to contributing \$1,000.00.

Chairman Bill Johnson said again, the cost is nominal, and there would be no problem procedurally getting the lights. He commented that it sounds like they can get the lights; it is just a matter of who will do it. He again reiterated that Mr. DiBiaso would need to get HOA approval. He stated that the HOA is going to be the problem, not the town.

ACCEPTANCE OF MINUTES:

a. **July 17, 2012 Regular Meeting Minutes**

MOTION:

**Secretary Pat Cocchiarella moved to *approve* the July 17, 2012 Regular Meeting minutes as presented.
Second by Joe Dempsey.**

DISCUSSION:

Harold Cosgrove stated that there is a correction on Page 4 to change 2077 to 2007.

Jessica Pennell stated that the correction Harold Cosgrove is referring to in on Page 7 of the minutes.

Joe Dempsey questioned an item on Page 2 regarding Glendale. He noted that Chairman Bill Johnson and Secretary Pat Cocchiarella were in attendance and questioned why a third member was not asked to attend. He stated that he would have attended if he had been asked.

Chairman Bill Johnson stated that he is not sure if they asked anyone else to attend.

Secretary Pat Cocchiarella stated that he has no problem with that, three members have been present in the past, and there are some meetings that he has not attended and others have.

Joe Dempsey stated that if the commission can have three members attend, if members are available to attend, then three should be present.

Chairman Bill Johnson stated that some are more difficult than others.

Joe Dempsey questioned if Chairman Bill Johnson meant the members or the applications.

Chairman Bill Johnson stated the applicants.

Secretary Pat Cocchiarella stated that the commission should always have three if they can.

Joe Dempsey noted Pages 5 and 6 of the minutes and discussed whether or not the chairman has had a meeting with the First Selectman regarding the memo sent to them about speaking with the press.

Chairman Bill Johnson stated that at the last meeting, when George was present, he spoke to him and it was clarified that it didn't apply to Planning & Zoning.

Joe Dempsey questioned Page 18 of the minutes and a comment made by Harold Cosgrove stating that the chairman would send a letter to the First Selectman about having overtime approved if Anna Rycenga, ZEO were to work on Saturday's. He questioned whether that letter was ever sent.

Chairman Bill Johnson questioned if this was about Anna Rycenga, ZEO and the signs on the weekends?

Joe Dempsey stated that is the item he is referring to.

Chairman Bill Johnson stated that it was never voted on to his knowledge.

Joe Dempsey referred to the minutes which stated that Chairman Bill Johnson would send a letter to the First Selectman.

Chairman Bill Johnson stated that he is totally against Harold Cosgrove's suggestion.

Harold Cosgrove stated that is Chairman Bill Johnson's opinion, and the commission can bring it to a vote.

Chairman Bill Johnson questioned if there is a need for the commission to look at signs on the weekends.

Harold Cosgrove stated that there is a need.

Chairman Bill Johnson stated that the commission has to determine that.

Vice Chairman Bonnie Bartosiak stated that she noticed that signs go up Thursday night because people know that Anna Rycenga, ZEO, does not work on Fridays.

Chairman Bill Johnson stated that now that it has been determined that there is a need, the next thing is, if he was an employer, he would not have Anna Rycenga, ZEO come in on Saturdays.

Harold Cosgrove stated that she should do it because she is the ZEO and she knows the regulations.

Chairman Bill Johnson stated that she is an exempt employee and she works 37.5 hours, she has already told the commission that she is overworked and he believes that she spent an hour and fifteen minutes telling the commission how overworked she is at this point. He questioned the commissioners if it would make more sense to hire someone else to do the job for \$15.00 an hour.

Harold Cosgrove stated that you need to have someone who has experience handling people.

Chairman Bill Johnson stated that it is good for discussion but what he would want is someone who just took pictures, never argued and never took down the signs, but documented it and have Anna Rycenga, ZEO handle it during the week.

Harold Cosgrove stated that the pictures would have to be documented and time stamped.

Secretary Pat Cocchiarella interjected that this discussion should be under Other Business.

Joe Dempsey stated that he only brought it up for clarification on the minutes.

Chairman Bill Johnson stated that he is not sure why he made the statement about sending the letter at the meeting because he was against it from the beginning. He commented that he is against it because they have someone who is already claiming they have too much work to do, so why should they give her more work.

Vice Chairman Bonnie Bartosiak stated that what they were really discussing was whether or not the commission can approve overtime without permission.

Chairman Bill Johnson stated that they can't, there is no overtime in the budget.

Wayne Watt stated that he thinks it was mentioned that it is a salaried position, and questioned why a salaried position would get overtime.

Harold Cosgrove stated that the overtime would be when she has worked more than the 37.5 hours or worked on the weekend.

Vice Chairman Bonnie Bartosiak stated that it is an exempt salaried position.

Secretary Pat Cocchiarella stated again that this should be discussed under Other Business.

MOTION:

Secretary Pat Cocchiarella *accepted* the corrections in his motion to *approve* the minutes. **Joe Dempsey** *accepted* the corrections in his second.

All Ayes.

MOTION PASSED UNANIMOUSLY.

CORRESPONDENCE (a) – (f)

NO ACTION REQUIRED – ON FILE IN PLANNING & ZONING DEPARTMENT

Secretary Pat Cocchiarella noted Correspondence (a) through (f), and stated that all the documents are on file in the Planning & Zoning Department.

- (a.) Referral Report dated 7/16/2012 from COGCNV
Re: Southbury – Zoning Text Amendment
- (b.) Letter dated 7/20/2012 to Stephanie Wenderoth (cc: Oxford Planning & Zoning Commission)
Re: EM-AT&T-108-120705 – Facility located at 85 Quaker Farms Road
- (c.) Letter dated 7/10/2012 from the Greater Bridgeport Regional Council
Re: Regular Meeting Schedule for 2012
- (d.) Letter dated 7/23/2012 to George Temple from the Connecticut Siting Council
Re: EM-CING-108-120723 – Facility located at 20 Great Oak Road
- (e.) Letter dated 7/26/2012 to George Temple from Connecticut Siting Council
Re: EM-CING-108-120726 – Facility located at 106 Willenbrock Road
- (f.) Letter dated 7/30/2012 to George Temple from the Connecticut Siting Council
Re: EM-CING-108-120730 – Facility located at 338 Oxford Road

OTHER CORRESPONDENCE (g) & (h)

- (g.) Letter dated 7/30/2012 to Jessica Pennell from Dean Contaxis – CNK Investments, LLC
Re: Soil & Erosion Bond (REFER TO TOWN ENGINEER)

Secretary Pat Cocchiarella read correspondence (g) into the record.

MOTION: Secretary Pat Cocchiarella *moved* to have staff refer this request for Bond Release to the Town Engineer for review. **Second by Harold Cosgrove.**

**All Ayes.
MOTION PASSED UNANIMOUSLY.**

- (h.) Letter dated 8/2/2012 to Kevin Condon from Anna Rycenga, ZEO (cc: Planning & Zoning Commission)
Re: Legal Opinion – Z-06-040 – Tilquist Estates

Secretary Pat Cocchiarella read correspondence (h) into the record. **NO ACTION TAKEN.**

Chairman Bill Johnson stated that there is nothing they can do until they get the opinion from the Town Attorney.

Vice Chairman Bonnie Bartosiak stated that the subdivision was approved on July 20, 2006, but the commission had not yet signed the mylar. She stated that the piece of property in question was sold March 6, 2007, so the subdivision had already been approved for nine or ten months.

OLD BUSINESS

1. **Z-02-209 - Jensen Farms Estates Section I & Z-03-301 - Jensen Farms Estates Section II**
(Request for Release of Maintenance Bonds)
(Referred to Town Engineer) (TABLED)
2. **Z-12-081 – (Owner & Applicant): Phoenix Propane, c/o Ken Schiable – 268 Oxford Road** (Site Plan Modification)
 - (a.) Letter from Town Engineer, Jim Galligan
 - (b.) Revised letter dated 7/18/2012 from Town Engineer, Jim Galligan
 - (c.) Letter dated 8/2/2012 from Dominick Thomas, Jr.

Secretary Pat Cocchiarella read correspondence (a), a letter from Jim Galligan, Town Engineer, into the record.

Secretary Pat Cocchiarella read correspondence (b), a revised letter from Jim Galligan, Town Engineer, into the record.

Secretary Pat Cocchiarella read correspondence (c), a letter dated 8/2/2012 from Attorney Dominick Thomas.

Secretary Pat Cocchiarella commented that the changes that took place after the fact and the commission should not be getting this after the work has been done. He is leery of issuing a temporary certificate of compliance. He stated that he voted in favor of this but would like to state for the record that he still has concerns that they did not follow the plan and they are coming to the commission after the work has already been done.

Chairman Bill Johnson stated that he voted against it, but now he is for it. He stated that the commission should not stop a business from running. He stated that it is a very presentable site and he was guaranteed by Dominick Thomas that all work would be done according to the site plan.

Edna Cruz questioned if the commission issues a temporary C.O., is the town liable.

Vice Chairman Bonnie Bartosiak stated that the town would be no more liable than when they obtain the C.O. at the end of the project. She commented that they are asking for a temporary C.O. because they are not putting the office in at this time. She stated that there is still a tenant occupying the home.

Secretary Pat Cocchiarella stated that all the experts have looked at this, the Fire Marshal, Police and state signed off on this project.

Edna Cruz voiced her concerns about the accidents that could occur with the long trucks coming out onto Route 67.

Joe Rasberry stated that it is not for the commission to answer whether or not the town is liable.

Edna Cruz stated that she would like an opinion from an attorney regarding safety.

Wayne Watt stated that it was an oversight on the states part for the turning lane.

Chairman Bill Johnson stated that this has already been approved and they can only go forward from here.

MOTION: **Harold Cosgrove** *moved to issue* a 90 day temporary C.O. with the dates to be determined by the Zoning Enforcement Officer.
Second by Chairman Bill Johnson.

DISCUSSION:

Ken Schiable, Owner, Phoenix Propane stated that the temporary C.O. is for the gas use, not the office. He stated that the site modifications are minor in nature and that there are many tractor trailer trucks that use Route 67. He commented that those trucks deliver gas to the gas stations on Route 67 one or two times a day, the trucks for their business would be coming once a week. He also noted that all the trucking companies are highly insured.

Edna Cruz commented that it is on a curve.

Ken Schiable stated that sight lines were analyzed and they exceed everything required. He stated that they have state and local approval. He commented that they are asking for a temporary C.O. for the gas use, not the office use. He noted that once the tenant moves out they will immediately remodel and move the office to that location. He commented that the gas part of the business was inspected by the State and Local Fire Marshals' and Homeland Security. He stated that they have every approval they need for the operation of the gas facility.

Alan Goldstone arrived at 8:30 PM.

Edna Cruz voiced that she is still concerned about traffic, and that they could possibly have someone out there to stop the traffic when the truck is there.

Vice Chairman Bonnie Bartosiak stated that the commission has no control over a state road.

Secretary Pat Cocchiarella stated that this has already been approved and asked that the applicant follow the rules for site plan modifications.

Joe Dempsey questioned the length of the access driveway.

Ken Schiable stated that it is 150'.

Joe Dempsey questioned the width.

Ken Schiable stated that it is 24' wide.

VOTE on MOTION: All Ayes.
MOTION PASSED UNANIMOUSLY.

The commission briefly discussed the site plan modification.

MOTION: Vice Chairman Bonnie Bartosiak *moved to approve*

Z-12-081 based on maps dated 7/12/2012 with the ***following conditions:***

- (1.) Applicant and their assigns must comply with all representations made at Planning & Zoning Commission meetings and/or Public Hearing regarding this application.
- (2.) Compliance with Oxford Zoning Regulations as of this date.
- (3.) Any changes and/or modifications to the site plan must come back before the Planning & Zoning Commission for approval, including any lease or change of ownership.
- (4.) Per Article 3, Section 19.1 of the Zoning Regulations, the applicant shall be responsible for rendering payment for any outside experts the Commission assigns to review this application.

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

Second by Chairman Bill Johnson.

VOTE:

Secretary Pat Cocchiarella - Aye

Harold Cosgrove - Aye

Vice Chairman Bonnie Bartosiak – Aye

Edna Cruz – Aye

Joe Dempsey – Aye

Chairman Bill Johnson – Aye

Wayne Watt - Aye

MOTION PASSED UNANIMOUSLY.

NEW BUSINESS

RE-SCHEDULE PUBLIC HEARING:

1. **Z-12-086 (Owner): Ziat, LLC – (Applicant): 2nd Street Leasing, LLC – 315 Riggs Street, Unit 7, Building B** (Use Permit - Special Exception - Article 9, Section 3.16)

MOTION: **Chairman Bill Johnson** moved to re-schedule the Public Hearing on this application to September 4, 2012 at 8:05 PM. **Second by Secretary Pat Cocchiarella.**

DISCUSSION:

Vice Chairman Bonnie Bartosiak questioned why they have to reschedule.

Chairman Bill Johnson noted that there was not enough time to publish the two required notices in the paper.

VOTE ON MOTION MADE:

All Ayes.

MOTION PASSED UNANIMOUSLY.

ZONING ENFORCEMENT

OTHER BUSINESS

- (a) Any other business the commission deems necessary for discussion.

MOTION:

Joe Dempsey *moved* that future reports to P&Z from the ZEO are to be presented in written format with respective agendas to show under Zoning Enforcement the statement “see attached report with sheet #/page # and date of said report with the signature of the ZEO. Second by Chairman Bill Johnson.

DISCUSSION:

Chairman Bill Johnson stated that this is a result of discussion from the last meeting. He commented that the purpose is for brevity in presentation. He stated that he started thinking about what he would like to hear under Zoning Enforcement. He explained that he did not feel it was necessary to hear about every complaint, but possibly the number of complaints. He stated that part of Anna’s job is handling complaints and he does not need to hear anything unless it is going to be a lawsuit or something that the commission should be aware of. He thinks they should always be informed of Cease and Desist Orders.

Alan Goldstone stated that anything pertaining to the commission should be brought before them.

Chairman Bill Johnson stated that complaints should be handled by whoever handles complaints and the commission should be informed only if that person needs help with a complaint. He stated that bonds and complaints can be listed and kept in the office for anyone to view if they wish to do so. He stated that the commission should be made aware of active applications and/or Public Hearings and anything that the ZEO is involved in that can be considered significant.

Secretary Pat Cocchiarella stated that he has two questions for Joe Dempsey. (1) What is wrong with the report as it is now and (2) He is confused about what Mr. Dempsey actually wants in the motion he made.

Chairman Bill Johnson stated that the ZEO report is lengthy and it goes into detail about many items. He commented that he spoke to the Land Use Attorney, Peter Olson and was told that usually the ZEO will talk with the Chairman about most of these items during the day. He also stated that George stated that the less that is said in public the better because the commission is opening itself up to FOI and reporters every time something is discussed.

Secretary Pat Cocchiarella questioned why this needs a motion. He stated that the ZEO works for the commission and they can request what the commission wants or needs. He stated that it doesn’t need a motion or to be done in a public forum.

Joe Raspberry agreed with Secretary Pat Cocchiarella.

Joe Dempsey stated that his reasoning is that to sit there for 54 minutes and listen to 27 items was quite lengthy and hard to retain any of the information. He stated that he took the report home and took what she did in 54 minutes and he put it into a report (handed out copies to members) and it took him 30 minutes. He stated that his is a sample but it includes all 27 items the ZEO discussed. He states that in his opinion there are 8 items that needed to be brought before the commission verbally.

Secretary Pat Cocchiarella questioned if the sample that Mr. Dempsey handed out is what he would like to see at the meetings.

Joe Dempsey stated that he would like it to say Zoning Enforcement (see attached report), with a listing of items and to get rid of some of the things that the commission really does not need to know about. He stated that she does her job and she knows it well, she does not have to bring everything before the commission.

Joe Raspberry stated that Mr. Dempsey is right, but that a rule should not be passed down on the ZEO, that is not the proper way to do it.

Joe Dempsey suggested they recommend it to the ZEO.

Chairman Bill Johnson stated that he would like to have Anna Rycenga, ZEO give her input on this matter.

Secretary Pat Cocchiarella stated that this could have been done administratively in the office instead of in a public forum.

Vice Chairman Bonnie Bartosiak stated that Mr. Dempsey wanted to bring it before the commission.

Alan Goldstone stated that he agrees that some items reported on are redundant, but you cannot fault the ZEO for doing her job.

Many commission members agreed that they trust Anna to do her job.

Joe Dempsey stated that he thinks she does her job; the problem is she does too much.

Joe Dempsey rescinded his motion.


Chairman Bill Johnson rescinded his second.

Secretary Pat Cocchiarella noted that the commission did table Zoning Enforcement for three for four meetings, and that is their fault.

ADJOURNMENT

MOTION: **Harold Cosgrove moved to adjourn** the meeting at 9:00 PM. **Second by Chairman Bill Johnson. All Ayes. MOTION PASSED UNANIMOUSLY**

Respectfully submitted,


Jessica Pennell
Administrative Secretary
Planning & Zoning Commission

12 AUG 16 PM 9:01
TOWN CLERK
C. M. Rycenga
T. H. Rycenga
D. R. Rycenga