



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

**Regular Meeting Minutes**

Tuesday, January 7, 2020

7:30 P.M - Main Meeting Room

S.B. Church St. Memorial Town Hall

**I. CALL TO ORDER**

Chairman Jeff Luff called the meeting to order at 7:30 PM.

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

**Present:** Joshua Dykstra, Dave Sauter, Pete Zbras, John Kerwin, Jeff Luff, Pat Cocchiarella, and Brett Olbrys.

**Also Present:** Steve Macary, ZEO and Jessica Pennell.

**Not Present:** Dan Wall.

**IV. SEATING OF ALTERNATES**

Chairman Jeff Luff seated Alternate Joshua Dykstra for Dan Wall.

Alternate Commissioner Joshua Dykstra stated for the record that he was sworn in by the Town Clerk, as required.

**EXECUTIVE SESSION** – Discussion regarding ongoing litigation with Timberlake Investment Partners, V, LLC, Application Nos. Z-18-270 & Z-18-271.

Chairman Jeff Luff noted that the Executive Session has been canceled per Peter Olson, Land Use Counsel.

**V. PUBLIC HEARINGS**

**A. Continued Public Hearings**

**B. New Public Hearings – Postponed from December 17, 2019**

**Chairman Jeff Luff** opened the Public Hearing on the following application, and outlined the Intent of the Public Hearing and Public Hearing Procedures.

- 1. Z-19-321 [COMM] – 248 Oxford Road – Owner: T & J Realty – Applicant:**  
**Ox Axe Co., LLC, 278 Oxford Road**  
(Use Permit & Sign Permit) (Special Exception – Article 7.3.11)

**Commission Secretary Pat Cocchiarella** read the Legal Notice/Call of the Meeting.

**Chairman Jeff Luff** called for any conflicts of interest from Commission members.

Commission members stated that they had no any conflicts of interest.

**Chairman Jeff Luff** called for any conflicts of interest from the applicant.

The applicant and their representatives stated that they had no conflicts of interest.

**Chairman Jeff Luff** requested, for the record that the applicant submit the proof of mailings and the photo of the sign posted on the property for the Public Hearing.

**Attorney Karen Fisher** presented the application on behalf of Ox Axe Co., LLC. She noted that the application is for a Special Exception under Article 7.3.11. She commented that it will be a membership club; therefore, if someone wanted to participate, they would need to purchase a membership. Once someone has purchased a membership, they can come and use the facility by signing up for (1) one or (2) two hour ax-throwing sessions. Membership is granted to individuals who pay a membership fee and sign all the necessary paperwork. She referred to the Statement of Use that is included in the application. She discussed the parking and noted that the club will be located in an already established plaza with ample parking. She stated that she has included the original, approved site plan for the plaza.

**Chairman Jeff Luff** questioned what units they would be utilizing for this business.

**Attorney Fisher** stated that they will be using several units which equal approximately 3,720 square feet.

**Commissioners** briefly discussed the parking for the plaza.

**Chairman Jeff Luff** questioned if the application has received wetlands approval.

**Justin Harding, 54 Dorman Road**, member of Ox Axe Co., LLC stated that the property owner is currently doing renovation on the units and it has already been through the permit process.

**Commissioners** discussed the permit procedure process.

**Attorney Fisher** explained that the lease of the units is contingent upon the Planning & Zoning Commission's approval. She stated that the applicant is aware of the risk in getting the tenant fit-up before the Planning & Zoning approval.

**Commission Secretary Pat Cocchiarella** question if there would be any alcohol sold on the premises.

**Attorney Fisher** stated that there will not be alcohol sold on the premises; people will be allowed to bring their own snack items into the facility.

**Chairman Jeff Luff** questioned if there are any Connecticut laws that govern what can and cannot be brought into the facility.

**Attorney Fisher** stated that the membership agreement, which will include the rules and regulations, will outline what can be brought into the facility. She also noted that the membership can be terminated if any of the rules are violated.

**Commissioner Brett Olbrys** brought up concerns about patrons of the nearby restaurants and bars entering the facility.

**Attorney Fisher** explained that anyone who wishes to participate is going to have to sign up for a slot and sign the waiver. She presented the Commission with an anticipated interior layout of the facility and explained the various areas designated for retail, spectating, and ax throwing.

**Vice-Chairman John Kerwin** clarified for the record that alcohol consumption will be allowed on the premises.

**Attorney Fisher** stated that alcohol can be brought into the facility and the rules and regulations will govern the limits of those items. She also stated that if members are not following the rules, being disruptive or unsafe, membership can be terminated, or they can be removed for that session.

**Vice-Chairman John Kerwin** questioned if they will be working in conjunction with the bar next door, if they will be associated in any way.

**Attorney Fisher** stated that they will not be working with them, there is specific liability insurance for ax throwing and it would violate their insurance policy. She noted that there will be an employee handbook that would have the procedures, precautions, etc., to deal with various situations that may arise.

**Vice-Chairman John Kerwin** questioned if axes can be brought into the facility.

**Attorney Fisher** stated that patrons can only use the axes provided by the club.

**Stephen Chucta, 27 Stanley Drive, Seymour, member Ox Axe Co., LLC** explained the ax throwing area and noted that the targets are made of wood. He noted that they will be replaced as needed.

**Justin Harding** stated that every target has to be made of a certain material, and the ceiling in the ax throwing area has to be 10 feet high. He explained that everyone who is not throwing an ax has to be completely removed from the ax throwing area.

**Commissioner Dave Sauter** questioned how many members can be throwing at one time.

**Justin Harding** stated that they have 11 targets; therefore, approximately 36 to 40 people can be throwing at one time.

**Commissioner Dave Sauter** questioned if alcohol will be restricted to the social area.

**Attorney Fisher** stated that alcohol is not allowed in the ax throwing area.

**Commissioner Pete Zbras** questioned the size of the throwing areas.

**Justin Harding** replied that they are 10 feet high and 12 feet wide.

Commissioners discussed the membership fee and the length of membership.

**Attorney Fisher** stated that they haven't finalized the pricing.

Commissioners discussed the differences between a membership club and pay to play.

**Attorney Fisher** stated that it is going to be clearly identified as a membership club.

**Vice-Chairman John Kerwin** clarified for the record that people cannot enter unless they agree to and abide by the terms of the membership.

**Attorney Fischer** stated that Vice-Chairman John Kerwin is correct.

**Commission Secretary Pat Cocchiarella** stated that this seems like a sports facility and should be located among the other sports facilities in the industrial zone.

Discussion ensued between Commissioners regarding the difference between a sports facility and a membership club. They also discussed the lighting and the accessibility for Emergency Services.

The Commission requested a copy of the finalized rules and regulations for the file.

**MOTION BY Commission Secretary Pat Cocchiarella** to close the Public Hearing.

**Second by Commissioner Brett Olbrys.**

**All Ayes.**

Motion passed unanimously.

<i>Public Hearing Closed on 1/7/20; Commission Decision by 3/11/20.</i>
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#### **C. Future Public Hearings and Open Public Hearings**

### **VI. REGULAR MEETING BUSINESS**

#### **A. Amendments to the Agenda**

#### **B. Audience of Citizens**

#### **C. Correspondence**

**Chairman Jeff Luff** read the following correspondence into the record:

##### **a. Memorandum from the Office of the First Selectman**

Re: Appointment of Alternate

#### **D. Old Business – Matters on which a Public Hearing was held**

#### **E. Old Business – Other Matters**

**F. New Business – Schedule a Public Hearing**

**G. New Business - Other**

1. **Z-19-328 [IND] — 6 Pheasant Run Road – Unit 5 - Owner: 207 Oxford, LLC c/o Ed Godin Applicant: Regin HVAC Products (Use Permit)**

**MOTION BY Commission Secretary Pat Cocchiarella to approve application Z-19-328**  
With the following standard conditions:

1. Applicant and their assigns must comply with all representations made at the Planning & Zoning Commission meetings and/or the public hearings regarding this application.
2. Compliance with the Statement of Use dated 12/4/2019.
3. The applicant must comply with the Town of Oxford Permit Procedures and obtain all required signatures from all necessary Town Departments.
4. Compliance with the Oxford Zoning Regulations as of this date.
5. Per Article 3, Section 3.19.1 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 it meets Oxford Zoning Regulations in effect as of this date.

**Second by Vice-Chairman John Kerwin.**

**All Ayes.**

Motion passed unanimously.

2. **Z-19-326 [COMM] — 357 Oxford Road – Owner: Hiren Patel – Applicant: Mike Andolina “Krispy Krunchy Chicken” (Use Permit)**

*Application Accepted: 12/17/19; Commission Action by 2/19/20.*

**MOTION BY Commission Secretary Pat Cocchiarella to table this application.**

**Second by Vice-Chairman John Kerwin.**

**All Ayes.**

Motion passed unanimously.

3. **Z-19-328-A [COMM] — 308 Oxford Road – Owner: Walter Archer – Applicant: Elaine Marcucio “New England Young at Heart” (Use Permit & Sign Permit)**

**Steve Macary, ZEO** questioned if would be appropriate to refund the fees for this application because her previous approval for 312 Oxford Road was approved within the last 6 months.

Commissioners agreed that the ZEO could waive the fees for this application.

**MOTION BY Commission Secretary Pat Cocchiarella to approve application Z-19-328A**

with the following standard conditions:

1. Applicant and their assigns must comply with all representations made at the Planning & Zoning Commission meetings and/or the public hearings regarding this application.
2. Compliance with the Statement of Use dated 12/15/19.
3. The applicant must comply with the Town of Oxford Permit Procedures and obtain all required signatures from all necessary Town Departments.
4. Compliance with the Oxford Zoning Regulations as of this date.
5. Per Article 3, Section 3.19.1 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 it meets Oxford Zoning Regulations in effect as of this date.

**Second by Commissioner Dave Sauter.**

**All Ayes.**

Motion passed unanimously.

#### **H. Zoning Enforcement**

**Steve Macary, ZEO** discussed violations that he sent out for Silano Drive and Nichols Road.

**Chairman Jeff Luff** explained that Steve received a phone call about the cars parked at a property on Silano Drive. He noted that there are approximately 15-20 cars with Massachusetts plates or no plates at all. He explained briefly to the Commission the reason why the vehicles are parked on the property. He stated that he called the owner personally and asked him to bring his property into compliance. The owner responded that he would removing the vehicles within the next 60-90 days.

**Commissioners** discussed regulations regarding unregistered vehicles.

**Chairman Jeff Luff** asked the Commission how they would like to proceed.

**Vice-Chairman John Kerwin** suggested sending the owner a Cease & Desist or Notice of Violation.

**Chairman Jeff Luff** stated for the record that all Commissioners agree with sending a Notice of Violation.

**Chairman Jeff Luff** requested that the Commission, by a show of hands, agree with Vice-Chairman John Kerwin's suggestion.

**Commissioner Dave Sauter** also suggested putting in the Notice the consequences of not complying within the 30 days.

**Vice-Chairman John Kerwin** asked that Steve Macary, ZEO refer to CT General Statute §8-12(d) in the Notice.

**Chairman Jeff Luff** asked that the record reflect that the Commission unanimously agreed to have the ZEO send a Notice of violation to the property owner on Silano Drive.

**Commissioner Pete Zbras** and **Commissioner Dave Sauter** brought up the parking at Fox Pest Control.

**Steve Macary, ZEO** asked if the Commission would like him to take photos if there are vehicle parked on the road. He stated that sometimes Fox vehicles park there, other times it seems that it is employees or patrons of The Brookside Inn.

**Commission Secretary Pat Cocchiarella** stated that during the day he has seen a few trucks parked off the road on an adjoining property.

#### **I. Municipal Planner**

#### **J. Minutes**

1. **MOTION BY Commission Secretary Pat Cocchiarella** to approve the 12/3/19 – Regular Meeting Minutes as presented.  
**Second by Commissioner John Kerwin.**  
**Ayes (5), Abstentions (2).**  
Motion passed 5-2.

#### **K. Invoices**

The Commission went over the invoices and briefly discussed the amounts charged.

1. **MOTION BY Commission Secretary Pat Cocchiarella** to approve the Nafis & Young Invoice # 259-19 for Garden Homes.  
**Second by Commissioner Dave Sauter.**  
**Ayes (6), Abstention (1) – Commissioner Brett Olbrys.**  
Motion passed 6-1.
2. **MOTION BY Commission Secretary Pat Cocchiarella** to approve the Nafis & Young Invoice # 265-19 for Oxford Greens.  
**Second by Vice-Chairman John Kerwin.**  
**Ayes (6), Abstention (1) – Commissioner Brett Olbrys.**  
Motion passed 6-1.

**MOTION BY Commission Secretary Pat Cocchiarella** to approve the following Invoices from Land Use & Conservation Counsel, Peter Olson.

**Second by Vice-Chairman John Kerwin.**

**Ayes (6), Abstention (1) – Commissioner Brett Olbrys.**

Motion passed 6-1.

3. Land Use & Conservation Counsel Invoice # 1023.18 – TPB Contractor's Appeal
4. Land Use & Conservation Counsel Invoice # 1023.3 – Timberlake Assisted Living Appeal
5. Land Use & Conservation Counsel Invoice # 1023.20 – Timberlake 8-30(g) Appeal

#### **L. Other Business**

1. C & M Homes – Abandon Subdivision

*(Referred to Jim Galligan & Kevin Condon for review)*

**Chairman Jeff Luff** requested that staff follow-up with Jim Galligan and Kevin Condon.

2. Cocchiola – Riverview Subdivison – Discussion with possible action on Decision.

**Chairman Jeff Luff** requested that staff contact Kevin Condon to provide the Commission with the proper procedures and verbiage to implement the Court Decision.

3. Any other business the Commission deems necessary for discussion.

**Chairman Jeff Luff** explained to Commissioners that he requested that Commissioner Pete Zbras write up a draft letter for the Commission to review regarding signs. He asked Jessica to put the letter on the drive and to have input from the Commission before the next meeting. He noted that he would like to finalize the letter at the next meeting.

**M. Adjournment**

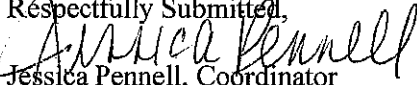
**MOTION BY Commission Secretary Pat Cocchiarella** to adjourn the meeting at 9:30 PM.

**Second by Vice-Chairman John Kerwin.**

**All Ayes.**

Motion passed unanimously.

Respectfully Submitted,

  
Jessica Pennell, Coordinator  
Planning & Zoning Commission

20 JAN 16 PM 3:35  
TOWN CLERK  
