



**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)

**Planning & Zoning Commission**

**Regular Meeting Minutes**

**Tuesday, May 4, 2021**

**7:30 PM - Online/Virtual Meeting**

The Planning & Zoning Commission met remotely on **Tuesday, May 4, 2021, at 7:30 PM.**

Members of the public and applicants joined the meeting using the following information:

**Join Zoom Meeting:**

<https://us02web.zoom.us/j/3942397953?pwd=bIZ1S1NHYlBJcmROTjFFdlpiWnJzZz09>

**Meeting ID:** 394 239 7953

**Passcode:** 6yrtBB

**Dial by your location:** +1 646 558 8656

**Meeting ID:** 394 239 7953

**Passcode:** 116891

**I. CALL TO ORDER**

**Chairman Dave Sauter** called the meeting to order at 7:30 PM.

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

**Present:** Pete Zbras, Dave Sauter, Pat Cocchiarella, Dan Wall, Brett Olbrys, Mary LoPresti, Joshua Dykstra, John Kerwin, and Jesse Schremmer.

**Also Present:** Jessica Pennell, Coordinator, Steve Macary, ZEO, and Kevin McSherry, Land Use Counsel.

**IV. SEATING OF ALTERNATES**

**V. PUBLIC HEARINGS**

**A. Recessed Public Hearings – NONE**

**B. New Public Hearings- NONE**

**C. Future Public Hearings – NONE**

## **VI. REGULAR MEETING BUSINESS**

### **A. Amendments to the Agenda – NONE**

### **B. Audience of Citizens – (Items not listed on the Agenda)**

### **C. Correspondence**

**Commission Secretary Pat Cocchiarella** read the following correspondence into the record:

- a. Letter from the Office of the First Selectman  
Re: Appointment of Hearing Officer

### **D. Old Business – Matters on which a Public Hearing was held – NONE**

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

- 1. **Z-21-080 - [IND] – 3 Fox Hollow Road (Lot 2)** Owner: CED Properties, LLC, 3 Fox Hollow Road, Oxford, CT– Applicant: Wayne Mignano, CEO, CED Services, 3 Fox Hollow Road, Oxford, CT  
*(Site Plan – 20,300 sq. ft. Addition) (Referred to Jim Galligan)*

**Commission Secretary Pat Cocchiarella** noted the following correspondence:

- a. Letter dated 8/1/19 from James H. Galligan, P&Z Engineer
- b. Letter dated 4/12/21 from James H. Galligan, P&Z Engineer

Commissioners discussed the date on the letter from the P&Z Engineer. There was a brief discussion regarding the process and procedure when an application needs review by the P&Z Engineer.

**Vice-Chairman John Kerwin** stated that he would be abstaining from the vote on this application. He explained that the application should be a Special Exception; therefore, the applicant does not have the ability to file it on the land records, as required by State Statute. He stated that when reviewing the application, it's clear that it's for a building with a gross floor area in excess of 50,000 square feet. He noted that the Zoning Regulations state that buildings with a gross floor area of 50,000 or more require a Special Exception, and therefore, a public hearing.

**Commission Secretary Pat Cocchiarella** stated that his interpretation of the regulations is that the application is only for the addition. He noted that the previous square footage is already approved, and the Commission is only voting on the addition to the building.

**Attorney McSherry** stated that it is apparent that there are different interpretations of the regulations relating to this application. He noted that often regulations contain a statement saying how the Commission is going to interpret a particular section and in this case, the consensus of the commission seems to be that an addition is not considered part of the bulk. He suggested that the Commission consider referencing in its regulations how they interpret this section and make it clear for the Commission as well as applicants.

**Commissioner Brett Olbrys** referred to the comment by Commissioner Kerwin that if the Commission approves this application, there is no Special Exception to file on the land records. He asked if this would have a negative impact on the applicant.

**Attorney McSherry** responded that if the application is approved, the approval could be appealed. The basis of the appeal could be that it does not meet the zoning regulations based on requirements for buildings over 50,000 square feet. The affect that would have on the applicant is that it could hold up the project for a sometime. He also

stated that when the applicant goes to actually build, they're going to have to establish that the zoning regulations have been followed properly, which could also affect their financing for the project.

**MOTION BY Commission Secretary Pat Cocchiarella** to approve the following resolution:

**WHEREAS,** The Oxford Planning and Zoning Commission have received Application Z-21-080, for a Site Plan to construct a 23,292 S.F. addition to an existing building located at 3 Fox Hollow Road.

**WHEREAS,** The Oxford Planning and Zoning Commission considered this application at a regularly scheduled meeting/public hearing on April 20, 2021, and May 4, 2021.

**WHEREAS,** The Oxford Planning and Zoning Commission considered the following maps and documents all drawn or prepared by CCA, LLC, and last revised 4/5/2021, within their deliberations:

<u>SHEET</u>	<u>DESCRIPTION</u>
<u>N1</u>	<u>General Legend, Notes &amp; Abbreviations</u>
<u>C1</u>	<u>Layout &amp; Landscape Plan</u>
<u>C2</u>	<u>Grading, Drainage, Erosion Control Plan</u>
<u>N2</u>	<u>Notes &amp; Details</u>
<u>N3</u>	<u>Notes &amp; Details</u>
<u>ES1</u>	<u>Sedimentation &amp; Erosion Control Details</u>
<u>DRA2</u>	<u>Post-Development Drainage Area Map</u>
<u>DRA3</u>	<u>Drainage Area Map for Catch Basins</u>
	<u>Drainage Report dated 8/22/2019</u>
	<u>Zoning Location Survey dated 5/16/19</u>

**WHEREAS;** The Oxford Planning and Zoning Commission considered the Town of Oxford Application Z-21-080 and finds;

- The application conforms to all requirements of the Oxford Zoning regulations and is therefore approved;

**SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Compliance with all Town of Oxford Regulations and Ordinances in effect as of this date.
2. No substitute material shall be used without approval of the Planning and Zoning Commission and the Planning and Zoning Commission Engineer.
3. The applicant will be required to pay all costs of special consultants or studies as deemed necessary by the Commission at any time during the period from initial review through inspection and final acceptance of any improvements.
4. The applicant and their assigns must comply with all representation made at Planning and Zoning Commission meetings or at public hearings regarding this application.
5. The applicant shall submit one complete copy of a complete set of plans, which reflect these conditions of approval, with a copy of the conditions of approval attached.
6. No work shall begin until security is set by the Planning & Zoning Commission Engineer in a form acceptable to Town Counsel, and installed by the applicant.

7. The specific uses for this application shall be limited to those designated within the "Statement of Use" dated 3/15/2021.
8. The applicant shall have a pre-construction meeting with appropriate Town Staff prior to any construction activities.
9. Sedimentation and erosion control measures on-site shall be maintained in compliance with the proposed site plan and current guidelines, subject to field review by the Commission's engineer.
10. It is the responsibility of the owner/applicant to ensure capability of communication with the Fire Department and EMS.
11. Site Plan approval expires if the work is not completed within five (5) years from the date of approval.

Site Plan approval expires on 5/4/2026.

**Second by Commissioner Dan Wall.**

**Ayes (6), Vice-Chairman John Kerwin abstained. Nays (0).**

Motion passed.

**2. Z-21-018 – [IND] – 349 Christian Street** – Mikon Products, Inc., **Owner & Applicant:** Michael Tarby, 82 Bagley Road, Southbury, CT (*Site Plan – 5,238 sq.ft. Addition*) (*Referred to Jim Galligan*)

- a. Letter dated 2/23/21 from James H. Galligan, P&Z Engineer
- b. Letter dated 4/12/21 from James H. Galligan, P&Z Engineer

**Michael Tarby, 82 Bagley Road, Southbury**, owner, 349 Christian Street, stated that they are a metal powdering company. He stated that they powder coat, which is like a paint, but it is a powder, that goes on a part, and baked in an oven. He noted that their customers are mainly medical companies. He stated that they are looking to expand and add another paint line.

**Commissioner Pete Zbras** questioned if the powder is airborne.

**Mr. Tarby** explained that it is not airborne, it is OSHA approved, and no emissions leave the building.

**Commissioner Brett Olbrys** questioned if they are already powder coating at this facility; this proposal is to add an additional line.

**Mr. Tarby** responded that this will be the third line in that building.

**Commissioner Brett Olbrys** stated that the health and safety requirements that are necessary for this third line are already have in place for the first two lines.

**Mr. Tarby** stated that Commissioner Olbrys is correct.

**Vice-Chairman John Kerwin** asked what the total square footage of the building once this addition is completed.

**Mr. Tarby** stated that it would be roughly 30,000 square feet.

**Vice-Chairman John Kerwin** questioned what other agencies regulate this type of use.

**Mr. Tarby** stated that there are requirements of the agencies mentioned above, and requirements of the insurance company.

**Vice-Chairman John Kerwin** questioned if the manufacturing process has to comply with certain state regulations.

**Mr. Tarby** stated that they comply with all state regulations, and the two (2) lines that they are running now comply with all state regulations.

**MOTION BY Commissioner Brett Olbrys** to approve the following resolution:

**WHEREAS,** The Oxford Planning and Zoning Commission have received Application Z-21-018, for a Site Plan to construct a 5,238 S.F. addition to an existing building located at 349 Christian Street.

**WHEREAS,** The Oxford Planning and Zoning Commission considered this application at a regularly scheduled meeting/public hearing on April 20, 2021, and May 4, 2021.

**WHEREAS,** The Oxford Planning and Zoning Commission considered a plan entitled "*Site Plan Prepared For: Mikon Products, Inc., Proposed Building Addition, 349 Christian Street*", prepared by David P. Petroccia, L.L.S., last revised on 12/22/20, within their deliberations.

**WHEREAS;** The Oxford Planning and Zoning Commission considered the Town of Oxford Application Z-21-018 and finds;

- The application conforms to all requirements of the Oxford Zoning regulations and is therefore approved;

**SUBJECT TO THE FOLLOWING CONDITIONS;**

1. Compliance with all Town of Oxford Regulations and Ordinances in effect as of this date.
2. No substitute material shall be used without approval of the Planning and Zoning Commission and the Planning and Zoning Commission Engineer.
3. The applicant will be required to pay all costs of special consultants or studies as deemed necessary by the Commission at any time during the period from initial review through inspection and final acceptance of any improvements.
4. The applicant and their assigns must comply with all representation made at Planning and Zoning Commission meetings or at public hearings regarding this application.
5. The applicant shall submit one complete copy of a complete set of plans, which reflect these conditions of approval, with a copy of the conditions of approval attached.
6. No work shall begin until security is set by the Planning & Zoning Commission Engineer in a form acceptable to Town Counsel, and installed by the applicant.
7. The specific uses for this application shall be limited to those designated within the "Statement of Use" dated 4/29/21.
8. The applicant shall have a pre-construction meeting with appropriate Town Staff prior to any construction activities.
9. Sedimentation and erosion control measures on-site shall be maintained in compliance with the proposed site plan and current guidelines, subject to field review by the Commission's engineer.

10. It is the responsibility of the owner/applicant to ensure capability of communication with the Fire Department and EMS.
11. Site Plan approval expires if the work is not completed within five (5) years from the date of approval.

Site Plan approval expires on 5/4/2026.

**Second by Commission Secretary Pat Cocchiarella.**

**All (7) Ayes.**

Motion passed unanimously.

#### **F. New Business – Schedule a Public Hearing – NONE**

#### **G. New Business**

1. **Z-21-066 [IND] – 1 Commerce Drive** – Owner: 1 Commerce Drive, LLC, 234 Main Street, Monroe, CT 06468 – Applicant: TPS, Inc., c/o Bert Audy, 5 Morse Road, Oxford, CT 06478  
(Use Permit/Tenant Fit-out)

**Mike Rocheleau, 17 Nod Brook Road, Wallingford,** was present representing the applicant.

**Chairman Dave Sauter** requested a brief explanation of the application and use.

**Mr. Rocheleau** stated that they currently have a warehouse located on Benson Road, and that they would be moving product out of the Benson Road location to 1 Commerce Drive. He also stated that they are going to move product out of the building on Christian Street to free up space for additional manufacturing. He explained that they would utilize the 20,000 square feet at 1 Commerce Drive for warehousing and storage. He stated they would store raw materials that they use to fabricate their products, and finished product. He noted that they would be receiving product of raw materials at Commerce Drive, and transporting between Commerce Drive and Christian Street as the materials are needed for manufacturing. He also explained that they would be shipping finished goods out of the Commerce Drive location.

**MOTION BY Commission Secretary Pat Cocchiarella** to approve application Z-21-066, a Use Permit for property located at 1 Commerce Drive, Unit 1, with the following 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 4/30/2021.
3. Compliance with the W.P.C.A. approval dated 4/5/2021.
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 Dan Wall.**

**All (7) Ayes.**

Motion passed unanimously.

## **H. Zoning Enforcement**

1. None

**Steve Macary, ZEO** mentioned that there was a problem with parking at Fox Pest Control at 55 Old State Road.

**Commissioner Pete Zbras** questioned if Steve has visited the property located across from the liquor store on Route 67.

**Steve Macary, ZEO** stated that he has seen the property, but is unaware of what the back looks like. He asked if the Commission would like him to pursue looking into the property.

**Chairman Dave Sauter** stated that if Steve has the proper documentation, and it can be seen from the road then he should take the appropriate steps to address any violations.

**Steve Macary, ZEO** mentioned that there is a new state statute regarding entering a private property.

**Attorney McSherry** stated that he would speak with Steve about the statute.

## **I. Minutes**

1. 4/6/21 – Regular Meeting Minutes

**MOTION BY Commission Secretary Pat Cocchiarella** to approve the 4/6/21 Regular Meeting Minutes as presented.

**Second by Commissioner Dan Wall.**

**All (7) Ayes.**

Motion passed unanimously.

2. 4/20/21 – Regular Meeting Minutes (*TABLE to May 18, 2021 Regular Meeting*)

## **J. Invoices**

## **K. Other Business**

- a. Any other business the Commission deems necessary for discussion.
- b. Moose Hill Estates Requests – Awaiting Review/Response from Legal Counsel
- c. Riverview Subdivision – Request from Horbal & Judson – Referred to Attorney Kevin McSherry

**Attorney McSherry** gave brief updates on Moose Hill Estates and Riverview Subdivision.

**Chairman Dave Sauter** stated that he is still inquiring about when in person meetings will be allowed, and he will keep the Commission informed of any changes.

**Commission Brett Olbrys** questioned the role and the responsibilities of the Hearing Officer.

**Commissioners and Attorney McSherry** discussed briefly the situations where a hearing officer would be required.

## **L. Adjournment**

**MOTION BY Commission Secretary Pat Cocchiarella** to adjourn the meeting at 8:41 PM.

**Second by Commissioner Pete Zbras.**

**All (7) Ayes.**

Motion passed unanimously.

Respectfully submitted,

Jessica Pennell

Jessica Pennell, Coordinator  
Planning & Zoning Commission

21 JUN 10 PM 3:49  
TOWN OF OXFORD, CT  
Margaret A. West  
TOWN CLERK