



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

Planning & Zoning Commission

Regular Meeting Minutes

Tuesday, May 6, 2014

7:30 PM

Oxford Town Hall
Main Meeting Room

CALL TO ORDER

Chairman Carver called the Regular Meeting to order at 11:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: John Kerwin, Pete Zbras, Harold Cosgrove, Arnie Jensen, Jeff Luff, Tanya Carver and Todd Romagna.

Also Present: Brian Miller, Town Planner, Jim Gallign, Town Engineer, Eugene Micci, Counsel, Anna Rycenga, ZEO and Jessica Pennell, Administrative Secretary.

Not Present: Pat Cocchiarella and Glen Persson.

CHAIRMAN'S REPORT

SEATING OF ALTERNATES

Chairman Carver seated Alternates John Kerwin and Peter Zbras.

AUDIENCE OF CITIZENS (Not for Pending Applications)

AMENDMENTS TO AGENDA

OLD BUSINESS

- 1.) **Z-14-024 [COMM] – 244 & 246 Oxford Road - Owner: Towantic Mountain Associates, LLC, Applicant: Jeff Haney, 579 Chestnut Tree Hill Road** (Change of Use Permit)
(Expansion of Liquor Store) (***TABLED ON 4/15/2014***)

MOTION BY Chairman Carver to APPROVE application Z-14-024 [COMM] – 244 & 246 Oxford Road - Owner: Towantic Mountain Associates, LLC, Applicant: Jeff Haney, 579 Chestnut Tree Hill Road (Change of Use Permit) based on the "Tenant Fit Out Plan" dated 4/4/2014 prepared by Jeff Haney for Spirits of 67, LLC with the following conditions:

1. Applicant and their assigns must comply with all representations made at the Planning & Zoning meetings regarding this application.
2. Compliance with the Statement of Use dated 4/11/2014.
3. Compliance with the Fire Marshal's approval dated 4/15/2014.
4. Compliance with the P.D.D.H.'s approval dated 4/7/2014.
5. Compliance with Article 16 – Sign Regulations.
6. The State of Connecticut Department of Consumer Protection – Liquor Control Division Extension of Use Request Form must be applied for and a copy of approval must be submitted to the Planning & Zoning Department.
7. 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.
8. Compliance with the Oxford Zoning Regulations as of this date.

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

Second by Commissioner Cosgrove.

VOTE: All Ayes.

- 2.) **Z-14-023 [IND] – 207 Christian Street - Owner & Applicant: 207 Christian Street, LLC**
(Site Plan Application for Minor Regrade & 5,500 sq. ft Building) (*REFERRED TO TOWN ENGINEER/TABLED*)

Chairman Carver read correspondence from Jim Galligan, Town Engineer.

Chairman Carver read correspondence from Brian Baker, of Civil 1.

MOTION BY Chairman Carver to **TABLE** this item to the next regular meeting.

Second by Vice Chairman Luff.

VOTE: All Ayes.

NEW BUSINESS

- 1.) **Z-14-012 – Oxford Commons – Owner & Applicant: Garden Homes Management Corp., By Mark Branse, Esq. Address: 117 Hurley Road (Map:2 Block: 36 Lot: 2) & Hurley Road (Map:2 Block: 36 Lot: 2B)** (*Application for Site Plan Approval – C.G.S. 8-30g*)
(*Proposed Development for manufactured housing community containing 124 home spaces and infrastructure*)

MOTION BY Chairman Carver to **DENY** without prejudice application **Z-14-012 – Oxford Commons – Owner & Applicant: Garden Homes Management Corp., By Mark Branse, Esq. Address: 117 Hurley Road (Map:2 Block: 36 Lot: 2) & Hurley Road (Map:2 Block: 36 Lot: 2B)** (*Application for Site Plan Approval – C.G.S. 8-30g*) (*Proposed Development for manufactured housing community containing 124 home spaces and infrastructure*) for the following reasons:

1. Due to the fact that it is an incomplete application since the fees have not been paid for expert review. Reference Zoning Regulations Article 3 – General Regulations, Section 3.19.1 – Expert review of the application: The Commission may at its discretion hire or engage outside experts to assist in its evaluation of any application for site plan approval, or approval by special exception. The total cost of all outside expertise shall be borne by the applicant. The Commission may require an initial payment to be determined for the hiring of these experts, prior to its review of the application. This payment shall be considered as an integral component of the application and the failure of this applicant to make this payment shall render the application incomplete. If the applicant fails to pay the fee within 30 days of receiving an invoice the Commission may revoke all approvals of the application and pursue all necessary action to receive payment.
2. New information has been presented to the commission and staff and experts have not had a reasonable opportunity to review the new information presented by the applicant at this hearing of May 6, 2014.
3. The Commission has requested an extension in order to provide a fair and reasonable evaluation of the application and supporting documents. The extension request was refused.

Second by Vice Chairman Luff.

Noted: The following Commission members would vote: John Kerwin, Harold Cosgrove, Arnie Jensen, Jeff Luff, Tanya Carver and Todd Romagna.

VOTE: All Ayes.

- 2.) **Z-14-026 [COMM] – 72 Oxford Road – “Fritz’s Snack Bar”, Owner: Robert Fritz, Applicant: Glenn Fritz** (Application for overhang & Outdoor Seating)

MOTION BY Chairman Carver to APPROVE application Z-14-026 [COMM] – 72 Oxford Road – “Fritz’s Snack Bar”, Owner: Robert Fritz, Applicant: Glenn Fritz (Application for overhang & Outdoor Seating) based on maps dated 4/8/2014 prepared by D’Amico Associates with the following conditions:

1. Compliance with Oxford Zoning Regulations in place as of this date.
2. Applicant and their assigns must comply with all representations made at Planning & Zoning Commission meetings or at Public Hearings regarding this application.
3. Prior to installation, lighting must be approved by the ZEO.
4. No material will be substituted without approval from the Planning & Zoning Commission and the Planning & Zoning Engineer.
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 from the initial review through inspection and issuance of a certificate of compliance.
6. Site Plan approval expires if the work is not completed within five years from the date of approval (Expires 5/6/2019).
7. Compliance with Fire Marshal’s approval.
8. Compliance with all Town of Oxford ordinances in effect as of this date.
9. Bollards or equivalent must be installed around the perimeter of the proposed eating table areas.
10. Dumpster and grease trap must be enclosed and screened prior to any construction activity.
11. Revised site plan must be submitted to Planning & Zoning Department to reflect all conditions of approval.

12. A final A-2 survey must be submitted prior to the issuance of a Zoning Certificate of Compliance.
13. There must be demarcation of entrance and exit.

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

Second by Commissioner Cosgrove.

VOTE: All Ayes.

ITEMS 3 & 4

MOTION BY Chairman Carver to set a **Public Hearing date of Tuesday, May 27, 2014 at 7:00 PM** for applications **Z-14-027** and **Z-14-028**.

Second by Commissioner Cosgrove

VOTE: All Ayes.

- 3.) **Z-14-027 [COMM] – Applicant & Owner: Oxford Towne Center, LLC – Project: Oxford Town Center – Parcels included in application:**
 - a. 278 Oxford Road –Map: 34 Block: 9 Lot: 31A & 31B
 - b. 300 Oxford Road –Map: 34 Block: 9 Lot: 26
 - c. 3 Echo Valley Road – Map: 34 Block: 9 Lot: EV6
 - d. 274 Oxford Road – Map: 34 Block: 9 Lot: 25 (Owner: 274 Oxford Road, LLC)
 - e. Portion of 268 Oxford Road – Map: 34 Block: 9 Lot: EV4A (Owner: Barbara Scianna)

(Zone Change) (Map Amendment)
- 4.) **Z-14-028 [COMM] – Applicant & Owner: Oxford Towne Center, LLC – Project: Oxford Town Center – Parcels included in application:**
 - a. 278 Oxford Road –Map: 34 Block: 9 Lot: 31A & 31B
 - b. 300 Oxford Road –Map: 34 Block: 9 Lot: 26
 - c. 3 Echo Valley Road – Map: 34 Block: 9 Lot: EV6
 - d. 274 Oxford Road – Map: 34 Block: 9 Lot: 25 (Owner: 274 Oxford Road, LLC)
 - e. Portion of 268 Oxford Road – Map: 34 Block: 9 Lot: EV4A (Owner: Barbara Scianna)

(Village Center Mixed Use District – Conceptual Plan)
- 5.) **Z-14-036 [COMM & AQUIFER] – 35 Oxford Road – Owner: Benn Development, LLC**
Applicant: Anastasio Badas – “Heav’nly Donuts” (Site Plan Modification) (Use Permit)
(Special Exception - Article 14, Section 14.1.5 & Section 14.3)
(***SET PUBLIC HEARING DATE***)

MOTION BY Chairman Carver to set a Public Hearing date of **Tuesday, June 3, 2014 at 7:00 PM**.

Second by Vice Chairman Luff.

VOTE: All Ayes.

- 6.) **Z-14-037 [COMM] – 55 Old State Road (Unit #2) – Owner: Raymond Reynolds/55 Old State Property, LLC., Applicant: Syliva Eli – “Sylvia Psychic”** (Change of Use Permit)

MOTION BY Commissioner Cosgrove to **APPROVE** application **Z-14-037** based on the “Tenant Fit out Plan, dated May 1, 2014 prepared by Raymond Reynolds for Syliva Psychic with the following *conditions*:

1. Applicants and their assigns must comply with representations made at the Planning & Zoning Commission Meetings regarding this application.
2. Compliance with the Statement of Use dated May 1, 2014.
3. Compliance with the Fire Marshal's approval dated May 1, 2014.
4. Compliance with the P.D.D.H. approval dated May 1, 2014.
5. Compliance with Article 16 – Sign Regulations.
6. Per Article 3, Section 3.19.1 of the Zoning Regulations, the applicant shall be responsible for rendering any payment for outside experts the Commission assigns to review this application.

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

Second by Vice Chairman Luff.

VOTE: All Ayes.

BOND RELEASES

- 1.) **Z-09-044 – BPSIS, LLC, 90 Donovan Road** (Request for Bond Release)

Chairman Carver read a letter dated May 2, 2014 from Jim Galligan.

MOTION BY Todd Romagna to release the bond in the amount of \$34,000.00 for Erosion & Sediment Control for 90 Donovan Road.

Second by Vice Chairman Luff.

VOTE: All Ayes.

- 2.) **Z-12-075 [IND] – 104 Willenbrock Road – Roller Bearing Company of America, Inc.**
(Request for Bond Release)

Chairman Carver read a letter dated May 5, 2014 from Jim Galligan.

MOTION BY Vice Chairman Luff to partially release the bond, holding back \$15,000.00 for one year. The amount of the bond to be released is \$72,130.00.

Second by Todd Romagna.

VOTE: All Ayes.

LITIGATION

ZONING ENFORCEMENT

The Zoning Enforcement Officer discussed the following items briefly:

- 1.) Belmar Farms – Bond Posted
- 2.) Christian Street – Reconstruction
- 3.) CL&P Easement on Town property
- 4.) Moose Hill Road – Bond Replacement
- 5.) 134 O'Neil Road – Accessory Apartment
- 6.) 43 Longmeadow Road – Extension
- 7.) Complaint – 11 Kerski Drive
- 8.) Black Hog Brewing Co.

CORRESPONDENCE

- a.) **FYI – Received 4/16/2014** – Ordinance Regarding Adoption of Connecticut General Statute §§4-124i-4-124p – Pertaining to Creating and Joining the Naugatuck Valley Council of Governments.
- b.) **Letter received 4/17/2014 from Chris Petronis**
- c.) **Memorandum dated 4/17/2014 from Selectmen’s Office** – Alternate Commission Member Appointment.
- d.) **Referral Notice dated 4/28/2014 from the Town of Monroe** – Petition RAA-2014-03 – Medical Marijuana Dispensary and Production Facility.
- e.) **Referral Notice dated 4/28/2014 from the Town of Monroe** – Petition RAA-2014-02 – Drive Through and Exterior Service Windows.

ACCEPTANCE OF MINUTES:

- 1. March 18, 2014 Public Hearing Minutes – Glendale
- 2. March 31, 2014 Public Hearing Minutes – Glendale
- 3. April 1, 2014 Public Hearing Minutes – Garden Homes
- 4. April 1, 2014 Regular Meeting Minutes
- 5. April 15, 2014 Public Hearing Minutes – Glendale
- 6. April 15, 2014 Public Hearing Minutes – Garden Homes
- 7. April 15, 2014 Regular Meeting Minutes

INVOICES

- 1.) Invoices # 061-14 & # 087-14 from Nafis & Young Engineers.

MOTION BY Chairman Carver to APPROVE the above invoices for Nafis & Young Engineers.
Second by Vice Chairman Luff.

VOTE: All Ayes.

- 2.) Invoices from Turner Miller Group New England
#5189, #5190, #5191, #5194.

MOTION BY Chairman Carver to APPROVE the above invoices for Nafis & Young Engineers.
Second by Commissioner Cosgrove.

VOTE: All Ayes.

- 3.) Statement/Invoice from Micci & Korolyshun, P.C.
Re: File No. 9392 Garden Homes Site Plan Application.

MOTION BY Chairman Carver to REFER this statement/invoice to the Board of Selectmen for payment.

Second by Commissioner Cosgrove.

VOTE: All Ayes.

OTHER BUSINESS

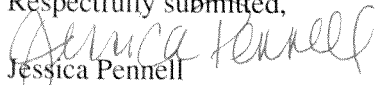
- 1.) Any other business the Commission deems necessary for discussion.

UPCOMING EVENTS/MEETINGS:

- *The Hurley Group – Continued Public Hearing – May 13, 2014 at 5:00 PM.*
- *Planning & Zoning Text Amendment Public Hearing – May 20, 2014 at 7:00 PM.*
- *Proposed Zoning Text Amendment – 52 Donovan Road – May 20, 2014 at 7:05 PM.*

ADJOURNMENT


Respectfully submitted,



Jessica Pennell

Administrative Secretary

Planning & Zoning Commission

14 MAY -8 PM 4:31
TOWN OF OXFORD, CT

TOWN CLERK