



TOWN OF OXFORD

S.B. Church Memorial Town Hall
486 Oxford Road, Oxford, Connecticut 06478-1298
(P) 203.888.2543 (F) 203.888.4543
www.Oxford-CT.gov

Planning & Zoning Commission

Regular Meeting Minutes

Tuesday, July 19, 2016

7:30 PM

**Oxford Town Hall
Main Meeting Room**

CALL TO ORDER

Chairman Arnie Jensen called the meeting to order at 7:30 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Tanya Carver, Pete Zbras, Arnie Jensen, Pat Cocchiarella and Bob Costigan.

Not Present: Harold Cosgrove, Glen Persson, Jeff Luff, John Kerwin and Todd Romagna.

Staff Present: Jessica Pennell, Administrative Secretary and Steven S. Macary, ZEO.

CHAIRMAN'S REPORT - None

SEATING OF ALTERNATES

Chairman Arnie Jensen seated Alternate Commissioner Pete Zbras and Alternate Commissioner Tanya Carver.

EXECUTIVE SESSION

1. Discuss current litigation regarding Garden Homes Management Corporation.

MOTION BY Alternate Commissioner Tanya Carver, seconded by Commission Secretary Pat Cocchiarella to enter into Executive Session at 7:33 PM to discuss ongoing litigation with Garden Homes Management Corporation. All present Commissioners and staff were invited into Executive Session. **All Ayes.**

MOTION BY Alternate Commissioner Tanya Carver, seconded by Commission Secretary Pat Cocchiarella to exit Executive Session at 7:40 PM. **All Ayes.**

AMENDMENTS TO THE AGENDA - None

AUDIENCE OF CITIZENS - None

CORRESPONDENCE – None

OLD BUSINESS – None

NEW BUSINESS

1. Z-16-060 [IND] – Donovan Road & Christian Street (17/34/1C)

Owners: Mary T. Williams & Casper Realty, LLC

Applicant: BMC Property Rentals, LLC c/o Brian & Chris Wargo

Special Permit for (Excavation/Filling – proposed driveway & parking area)

SCHEDULE PUBLIC HEARING – REFER TO APPROPRIATE DEPARTMENTS

MOTION BY Commission Secretary Pat Cocchiarella, seconded by Alternate Commissioner Tanya Carver to *schedule a Public Hearing on Z-16-060 for August 16, 2016 at 7:00 PM. All Ayes.*

2. Z-16-061 [COMM] – 248 Oxford Road (34/9/22)

Owner: Michael Giansanti

Applicant: Ginny L. VanVeghten

Change of Use Permit (Bakery)

Ginny Van Veghten, 35 Rimmon Street, Seymour presented her application for a use permit to the Commission.

MOTION BY Commission Secretary Pat Cocchiarella to approve application Z-16-061 based on the following:

- a. Application Z-16-061 is a complete application and the fees have been paid.
- b. The application conforms with the Oxford Zoning Regulations as of this date.

And with the following conditions:

- 1) Applicant and their assigns must comply with all representations made at P&Z Commission meetings regarding this application.
- 2) Compliance with the Statement of Use dated 6/29/2016.
- 3) Compliance with P.D.D.H's letter dated 6/22/2016.
- 4) Any changes and/or modifications to the use permit must come back before the Planning & Zoning Commission for approval including any lease changes or change of ownership.
- 5) 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.

Approval Effective: July 19, 2016.

4. **Z-16-062 [RESA] – 6 Cortland Place (20/58/27A)**
Owner & Applicant: Geoffrey & Dana English
(Review of Use Permit Z-10-139)

Geoffrey English of 6 Cortland Place presented his application.

The Commission was informed that Mr. English had a previous approval for a cottage business located at 6 Cortland Place, Application Z-10-139. It was explained that there is a Pet Facility License Application that needs to go to the Department of Agriculture. The license application needs to be signed by the Zoning Enforcement Officer.

MOTION BY Commission Secretary Pat Cocchiarella to authorize the Zoning Enforcement Officer to sign the Pet Facility License Application and consider **Application Z-16-062** an extension of the cottage business use Application **Z-10-139**; approved by the Planning & Zoning Commission on 11/4/2010.

Second by Alternate Commissioner Pete Zbras.

All Ayes.

BONDS/BONDS RELEASES:

1. **Maintenance Bond – Fiddlehead Estates, Section II, Jem Woods Road**
(Awaiting Response from James H. Galligan, PZC Engineer)
2. **Belmar Farms, LLC Application**
(Awaiting Response from James H. Galligan, PZC Engineer)

Jessica Pennell, Administrative Secretary explained to the Commission, discussions she had with Kevin Condon, Town Counsel regarding this bond. Commissioners asked that staff prepare a motion for the next meeting.

3. **Christian Street & Hawley Road** – Discussion with possible action regarding Restoration Bond for Z-16-047.

Commission Secretary Pat Cocchiarella read a letter dated 7/14/2016 from Colin Kelly, P.E.

The Commission discussed the restoration bond that was to be posted in the amount of \$90,000.00 based on a letter from James H. Galligan, PZC Engineer dated 6/29/2016. After reviewing the letter which was reviewed by the Finance Director and Town Counsel the Commission requested staff prepare a motion for the next meeting.

MOTION BY Commission Secretary Pat Cocchiarella to table this item, **seconded by Alternate Commissioner Tanya Carver. All Ayes.**

ZONING ENFORCEMENT

Steven S. Macary, ZEO stated that another complaint has been filed by Susan Kasmin of 14 North Larkey Road.

Steven S. Macary, ZEO stated that a compliant has come to him regarding Ice Cream Emergency. He stated that he called the owner of Ice Cream Emergency and asked her to come into the office. He commented that the owner gave him another statement of use for the ice cream truck, and she has had an approved cottage business since 2002. He also explained to the Commission that she had changed her cottage business use a few times and was never made aware that she had to come and fill out a new statement of use each time. He reiterated that he had her fill out a new Statement of Use for the current use, Ice Cream Emergency.

Commissioner Bob Costigan questioned if they use the truck to sell the ice cream at their house.

Steven S. Macary, ZEO stated that they park the truck at their house and there is no retail or wholesale business. The ice cream they sell is delivered, they load up their truck and then they go to their events.

Commission Secretary Pat Cocchiarella noted that there have been other complaints from competitors, even regarding Rich's Farm.

Commission Secretary Pat Cocchiarella noted that it has been inspected by the ZEO and as long as the paperwork is in order, everything is as it should be.

Alternate Commissioner Tanya Carver questioned if they do have a cottage business permit.

Steven S. Macary, ZEO answered that they do, again they have submitted a new Statement of Use for the current use.

308 Oxford Road – A brief discussion ensued among Commission members and Steven S. Macary, ZEO.

Steven S. Macary, ZEO stated that the application was withdrawn but in the process questioned if the property is mixed use.

Commission Secretary Pat Cocchiarella stated Steven S. Macary, ZEO should speak to the owner of 308 Oxford Road regarding his potential tenant.

APPROVAL OF MINUTES

MOTION BY Commission Secretary Pat Cocchiarella, seconded by **Alternate Commissioner Pete Zbras** to approve the following minutes as presented:

1. 5/17/16 Regular Meeting Minutes
2. 5/24/16 Special Meeting Minutes
3. 5/31/16 Special Meeting Minutes
4. 6/7/16 Regular Meeting Minutes
5. 6/21/16 Regular Meeting Minutes

Ayes (4), Absentions (1) Alternate Commissioner Tanya Carver.

INVOICES

MOTION BY Commission Secretary Pat Cocchiarella, seconded by **Alternate Commissioner Tanya Carver** to send #1 to the Board of Selectmen for payment. **All Ayes.**

1. Statement dated 7/1/16 from Micci & Korolyshun, P.C.

MOTION BY Commission Secretary Pat Cocchiarella, seconded by **Commissioner Bob Costigan** to pay Invoice #142-16 & #232-16 from Nafis & Young Engineers. **All Ayes.**

2. Nafis & Young Invoice #142-16
3. Nafis & Young Invoice #232-16

MOTION BY Commission Secretary Pat Cocchiarella, seconded by **Alternate Commissioner Tanya Carver** to pay Invoice # 5293 from Turner Miller Group. **All Ayes.**

4. Turner Miller Group Invoice # 5293

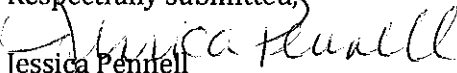
OTHER BUSINESS


1. Committee Updates
2. Any other items the Commission deems necessary for discussion.

ADJOURNMENT

MOTION BY Alternate Commissioner Tanya Carver, second by **Commissioner Bob Costigan** to adjourn the meeting at 8:31 PM. **All Ayes.**

Respectfully submitted,


Jessica Pennell
Administrative Secretary
Planning & Zoning Commission

16 AUG 10 PM 12:09
TOWN OF OXFORD, CT

TOWN CLERK