



TOWN OF OXFORD
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Planning & Zoning Commission

Regular Meeting Minutes

Tuesday, October 4, 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, Harold Cosgrove, Jeff Luff, Arnie Jensen, Pat Cocchiarell and Todd Romagna.

Not Present: Bob Costigan, John Kerwin and Glen Persson.

Also Present: Jessica Pennell, Administrative Secretary, Steven S. Macary, ZEO and Brian J. Miller, Town Planner.

SEATING OF ALTERNATES

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

EXECUTIVE SESSION – Discuss Personnel Matter

MOTION BY Alternate Commissioner Tanya Carver **to enter into Executive Session at 7:33 PM to discuss a personnel matter. Second by Commission Secretary Pat Cocchiarella. All Ayes.** All Commissioners and Alternate Commissioners present and First Selectman George Temple were invited into Executive Session. Jessica Pennell, Administrative Secretary did not go into the Executive Session.

MOTION BY Alternate Commissioner Tanya Carver **to come out of Executive Session at 7:57 PM. Second by Commission Secretary Pat Cocchiarella. All Ayes.**

AMENDMENTS TO THE AGENDA - None

CORRESPONDENCE - None

AUDIENCE OF CITIZENS

Lorraine Tirella, 11 Larkey Road stated that they own the business located at 268 Oxford Road and they have had many problems with the abutting property owners, Oxford Towne Center/Quarry Walk. She commented that they continue to have further problems. She noted that she received the letter from Planning & Zoning yesterday regarding some of the decisions that the Commission made and she stated that she would like to comment on some of those and give the Commission an update of what is going on. She stated that she would give the update first. She commented that they built a retaining wall and they built in on their property. She noted that they had their surveyor come out and they told them that that retaining wall was on their property. She stated that Haynes moved it up on the hill and they watched all day as the rocks slid down. She stated that rocks are sliding down to their property already and they haven't gotten their CO yet. She commented that it looks very beautiful over there, they're putting in shrubbery today, but their stone wall is already falling and they have been having problems already with the little rain that has occurred. She commented that they are having to put new dirt on this hill every single time it rains and it is all running off onto their property. She stated that they don't see that they aren't going to have future problems with this because they are already having problems now. Now the retaining issue really isn't your issue, but we have filed a complaint today with the building department because that retaining wall is already falling down and the rocks are rolling down toward their property. She explained that it's either on their property or on the property line; I'm not going to have the surveyor come out to look at the rock. She commented that the drainage was never really appropriately addressed, we tried to address that with this Commission and they tried to address that with Haynes and it doesn't seem like we are getting anywhere so I guess you are going to be seeing us for a long time because the drainage isn't adequate and our whole entire corner is gone. She stated that in the wintertime, this drainage is going to cause both of our driveways to be very icy and we have transports and trucks that have to get up it so she is sure they are going to have problems. She stated that regarding they letter that they received yesterday; they really take offense that this Commission is stating that they didn't work and excavate on Saturday and Sunday and beyond the hours. She commented that she has video of them at 7:00 o'clock at night, when she was leaving her business on several nights that they were still excavating and working. She noted that they have a video of them on Saturday and Sunday. She commented that they have their workers, and we personally saw them for the past three months working on Saturday and Sunday. She explained that they were told by the ZEO that they had permission to work on Saturday and Sunday because they were so far behind that they got a special exception. She stated that when she inquired and under FOI tried to get that special exception, there was none to be had that could be worked on weekends and after 5 o'clock at night, which was clearly being done and we have the video, we have proof, we have pictures of it. She stated that they were upset that the Commission somehow came to the conclusion that they were compliant with that. She stated that the next thing that really has been bothersome is that you only included two notices although you stated that that they got notice of the excavation permit, which they did, they got notice of a zone map change, which we agree we got, but we never got any notice of a conceptual plan. Not one notice contains the words "conceptual plan". She stated that there is no way to give notice of a conceptual plan meeting and decision and public hearing on a conceptual plan without the words "conceptual plan" being anywhere on the notice. She commented that they don't feel that was proper notice and they will take that up with the proper authorities, also your regulations 6.7.2 state that if there is any significant changes that the property owners need notification under zoning regulation 18.1.3. She stated that the property owners should have been notified when the setback went from 50' to 5.3' and when the building almost doubled in size, so they feel that notice still has not been given and they have not gotten any satisfaction with this notice. She commented that the next big issue is this excavation permit. She stated that they were first told when she found out that the ZEO told them that the excavation permit was still in play, it was still valid, it hasn't expired, then when they brought it to his attention that it clearly stated that if it didn't expire in article this and article that; that it would expire on November 1, 2015. She stated that then the next time they brought that to him, and the next

time he said, here is a letter from Dominick Thomas, the attorney for Haynes stating why they don't have to have an excavation permit because they have a site plan approval, then when that seemed to not work, Steve come to one of the meeting, she thinks, in September and stated that they hadn't taken out all the dirt that they had done. She commented that when you look at that excavation permit, it was a maximum of 400,000 (cubic yards) they've taken out 590,000 (cubic yards) according to the records that she received from Steve, so clearly they've already taken all the dirt that they are supposed to have taken under that permit. She commented that she thinks if the Commission is going to allow Haynes to do major excavating, blasting and rock crushing without a special excavation permit; then it should be allowed for everyone and it should be across the board and this Planning & Zoning is setting a lot of new precedents with this and I think it is going to come to haunt the taxpayers of Oxford. She stated that she thinks that it is not being properly addressed by the Commission at all. She commented that she thinks that the Commission had no problem, they wouldn't discuss this complaint without Haynes here and then on 9/20 for some strange reason they Commission discussed it without them here and had no problem with it. She noted that the Commission also told them, at the 9/6 meeting, that Haynes had never been notified so they had to stop discussing it and she would agree to that; except that Haynes's attorney, on 8/10 sent, almost a month before 9/6, a letter to Planning & Zoning stating all the reasons about this excavation permit and he had heard about the complaint because clearly he had addressed it by 8/10 and yet this board came forward and didn't want to discuss it on 9/6 because they said that Haynes was never notified. She commented that this is not true at all, they sat there and even wrote a response to this Planning & Zoning Commission so it makes it difficult to have faith and trust in the Planning & Zoning board following and implementing these zoning regulations when this is the way we're treated. She stated that when they went to the first meeting, Steve suggested that they put the Audience of Citizens at the end of the meeting, that should never had been done, but that was just done on purpose. She stated that they had asked to be on the agenda.

Vice Chairman Jeff Luff questioned if Mrs. Tirella could get to the point, this is repetitive and they have all sat through this numerous times and asked her to please get to her complaint points and focus on those please.

Mrs. Tirella stated that this is her focus, this is Audience of Citizens so she gets to kinda of air her things, she commented that if the Commission wants to limit Audience of Citizens, then let her know.

Vice Chairman Jeff Luff stated that they have heard it numerous times and they have addressed every single one of them numerous times.

Mrs. Tirella responded that they got a little letter with a couple of answers on it.

Vice Chairman Jeff Luff stated that they had Haynes and their attorneys and all of them here to address all of your things last meeting, two weeks ago, but Mrs. Tirella wasn't anywhere to be found.

Mrs. Tirella said, no, they were supposed to be here in October, that's what they were told, to come to the October meeting.

Vice Chairman Jeff Luff commented that she had her opportunity, that she was notified....

Alternate Commissioner Tanya Carver called for a Point of Order, and addressed Chairman Arnie Jensen. She stated that according to the Policies and Procedures of the Commission that is currently in effect, effective 2/1/1996, Audience of Citizens open to the general public for comments or questions pertaining to any item not on the scheduled agenda, time will be limited to no more than five (5) minutes in length per person, per subject in order to avoid unnecessary debate. She commented, that

she does believe, as Vice Chairman Jeff Luff has said, that they have been listening and she has exceed the time and the Commission would love to listen.....

Mrs. Tirella stated that she doesn't think it is has been over five (5) minutes.

Alternate Commissioner Tanya Carver stated that it has and if we would please....

Mrs. Tirella stated that she would wrap it up. She commented that she has a letter that she would like to make part of the record because she is being limited to what she can say in Audience of Citizens which she doesn't really think is fair. She stated that she hasn't talked over five (5) minutes but you know what, Donald Trump is a presidential candidate for one reason, he is a pompous ass, but you know what, he is sick of government corruption and you know what, this is why he is there, because we are all sick of the government corruption. She gave the letter to the Jessica Pennell, Administrative Secretary and stated they have already filed complaints and they are going to take it up with the State of Connecticut, let them look at what the Commission has done, they have a paper trail. She stated that they have tried; they have exhausted their administrative avenues because clearly, the Commission doesn't want to discuss it and they are limiting Audience of Citizens. She stated that she didn't talk more than five (5) minutes, but she will ask Jessica Pennell, Administrative Secretary for how long she did actually speak.

Chairman Arnie Jensen stated that he is not sure that they can limit it to five (5) minutes. He questioned Mrs. Tirella if she was done.

Alternate Commissioner Tanya Carver stated that it is in their regulations; she is only quoting what is in the regulations.

OLD BUSINESS

NEW BUSINESS

1. **Z-16-060 – BMC Property Rentals, LLC**
(Authorize Chairman & Commission Secretary to sign Mylar)

Chris Wargo, owner stated that this map is the identical plan to the one that was already approved by the Commission; the signatures and the assessor's required information have been added. She commented that it is being recorded in the land records in order to clear up any confusion regarding property lines and the description.

MOTION BY Vice Chairman Jeff Luff to authorize the Chairman & Commission Secretary to sign the Mylar, second by **Alternate Commissioner Tanya Carver**. All Ayes.

2. **Z-16-207 – 285 & 289 Chestnut Tree Hill Road**
Owner: Henry Bradley/David & Antoinette Bradley
Applicant: Carmondy, Torrance, Sandak, Hennessey, LLP.
(Lot Line Revision) (Authorize Chairman & Commission Secretary to sign Mylar)

Commission Secretary Pat Cocchiarella read a letter from Carmondy, Torrance, Sandak, Hennessey, LLP.

David Bradley, 285 Chestnut Tree Hill Road was present to explain the lot line revision.

MOTION BY Alternate Commissioner Tanya Carver to authorize the Chairman & Commission Secretary to sign the Mylar, second by **Vice Chairman Jeff Luff. All Ayes.**

MOTION BY Alternate Commissioner Tanya Carver to approve the proposed Lot Line Revision (Z-16-207) for 285 & 289 Chestnut Tree Hill Road. **Second by Vice Chairman Jeff Luff. All Ayes.**

BONDS/BONDS RELEASES - None

ZONING ENFORCEMENT

- *Report of the ZEO on complaints, violations and any other items deemed necessary for discussion by the Commission.*

Steven S. Macary, ZEO stated that he asked Fred D'Amico to come in tonight, per the Commission.

Fred D'Amico stated that he assumes that the Commission wanted him present tonight to discuss the project on Oxford Road. He commented that he has siding ordered and it was supposed to be delivered 9/27 but it is coming next week instead. He stated that the siding is going to be delivered and he will start siding it; also, he is bringing in a machine to clean up the front. He commented that he knows that it is overgrown on the right and left of the building and he is going to get someone in there to clean that up. He stated that with Haynes working along Route 67 he didn't want to put the siding up until they were out of the way. He explained that he definitely wants to get the siding up before winter. He stated that he does have someone interested in renting one of the buildings so he does plan on coming back in the near future for a use permit. He welcomed Commissioners to stop at his office or call him if they have any questions, he would gladly go over the schedule.

Commissioners asked Mr. D'Amico some questions regarding windows, doors, electrical and plumbing.

Alternate Commissioner Pete Zbras questioned if Mr. D'Amico thought he would be done within a month.

Mr. D'Amico stated that he would.

Commissioners thanked Mr. D'Amico for coming in and updating them on the status of the buildings.

Discussion regarding 91 Willenbrock Road, Unit B1 (Potential Use Permit)

Steven S. Macary, ZEO stated that a gentleman came into his office to discuss a use permit for a unit at 91 Willenbrock Road. He explained that the use would be personal training which is a special exception in the industrial zone. He wanted to discuss this with the Commission with the applicant present.

Tyler Shamaly stated that he is trying to go in there to try and grow his personal training business. He explained that it would be one on one training and that there would be another personal trainer in addition to himself. He also noted that they might do small personal training groups with 5-7 people.

Steven S. Macary, ZEO stated that he wanted to do a use permit.

Alternate Commissioner Tanya Carver stated that it is in the industrial zone, which requires an industrial use.

Steven S. Macary, ZEO stated that it would be a special exception for what he wants to do.

Alternate Commissioner Tanya Carver agreed.

Steven S. Macary, ZEO stated that his question is if the property is already built and there is already a special exception on file, is it just another use permit?

Alternate Commissioner Tanya Carver stated that it would be a special exception for the use.

Commission Secretary Pat Cocchiarella stated that this particular use is a special exception.

Vice Chairman Jeff Luff questioned if Steven S. Macary, ZEO was trying to find out if since the building already has a special exception, can it fall under that approved special exception.

Commission Secretary Pat Cocchiarella stated it is the use, not the building that would need a special exception in this case. He commented that it would need to go through the process.

Steven S. Macary, ZEO stated that for health/fitness in the industrial zone it would need a special exception.

Alternate Commissioner Tanya Carver stated that it is a special exception and has to go through the process.

Vice Chairman Jeff Luff agreed.

Commissioners agreed that this would be a special exception and it must go through the process outlined in the regulations. They also discussed the fees briefly.

Toppenfiell Complaint

Steven S. Macary, ZEO explained the paperwork that he just handed out to the Commission. There is a complaint, and two permits, and notices that he sent out. He stated that she got a lawyer and she eventually gave him an A-2 survey. The survey shows that the shed is 7' off the property line and the hot tub is encroaching. He stated that the owner of the property also cut down a large tree.

Commission Secretary Pat Cocchiarella stated that the shed and the hot tub is in the setback.

Steven S. Macary, ZEO stated that the original location of the shed was shown within the setbacks and when Anna did the permit for the shed there was a condition that there could be no plumbing. He noted that the shed does have plumbing.

MOTION BY Commission Secretary Pat Cocchiarella to authorize the ZEO to proceed to have the owner(s) to bring the property into compliance. **Second by Alternate Commissioner Tanya Carver.**
All Ayes.

APPROVAL OF MINUTES (Tabled)

1. 9/20/2016 Special Meeting Minutes

2. 9/20/2016 Regular Meeting Minutes

INVOICES

1. Turner Miller Group Invoices:
 - a. #5309 – Z-16-204 – Quarry Walk Site Plan Modification
 - b. #5310 – Planning & Zoning Commission (General)
 - c. #5311 – POCD (Miscellaneous Items)

MOTION BY Alternate Commissioner Tanya Carver, seconded by Vice Chairman Jeff Luff to approve #5309. **All Ayes.**

MOTION BY Alternate Commissioner Tanya Carver, seconded by Vice Chairman Jeff Luff to approve #5310. **All Ayes.**

MOTION BY Alternate Commissioner Tanya Carver, seconded by Commission Secretary Pat Cocchiarella to approve #5311. **All Ayes.**

OTHER BUSINESS

1. Committee Updates

Steven S. Macary, ZEO mentioned that Kathleen O'Neil would like to sit on the Ad-Hoc Committee for the POCD.

2. Updates/discussion regarding Audio/Video System.

Chairman Arnie Jensen and **Alternate Commissioner Pete Zbras** went over their update on the Audio/Video System. They had gone to Ansonia to look at their system, but it was locked. They also went to the Oxford Senior Center, which has a very nice setup. Chairman Arnie Jensen stated that they would like to try to see Ansonia again and also try to get to Monroe.

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

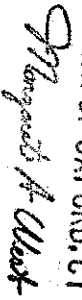
ADJOURNMENT

MOTION BY Alternate Commissioner Tanya Carver to adjourn the meeting at 8:40 PM. **Second by Commission Secretary Pat Cocchiarella. All Ayes.**

Respectfully submitted,


Jessica Pennell

Administrative Secretary
Planning & Zoning Commission

16 OCT 26 AM 9:18
TOWN OF OXFORD, CT

TOWN CLERK