



**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](http://www.Oxford-CT.gov)

**Planning & Zoning Commission**

**Regular Meeting Minutes**  
**Tuesday, December 6, 2016**  
7:30 PM  
Oxford Town Hall  
Main Meeting Room

**CALL TO ORDER**

Chairman Arnie Jensen called the meeting to order at 8:30 PM.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present:** John Kerwin, Pete Zbras, Jeff Luff, Arnie Jensen, Pat Cocchiarella and Todd Romagna.  
**Not Present:** Tanya Carver, Glen Persson and Bob Costigan.  
**Also Present:** Jessica Pennell, Administrative Secretary, Steven S. Macary, ZEO, Brian J. Miller, Town Planner, Attorney Eugene Micci and Attorney Peter Olson.

**SEATING OF ALTERNATES**

Chairman Arnie Jensen seated Alternate Commissioner John Kerwin and Alternate Commissioner Pete Zbras.

**AMENDMENTS TO THE AGENDA**

**MOTION BY Commission Secretary Pat Cocchiarella** to amend the agenda to add Z-16-203 under New Business #4 for discussion with possible action. **Second by Vice Chairman Jeff Luff.**  
**All Ayes.**

**CORRESPONDENCE**

**AUDIENCE OF CITIZENS**

**OLD BUSINESS**

1. **Garden Homes Management** – Response to Court's Remand  
Discussion with possible action by the Commission

A lengthy discussion ensued between Commission members, Attorney Eugene Micci and Attorney Caleb Hamel, representative of Garden Homes Management Corporation. The discussion included details that the applicant's representative wanted to share with the Commission as well as what the court is expecting for the next court date.

**Chairman Arnie Jensen** stated that they would continue this item to the next Regular Meeting.

**2. Ralph & Lorraine Tirella/Oxford Towne Center, LLC/Goodwill**

Discussion with possible action by the Commission

Chairman Arnie Jensen outlined his findings for the Commission.

**MOTION BY Vice Chairman Jeff Luff** to table this item at this time, it would be discussed at another time this evening. **Second by Commission Secretary Pat Cocchiarella. Ayes (5), Abstention (1), Alternate Commissioner John Kerwin.**

**NEW BUSINESS**

**1. Z-16-232 [IND] – 5 & 7 Fox Hollow Road**

**Owner:** Entrepot, B. United International Inc.

**Applicant:** Mead Construction Company c/o Gary Mead

- a. Application for Lot Line Revision (combine Lots 3A & 4)

**MOTION BY Commission Secretary Pat Cocchiarella** to approve application **Z-16-232** based on maps/plans dated 10/27/2016 and prepared by Riordan Land Surveying with the following conditions:

- 1) Applicant and their assigns must comply with all representations made at P&Z Commission meetings regarding this application.
- 2) Applicant must submit the final approved map to the Assessor's Office.
- 3) Any changes and/or modifications must come back before the Planning & Zoning Commission for approval.
- 4) 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.

Reason for approval is because this application in compliance with the Town of Oxford Zoning Regulations in effect as of this date.

**Second by Alternate Commissioner Pete Zbras. All Ayes.**

**2. Z-16-236 [COMM] – 340 Oxford Road**

**Owner:** Rocco & Carmelina Cufone

**Applicant:** Roland Bomova (Restaurant/Bar)

- a. Use Permit
- b. Sign Permit

**MOTION BY Commission Secretary Pat Cocchiarella** to approve use permit application **Z-16-236**, based on plans dated 11/30/2016 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 11/30/2016.

- 3) Compliance with the W.P.C.A./P.D.D/H approval dated 11/30/2016.
- 4) Any changes or modifications to the use permit must come back before the Planning & Zoning Commission for approval; including any lease changes or changes in ownership.
- 5) Engineering details for the wall must be submitted to the Commission prior to the use of the outdoor seating.

Reason for approval is because this application in compliance with the Town of Oxford Zoning Regulations in effect as of this date.

**Second by Alternate Commissioner Pete Zbras. All Ayes.**

**3. Z-16-237 [IND] – 6 Benson Road**

**Applicant:** Tyler Shamaly

**Owner:** Glenmore, LLC (Annette Moreno)

- a. Special Exception – Use Permit – Personal Trainer/Gym

**MOTION BY Commission Secretary Pat Cocchiarella** to set a Public Hearing date for this application on *December 20, 2016 at 6:55 PM.*

**Second by Vice Chairman Jeff Luff. All Ayes.**

**MOTION BY Commission Secretary Pat Cocchiarella** to remove Old Business #2 from the table.  
**Second by Vice Chairman Jeff Luff. Ayes (5) Abstention (1), Alternate Commissioner John Kerwin.**

**Commission Secretary Pat Cocchiarella** read the following decision in regards to Zoning Complaints of Lorraine Tirella concerning Quarry Walk – Oxford Towne Center, LLC and Goodwill, 268 Oxford Road, Oxford, Connecticut (collectively, “OTC”).

Pursuant to Zoning Regulations § 19.1, at its meeting of November 1, 2016, the Commission moved to Assume sole jurisdiction over all zoning and other complaints filed by Lorraine Tirella concerning OTC, in whatever form such complaints were filed or presented to the Commission, Commission staff or the Zoning Enforcement Officer. The Commission scheduled a hearing on such complaints to occur on November 15, 2016.

On November 15, 2016, the hearing commenced. The complainant Lorraine Tirella and respondent OTC were given an opportunity to present evidence and testimony, and to respond to questions from the Commission. The Commission also received documents and information from staff,

On December 6, 2016, the Commission deliberated concerning the zoning complaints and has reached the following conclusions.

1. Based upon a comprehensive reading of the complaints presented by Ms. Tirella, both in writing and at the hearing, it appears as if the following is a fair summary of the zoning issues raised:
  - a. That the Commission approved a 5.3 foot setback for the Goodwill building
  - b. That no buffering was provided between the Goodwill and property owned by entities in which Ms. Tirella has an ownership interest;
  - c. That inadequate notification to neighbors was provided concerning the Conceptual Plan approval; and

- d. That the excavation permit for OTC has expired;

As to these zoning issues, the Commission finds that there is no probable cause to issue zoning citations, and declines to do so for the following reasons:

- a. The approval plans for OTC comply with the Zoning Regulations concerning setbacks and buffering;
  - b. The notifications provided to adjoining landowners comply with the Zoning Regulations;
  - c. The approval plans superseded the excavation permit; and
  - d. The time to appeal the Commission's decision on these matters has passed.
2. In addition to the zoning issues, a number of non-zoning issues have been raised in writing and at the hearing by Ms. Tirella, as follows:
- a. Damage has been done to a common driveway adjoining property owned by entities in which Ms. Tirella has an ownership interest;
  - b. The drainage installed on the OTC site is insufficient;
  - c. The retaining wall constructed on the OTC site near property owned by entities in which Ms. Tirella has ownership interest is unsafe;
  - d. Insufficient notice concerning blasting was given, and the location of blasting may have encroached onto adjacent property.

As to these issues, the Commission finds that they are not within the Commission's jurisdiction as the zoning authority for the Town, and as such, declines to take action thereon.

**MOTION BY Commission Secretary Pat Cocchiarella to approve this decision. Second by Commissioner Todd Romagna. Ayes (5), Abstention (1), Alternate Commissioner John Kerwin.**

#### **BONDS/BONDS RELEASES**

- 1. Riverview Subdivision, Riverview Road**  
(Bond Release & Road Acceptance)  
Awaiting Report from James H. Galligan, PZC Engineer.

**Commission Secretary Pat Cocchiarella** read a letter dated 12/5/2016 from James H. Galligan, PZC Engineer.

**MOTION BY Commission Secretary Pat Cocchiarella** to make a favorable recommendation to the Board of Selectmen to accept Riverview Road into the town road system based on a letter dated 12/5/2016 from James H. Galligan, PZC Engineer. **Second by Vice Chairman Jeff Luff. All Ayes.**

#### **ZONING ENFORCEMENT**

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

**APPROVAL OF MINUTES**

1. **MOTION BY Commission Secretary Pat Cocchiarella to approve the 11/15/2016 Regular Meeting Minutes as presented. Second by Vice Chairman Jeff Luff. All Ayes.**

**INVOICES**

1. **MOTION BY Commission Secretary Pat Cocchiarella to approve Arrow Printers, Inc. Invoice #5002 – Business Cards. Second by Alternate Commissioner Pete Zbras. All Ayes.**
2. **MOTION BY Commission Secretary Pat Cocchiarella to approve Turner Miller Group Invoice #5320 – McNamee Construction. Second by Vice Chairman Jeff Luff. All Ayes.**
3. **MOTION BY Commission Secretary Pat Cocchiarella to approve Turner Miller Group Invoice #5321 – General Services. Second by Vice Chairman Jeff Luff. All Ayes.**

**OTHER BUSINESS**

1. Committee Updates
  - a. POCD Committee
  - b. Schedule next Policies & Procedures Workshop
2. Updates/discussion regarding Audio/Video System.

**Alternate Commissioner Pete Zbras** spoke on this item. He had quotes available that he would like to hand into the Grant Writer to see if there is possibly a way to get a grant to purchase the equipment. The Commission members agreed that he could discuss the quote with the Grant Writer and move forward with the information that he provided the Commission.

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


**ADJOURNMENT**

**MOTION BY Vice Chairman Jeff Luff to adjourn the meeting at 10:20 PM. Second by Alternate Commissioner John Kerwin. All Ayes.**

Respectfully submitted,

  
Jessica Pennell

Administrative Secretary  
Planning & Zoning Commission

16 DEC 12 PM 3:09  
TOWN OF OXFORD, CT  
  
TOWN CLERK