



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

**Planning & Zoning Commission**  
**Regular Meeting Minutes**  
**Tuesday, April 6, 2021**  
**7:30 PM - Online/Virtual Meeting**

The Planning & Zoning Commission met remotely on **Tuesday, April 6, 2021, at 7:30 PM.**

Members of the public and applicants were able to join us online by accessing the meeting using the following information:

**Join Zoom Meeting:**

<https://us02web.zoom.us/j/81610790524?pwd=bXI3dTI3QzdoNHBTdUxUWWJ2ZmdGdz09>

**Meeting ID:** 816 1079 0524

**Passcode:** 547307

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

**Meeting ID:** 816 1079 0524

**Passcode:** 547307

**I. CALL TO ORDER**

**Chairman Dave Sauter** called the meeting to order.

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

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

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

**Not Present:** Jesse Schremmer, and Joshua Dykstra.

**IV. SEATING OF ALTERNATES**

**Chairman Dave Sauter** seated Alternate Mary LoPresti for Jesse Schremmer.

**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** noted the following correspondence for the record.

- a. **Town of Monroe** – Adjacent Municipality Referral Notice – Regulation Text Amendment

**Chairman Dave Sauter** read the following correspondence from Attorney Dominick Thomas.

- b. **Letter dated 3/30/21 from Attorney Dominick Thomas** – 138 Coppermine Road

**Chairman Dave Sauter** stated that the Commission would discuss this item under Zoning Enforcement.

**Vice-Chairman John Kerwin** called for a Point of Order. He stated that Attorney Thomas could not discuss this because he does not own the property, and he does not represent the owner of the property.

**Attorney McSherry** agreed with Vice-Chairman John Kerwin.

**Attorney Thomas** explained that he is not asking for any action by the Commission, he expressed that his intention was to present his client's interest in the property. He stated that his client, would knowingly buy the property, with the current zoning violations, and has a proposal to bring it into compliance.

**Vice-Chairman John Kerwin** stated that the Commission could not give a declaratory judgement saying that they will commit to a future action if Attorney Thomas's client purchases the property. He also mentioned that Attorney Thomas is asking the Commission to do something that exceeds the scope of what they are allowed to do with a trailer in a residential area. He referred to Attorney McSherry for his opinion.

**Attorney McSherry** stated that the violator/land owner is not before the Commission, and it is not appropriate to speculate on what could happen with the property over the next two (2) years.

**Attorney Thomas** stated that if his client purchases the property that is in violation of the zoning regulations, he would become part of the situation, and the solution can be handled with a zoning permit or a resolution to the Cease & Desist Order. He went onto explain how his client would propose to bring the property into compliance. He stated that the current owner and his client have (2) two different solutions to how they would bring the property into compliance.

**Vice-Chairman John Kerwin** reiterated that Attorney McSherry had noted that this discussion is not appropriate.

**Attorney Thomas** stated that he will contact the Zoning Enforcement Officer and Attorney McSheery to determine whether or not something can be arranged to resolve the issue with a potential buyer.

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

**E. Old Business – Other Matters**

2. **Z-21-065 - [RESA] – 66 Perkins Road – Owner & Applicant:** Edward Magera, 77 Perkins Road  
Letter dated 3/19/21 from Edward P. Magera (*Request for Driveway Location Revision*)

**Chairman Dave Sauter** explained that he, John, and Pat would like to have a pre-meeting with Mr. Magera, and his engineer to get clarification on his request.

**MOTION BY Vice-Chairman John Kerwin** to table this item.

**Vice-Chairman John Kerwin** noted that he, by chance, had seen Mr. Magera recently. He stated that they spoke briefly, and discussed possible options that could address Mr. Magera's request, as well as, any concerns regarding the Commission, and the Town.

**Commission Secretary Pat Cocchiarella** seconded the motion to table.

**All Ayes.**

Motion passed unanimously.

**Attorney McSherry** stated that he would like to attend that meeting.

Commissioners discussed briefly who would attend the meeting, and if it would need to be posted under FOI.

**Chairman Dave Sauter** stated that they would keep the meeting at (3) three Commissioners or less, and it would not be posted.

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

**G. New Business**

1. **Z-21-064 - [COMM] – 248 Oxford Road – Owner:** T&J Realty, 3333 Main Street, Stratford, CT  
**Applicant:** Oxford Axe Throwing, 54 Dorman Road, Oxford, CT (*Change of Use*)

**Attorney Karen Fisher** attended the meeting to represent the applicant. She explained that near the end of 2020 the applicant applied for a permit for "The Boar's Nest", a change that included utilizing space to the right of Ox Axe Throwing, and their intention was to connect the 2 (two) units and utilize the outdoor patio. She stated that the applicant, after a breakdown in negotiations with the property owner, determined that it would be better to utilize their current space to do the same thing that they had already come to the Commission for at the end of 2020. The approval was for a bar within the facility; they would serve wine, beer, and hard liquor, and utilize the outdoor patio area. She explained that they are removing some of those items, they are no longer having the outdoor patio area, and they are only serving wine and beer.

**Attorney Fisher** went onto explain that the original application for Ox Axe included an approval for the patrons to bring in their own beer and wine; that is not allowed with this application.

**Commission Secretary Pat Cocchiarella** stated that there is already an approval for the bar and patio, and he would like to see a condition of this approval that vacates or abandons the previous approval for the separate bar and patio.

**Attorney Fisher** stated that they would not look to keep the approval for the space they are not renting.

**Attorney McSherry** stated that if they approve this application, part of that approval would be to void any prior approvals.

**Vice-Chairman John Kerwin** agreed, he stated that the approval would have to be carefully drafted because in vacating that Special Exception, they would have to adopt it over again. He noted that it should be spelled

out that the purpose of this new application is not to affect the liquor permit under Article 17, but to reduce the space.

**Attorney Fischer** stated that they don't want to lose everything else; it would just be that they would not use the other space, or the outdoor patio. She stated that the bar must be located within the Ox Axe Throwing.

**Vice-Chairman John Kerwin** stated that they could adopt all the original conditions except for the use with respect to the outdoor patio and approve it under the new permit. He noted that the last approval they removed the provision that allowed patrons to bring in their own wine and beer.

**Attorney Fisher** stated that there would be no outside beverages brought into the facility.

**Attorney McSherry** stated that it would make sense that this new application would carry over a series of conditions that were approved from the last one, and eliminate the portions that relate to the space and the outdoor patio. He noted that it could be done in a detailed motion.

**MOTION BY Commission Secretary Pat Cocchiarella** to table this application to the next meeting.  
**Second by Commissioner Dan Wall.**

**All Ayes.**

Motion passed unanimously.

## **H. Zoning Enforcement**

### **1. Dollar General – 126 Oxford Road**

**Steve Macary, ZEO** gave a brief overview and report regarding 126 Oxford Road. He explained that the dumpster is constantly overflowing with trash and it is going into Wetlands and onto Route 67. He noted that Wetlands has issued a Cease & Desist on the property. He stated that he spoke to the owner of the property and that he and the IWEO would be meeting with them onsite next week. He suggested that they come in with a site plan that has a better dumpster enclosure. He stated that he would like to bring them before the Commission next month.

**Steve Macary, ZEO** also stated that many area restaurants are interested in outdoor dining.

The Commission discussed this briefly, and it was noted that in the correspondence from Monroe, was their proposed draft regulation for outdoor dining. They agreed to look over the regulations, and discuss it at the next meeting.

Commissioners questioned the procedure to follow if a restaurant wanted to apply for outdoor dining. It was noted that the current Executive Order addressing outdoor dining would have to be researched, to see if it has expired or been extended.

**Chairman Dave Sauter** discussed the procedures for zoning enforcement; he stated that if any Commissioners have complaints to report to Steve, they should fill out a zoning complaint form.

**Commissioners** discussed briefly the role of the Zoning Enforcement Official, and the idea that they are trying to get a more regimented, and regulated process for zoning complaints, procedures, and documentation.

## **I. Minutes**

1. **MOTION BY Commissioner Pete Zbras**, seconded by **Commissioner Brett Olbrys** to approve the 3/2/21 Regular Meeting Minutes as presented.

**All Ayes.**

Motion passed unanimously.

2. **MOTION BY Commissioner Pete Zbras**, seconded by **Commissioner Brett Olbrys** to approve the 3/16/21 Regular Meeting Minutes as presented.  
**Ayes (6), Abstention (1), Dave Sauter.**  
Motion passed 6-1.

**J. Invoices**

1. Adobe Invoices – April 2020-April 2021  
Reimburse Jessica Pennell - \$191.28 for Acrobat Pro DC

**Jessica Pennell, Coordinator** briefly explained the reason for the reimbursement for the Adobe product.

**MOTION BY Commission Secretary Pat Cocchiarella** to approve the reimbursement to Jessica Pennell for the past purchases of the Adobe products for the department.

**Second by Vice-Chairman John Kerwin.**

**All Ayes.**

Motion passed unanimously.

**K. Other Business**

- a. Any other business the Commission deems necessary for discussion.  
b. Moose Hill Estates Requests – Awaiting Review/Response from Legal Counsel

**Attorney McSherry** gave an update stating that this item is being discussed by the Selectmen, and he will report to the Commission once he is notified that they have made a decision.

- c. Riverview Subdivision – Request from Horbal & Judson – Referred to Attorney Kevin McSherry

**Attorney McSherry** stated that the applicant is in deciding how they would like to proceed with the application.

**L. Adjournment**

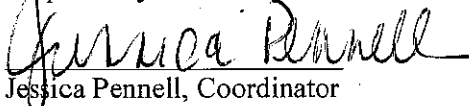
**MOTION BY Commissioner Brett Olbrys** to adjourn the meeting at 8:40 PM.

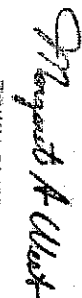
**Second by Commission Secretary Pat Cocchiarella.**

**All Ayes.**

Motion passed unanimously.

Respectfully submitted,

  
Jessica Pennell, Coordinator  
Planning & Zoning Commission

21 MAY -4 AM 11:35  
TOWN OF OXFORD, CT  
  
TOWN CLERK