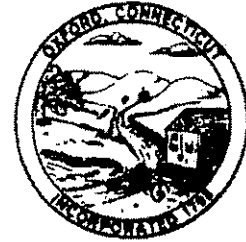


TOWN OF OXFORD
PLANNING & ZONING COMMISSION
S.B. Church Memorial Town Hall
486 Oxford Road, Oxford, Connecticut 06478-1298
Phone: (203) 828-6512 · Email: pandz@oxford-ct.gov
www.Oxford-CT.gov



**Planning & Zoning Commission
Regular Meeting Minutes
Tuesday, April 18, 2023
7:30 PM – Main Meeting Room
S.B. Church Memorial Town Hall**

A. Call to Order

Chairman Cocchiarella called the meeting to order 7:33 PM.

B. Pledge of Allegiance

C. Roll Call

Present: Carl Bouchard, Joshua Dykstra, Dan Wall, Pete Zbras, Pat Cocchiarella, Brett Olbrys, Robert Carr, and Ed Rowland.

Absent: Sara Locke.

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

D. Seating of Alternates - No alternates were seated.

E. Executive Session:

MOTION BY Commission Secretary Olbrys to enter into Executive Session at 7:34 PM to discuss the following:

The Commission will hold an Executive Session to discuss litigation regarding AAN-CV22-6049298-S, Defeo Materials, LLC vs. Planning & Zoning Commission of the Town of Oxford, and the Appeal filed by Airamid, LLC v. Town of Oxford Planning & Zoning Commission.

Second by Commissioner Dykstra.

All (7) Ayes.

Motion passed unanimously.

The following people were invited into Executive Session, all Commissioners and Alternates present, Steve Macary, ZEO, Kevin McSherry, Land Use Counsel, and Jessica Pennell, Coordinator.

MOTION BY Commission Secretary Olbrys to exit Executive Session at 8:05 PM.

Second by Commissioner Zbras.

All (7) Ayes.

Motion passed unanimously.

Chairman Cocchiarella stated for the record that no votes were taken in Executive Session.

F. Public Hearing scheduled for April 18, 2023:

1. **Z-23-116 [IND] – 106 Willenbrock Road** – **Applicant:** A.G. Sales & Service, LLC c/o Dominick Thomas, 315 Main Street, Derby, CT 06418 - **Owner:** Tower Business Park, LLC, 15 Bates Place, Danbury, CT 06810 (*Special Exception – Addition of motor vehicle repair and used vehicle sales use to an existing 6,000 sq. ft. building per Article 10, Section 9.3.15 of the Oxford Zoning Regulations*)
 - a. Application
 - b. Statement of Use
 - c. Plan – Boundary & Topographical Map
 - d. Interior Floor Plan

Chairman Cocchiarella opened the Public Hearing on the following application:

Chairman Cocchiarella outlined the intent of the public hearing procedures.

Commission Secretary Olbrys read the Legal Notice.

Chairman Cocchiarella called for any conflicts of interest from the Commissioners.

There were no commissioners with a conflict of interest.

Chairman Cocchiarella called for any conflicts of interest from the applicant.

Dominick Thomas, representative for the applicant, stated that there is no conflict of interest.

Chairman Cocchiarella asked if all the requirements for the public hearing have been met.

Attorney Thomas stated that he has submitted via email, the sign posted on the property, as well as the certificates of mailing.

Attorney Thomas, 315 Main Street, Derby, CT began his presentation.

Attorney Thomas explained that this is a previously approved site plan, and includes five (5) phases. He stated that Phases 1 & 2 were built, and Phase 1 includes the existing building where the applicant is proposing his use for the auto sales and repair. He noted that in approximately 2008 a limousine service went into the building. He explained that the service is still there, it is where they house their limousines; and they obtained permission to do repairs on their vehicles.

Attorney Thomas referred to a drawing he submitted with the application. He stated that the plan shows, circled in red, a 1,000-gallon oil grit separator that was required because the site was set up for repair of heavy equipment. He explained that his client wants to do an auto sales and auto repair, and therefore they have gone to the Zoning Board of Appeals and received their approval. He noted that even though the site is set up for repairs, the approval was for a different use. He noted that there are no changes to the site, the oil and grit separator remains, and there are also two (2) 55-gallon drums on site for motor oil waste. He stated if this is approved, his client will have to install a 275-gallon unit. He further explained that his client's intent is to have customers by appointment, as the location of the building is in an isolated area with a long driveway.

He stated that his client will do repairs on old cars, and possibly some antique cars but would also repair construction equipment. He stated that at some point in the future his client is going to come back in before the Commission address issues with Phases 3, 4 and 5, but this is just to address this current application.

Attorney Thomas offered to answer any questions from the Commission.

Chairman Cocchiarella asked if any Commissioners had any questions.

Commission Secretary Olbrys questioned which of the maps that they were given is most representative of the property as it is today.

Attorney Thomas noted that the map that is dated 2005 is the one submitted with the application.

Commissioners and Attorney Thomas discussed the current owner, and the completion of the future phases.

Attorney Thomas noted this application only involves Phase 1, but the owner will be coming in to discuss the future three (3) Phases with the Commission.

Chairman Cocchiarella inquired about the number of vehicles that will be on site at one time.

Attorney Thomas stated that he believes that there will be a very limited amount of vehicles on site. He stated that he does not think there's more than 10 vehicles at most at any given time.

Chairman Cocchiarella stated that he has been informed that there are wetlands violations on the site.

Attorney Thomas stated that there are notices from wetlands regarding violations on the site, and stated that his client will have to address those issues with wetlands. He added that he does not think it has any impact on this application because there is no regulated area that they are disturbing. He went onto explain the role of wetlands in the process.

Chairman Cocchiarella asked if Commissioners have any other questions at this time, with no questions from the Commission, he asked if any members of the public would like to speak on the application.

Jim Locke, 97 Bower's Hill Road asked if the proposed use will be for only one (1) building, or for any building on the property.

Attorney Thomas stated that the location for this application is specific to the one (1) building, and any changes would have to come back before the Commission. He reiterated that they are not disturbing anything on the property, so at this point

Attorney McSherry asked Attorney Thomas if they have a letter certifying that there is no wetlands or watercourses on the property.

Attorney Thomas stated that he does not believe that wetlands has no jurisdiction because they are not disturbing any areas on the site.

Attorney McSherry understands that there will be no disturbance, but still requested a letter in writing from wetlands stating that it is not in their jurisdiction because there will be no disturbance of wetlands or watercourses.

Attorney Thomas stated that there are wetlands and watercourses on the site, but they will not be impacted by this application. He stated that he received an email from wetlands stating they have jurisdiction because it is a commercial use. He noted that he disagreed with the e-mail from wetlands. He stated that this is only a use application and is previously approved for heavy equipment repair, but not auto repair and sales.

Chairman Cocchiarella stated that he would like to see a clear marking on where the vehicles will be parked.

Commissioners discussed whether to close or recess the hearing, and after a brief discussion decided to recess the hearing until they receive the additional information requested tonight.

Motion by Commission Secretary Olbrys to recess the hearing to Tuesday, May 16, 2023 at 7:30 PM.

Second by Commissioner Wall.

All (7) Ayes.

Motion passed unanimously.

G. Regular Meeting Business

1. Amendments to the Agenda

- a. **Motion by Commission Secretary Olbrys** to add discussion with possible action to set a public hearing date for a Commission initiated amendment to the Zoning Regulation's regarding Accessory Dwelling Units as New Business #1.

Second by Commissioner Zbras.

All (7) Ayes.

Motion passed unanimously.

- b. **Motion by Commission Secretary Olbrys** to add an invoice from Nafis & Young to the agenda under Invoices as Item #1.

Second by Commissioner Zbras.

All (7) Ayes.

Motion passed unanimously.

2. Audience of Citizens – (Items not listed on the Agenda) – None

3. Correspondence

Commission Secretary Olbrys read the following into the record:

- a. Memo dated 4/12/23 from the Town Clerks Office – Notice of Citation & Recognizance Airamid, LLC

4. Old Business – None

5. New Business

1. **Planning & Zoning Commission** – Amend the Town of Oxford Zoning Regulations to replace the current in-law apartment regulations with a new regulation for Accessory Dwelling Units.

Chairman Cocchiarella explained that this would be an amendment to add new accessory apartment regulations that will replace the current accessory apartment and in-law apartment regulations. He noted that Sara did all the “heavy lifting” on this and also noted that she did an excellent job.

Motion by Commission Secretary Olbrys to set a Public Hearing for Tuesday, June 6, 2023 at 7:30 PM.

Second by Commissioner Wall.

All (7) Ayes.

Motion passed unanimously.

6. Zoning Enforcement

Steve Macary, ZEO gave a report on current complaints and violations.

1. Many inquiries into in-law and accessory apartments; many are requesting these with square footage significantly larger than what is allowed in the current regulations.
2. Visited property at Jem Woods, which also abuts property owned by the Land Trust. He noted that there have been issues of trespassing there that need to be addressed. He also noted that the person who trespassed “destroyed” the property on which he trespassed. He noted that he would like to send them a Cease & Desist.

Commissioners and Attorney McSherry discussed the jurisdiction of the ZEO regarding the trespassing. Attorney McSherry noted that this is also an issue that can be referred to the Attorney General’s Office. The jurisdiction of the police department regarding trespassing was also discussed.

Commissioners urged the ZEO to contact the Attorney General’s Office before sending out any notices to the person that trespassed and destroyed property.

Commissioners and Attorney McSherry also discussed a statute that refers to historic walls on properties. He noted that the only time it applies is when the Town designates a wall historic by enacting an ordinance.

7. Approval of Minutes – 3/7/2023 Regular Meeting

Motion by Commission Secretary Olbrys to approve the March 7, 2023 minutes as presented.

Second by Commissioner Rowland.

All (7) Ayes.

Motion passed unanimously.

8. Invoices

1. Nafis & Young Invoice #064-23.

Motion by Commission Secretary Olbrys to approve the Invoice from Nafis & Young as presented.

Second by Commissioner Dykstra.

All (7) Ayes.

Motion passed unanimously.

9. Other Business

a. Farm Events Revised Draft Regulations

Commissioner Zbras explained that the next meeting of the Farm Events Subcommittee would be held on Tuesday, May 2, 2023 at 7:00 PM. He noted that a few changes will be presented in the next draft.

b. Any other business the Commission deems necessary for discussion.

10. Adjournment


Motion by Commissioner Rowland to adjourn the meeting at 9:03 PM.

Second by Commission Secretary Olbrys.

All (7) Ayes.

Motion passed unanimously.

Respectfully submitted,



Jessica Pennell, Coordinator

2023 MAY 23 P 3:07
TOWN OF OXFORD, CT
TOWN CLERK