

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](mailto:pandz@oxford-ct.gov)  
[www.Oxford-CT.gov](http://www.Oxford-CT.gov)



**Planning & Zoning Commission  
Regular Meeting Minutes  
Tuesday, September 19, 2023  
7:30 PM – Main Meeting Room  
S.B. Church Memorial Town Hall**

**I. Call to Order**

**Chairman Cocchiarella** called the meeting to order at 7:37 PM.

**II. Pledge of Allegiance**

**III. Roll Call**

**Present:** Sara Locke, Carl Bouchard, Joshua Dykstra, Pete Zbras, Pat Cocchiarella, Brett Olbrys, Robert Carr, and Ed Rowland.

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

**IV. Seating of Alternates**

No alternates were seated.

**MOTION BY Commission Secretary Olbrys** to move Audience of Citizens to the first item on the agenda.

**Second by Commissioner Dykstra.**

**All (6) Ayes.**

Motion passed unanimously.

Audience of Citizens:

**Linda Czaplinski, 30 Freeman Road** suggested that the Commission move the Audience of Citizens back to the beginning of the agenda.

**V. Public Hearings – September 19, 2023**

**RECESSED PUBLIC HEARING:**

The Public Hearing was called to order.

1. **Z-23-154 [RESA] – 403/407/411 Roosevelt Drive** – Owner: New Haven Rowing Club, Inc., 407 Roosevelt Drive, Oxford, CT 06478 **Applicant's Representative:** Stuart Lathers Associates, LLC, 319 Peck Street, New Haven, CT 06513 (*Special Exception – Article 10, Section 10.5 – Non-Commercial Recreational Use*) (*Site Plan – Construct a 5,048 sq. ft. building*)

**Chairman Cocchiarella** went over the items remaining.

**Commission Secretary Olbrys** read a letter dated 9/19/23 from James Galligan, P&Z Engineer.

Stuart Lathers, the applicant's representative, submitted an email dated 9/1/23 from DEEP.

**Commission Secretary Olbrys** noted that there were items submitted by residents from Shelton; copies of Planning & Zoning meeting minutes from 2020, and Lake Housatonic Authority 3/21/2023 meeting minutes.

**Chairman Cocchiarella** asked if there was anyone from the public that would like to speak.

**20 Coppermine Road** spoke in support of the application.

**Lois, 28 Burchbank Road, Shelton, Connecticut** stated concerns about expansion and classes on the river.

**Stu Lathers** made comments regarded

**MOTION BY Commissioner Dykstra** to close the Public Hearing.

**Second by Commissioner Zbras.**

**All (6) Ayes.**

Motion passed unanimously.

**RECESSED PUBLIC HEARING:**

2. **Z-23-161 [RESA] – 95 Freeman Road** – Owner & Applicant: Susana & Samir Fattah, 95 Freeman Road, Oxford, CT 06478 (*Site Plan and Special Exception – Addition and Barn – 50'x54'*)

**Brian Nesteriak, Engineer for the applicant**, presented the application to the Commission. He noted that the application was approved by wetlands.

Commissioners asked questioned regarding the swimming pool, locker rooms, and office. They also inquired if this is an in-law apartment.

**Brian Nesteriak** stated that there is no in-law apartment.

Commissioners discussed whether the addition should be part of the application.

**Chairman Cocchiarella** asked if there was anyone from the public that would like to speak.

No one from the audience spoke at this time.

**Susanna Fattah, 95 Freeman Road**, applicant, explained that the notation for “locker room” on the plans is a mistake; they are bathrooms.

**MOTION BY Commission Secretary Olbrys** to close the public hearing.

**Second by Commissioner Zbras.**

**All (6) Ayes.**

Motion passed unanimously.

VI. Regular Meeting Business

A. Amendments to the Agenda

**MOTION BY Commission Secretary** to amend the agenda to add Z-23-186 to the agenda as New Business #1.

**Second by Commissioner Carr.**

**All (7) Ayes.**

Motion passed unanimously.

B. Correspondence

C. Old Business

1. **Z-23-160 [IND] – 2 Commerce Drive – Owner & Applicant:** David Sippin, 234 Main Street, Monroe, CT Applicant’s Representative: Ronald Wolff, Wolff Engineering, 39 Sherman Hill Road, Woodbury, CT 06798 (*Waiver Request – Article 14.1.5 – Re-grading in conjunction with Site Plans*) (*Site Plan – Construct a 30,000 sq. ft. building – shell only*)

**MOTION BY Commission Secretary Olbrys** to approve Z-23-160:

The following information was submitted for the consideration of the Planning and Zoning Commission regarding this application:

- 1.) Application
- 2.) Statement of Use
- 3.) Inland/Wetlands Approval
- 4.) W.P.C.A. Approval

The Commission received a Site Plan application for a 30,000 sq. ft. building and a Special Exception application for Excavation.

The Commission unanimously granted the request to waive the Public Hearing for the Excavation.

***Findings of the Commission:***

- 1.) The proposed use will not be detrimental to the health, safety, welfare, and property values in the neighborhood.
- 2.) The site is suitably landscaped and the design and setback of buildings and other structures are adequate to protect property and preserve the appearance of the neighborhood.

- 3.) The proposed use, buildings, and other structures are adequate to carry the potential traffic and that provision is made for entering and leaving the site in such a manner that no traffic hazards will be created and adequate off-street parking and loading facilities will be provided.
- 4.) The land in which the use, building, or other structure is of adequate dimensions to conduct of the use in such a manner that it will not be detrimental to adjoining property in the neighborhood.

***Conditions of approval:***

- 1.) Compliance with all Town of Oxford regulations and ordinances in effect as of this date.
- 2.) The applicant will be required to pay all costs of special consultants or studies as deemed necessary by the Commission at any time during the period from the initial review through inspection and final acceptance of any improvement.
- 3.) The applicant and its/his assigns must comply with all representations made at the Planning and Zoning Commission meetings or at public hearings regarding this application period.
- 4.) The specific uses on this property shall be limited to those permitted within the Industrial Zone, and when the use of the building is determined; the applicant/owner is required to submit a separate application with a detailed “Statement of Use” and site plan.
- 5.) Sedimentation and erosion control measures on site shall be maintained in compliance with the proposed site plan and current guidelines, subject to field review by the Planning & Zoning Engineer or Zoning Enforcement Officer.
- 6.) The applicant shall comply with all requirements set forth in the Fire Marshal’s letter.
- 7.) The applicant shall obtain all necessary licensing and permits as may be required by other agencies.

**Second by Commissioner Rowland.**

**All (6) Ayes.**

Motion passed unanimously.

**2. PZC-23-001 – Proposed Text Amendments to the Oxford Planning & Zoning Regulations:**

- 1.) Farm Events/Activities Regulations (Attachment A)
- 2.) Accessory Dwelling Units (Attachment B)

No discussion/no action.

**D. New Business**

1. **Z-23-186 [COMM] – 117 Oxford Road** – Owner: Tom Hylwa, 117 Oxford Road, Oxford, CT – Applicant: Andy Flach, 5 Old Country Road, Oxford, CT (*Change of Use*)

**Andy Flach, 5 Old Country Road, applicant**, presented the application to the Commission. He noted that it is a retail fencing company that would have the fencing stored onsite. He also noted that the storage area would be shielded from public view.

**Aaron Anderson, 210 Mountain Road, Seymour, CT** was also present to answer questions. He noted the employee parking and hours of operation. He also noted changes to the plans as requested by the OCCIWA.

No action taken on Z-23-186.

E. Zoning Enforcement

a. **Show Cause Hearing – Old Good Hill Road**

*Hearing Procedure:*

**Kevin Condon, Town Counsel** noted that he was asked to be at the meeting to answer questions regarding the litigation between the Town of Oxford and owners of property located on Old Good Hill Road.

**Attorney Condon** gave a brief history of the court case that went to the Superior Court, and also the Appellate Court. He noted that the court case was focused on whether or not Old Good Hill Road was abandoned by the Town, and who is responsible for the maintenance of Old Good Hill Road.

**Motion by Commission Secretary Olbrys** to give each presenter a maximum of 15 minutes to make their presentations.

**Second by Commissioner Carr.**

**All (7) Ayes.**

Motion passed unanimously.

A brief discussion ensued between Attorney Condon, and Attorney Robert Nichols regarding their different interpretations of the judge's ruling in the court case

**Commissioner Zbras** questioned if the Commission has any jurisdiction on this item because it is considered a private road.

**Attorney Condon** responded that if regulated activity is taking place, then the Planning & Zoning Commission does have some jurisdiction.

1. Presentation by Steve Macary, ZEO

**Commission Secretary Olbrys** read a letter dated 6/19/23 from Jim Galligan, Planning & Zoning Engineer.

**Steve Macary, ZEO** handed out photos of the property to Commissioners, and referred to a Public Act 14-67 which discusses private easements and rights of way.

**Commission Secretary Olbrys** also read Public Act 14-67 at the ZEO's request.

**Steve Macary, ZEO** explained the issues that have been going on between property owners on Old Good Hill Road. He noted that one of the parties brought in an undetermined amount of fill. He stated that the regulations do require an application when grading or excavating over a certain amount of material, and changing the contours of a property.

**Mr. Macary** noted that he issued a Cease & Desist a long time ago and he was supposed to go out there and witness the grading of the road, which was supposed to be done by wheelbarrow and shovel. He stated that a machine was used to do the grading. He explained that there are three different opinions stating that this is

a private matter, but there is a regulation in effect that can be applied to the situation. He noted that in order to make the determination, they need topographical maps and the amount of fill that was brought in to grade the road.

2. Comments and questions from the Commissioners regarding any information presented by the ZEO.

**Commission Secretary Olbrys** asked questions regarding the fill and its impact on other people's properties.

**Steve Macary, ZEO** explained how he believes the fill was brought in, and the impact that it has on other people's properties.

3. Property owner(s) presentation of information to the Commission.

**Dominick Thomas**, attorney for Linda Czaplinski, submitted paperwork to the Commission. The paperwork included a GIS map, a highlighted portion of the Town of Oxford Zoning Regulations, and explained that Mrs. Czaplinski would be presenting a power point. He explained the reasons why this issue is under the Commission's jurisdiction.

**Linda Czaplinski** and Tim Czaplinski presented the Power Point presentation, and answered questions from the Commission. (Attachment A)

**Robert Nichols**, attorney for Houk Nichols, explained his interpretation regarding diverting water onto other people's property. He referenced CGS§ 13a-55. He presented paperwork to the Commission regarding abandoned highways and the responsibility of the property owners for maintenance and repairs. (Attachment B)

There was a brief discussion of possible ways to remedy the current situation.

4. Comments/questions from the Commissioners regarding any information presented by the ZEO.

**Chairman Cocchiarella** asked if there were any permits for the work that was done, and if there are engineered plans for the road.

**Houk Nichols** stated that when the road was built it wasn't engineered, and that it is an abandoned town road.

**Attorney McSherry, P&Z Counsel**, asked how much fill was brought in to make repairs to the roadway.

**Houk Nichols** stated that there have been approximately 45 (forty-five) truckloads of fill brought in over the last 10 (ten) years. He noted that the amount of material that was brought in did not meet the amount that required him to apply for a permit. He also noted that their position is that any rights the Town had before the road was abandoned transferred to him when he purchased the property.

**Attorney McSherry** stated that if they had come in with a plan for the road, the town would have been aware of what they were doing, and could have determined if a permit was necessary. He noted that there are sections of the zoning regulations that apply to fill and soil and erosion.

**Houk Nichols** expressed willingness to comply with a plan that would minimize the impact of the water onto anyone else's property. He explained that he brought in enough material to maintain the road, which does not meet the amount required to obtain a permit.

**Attorney McSherry** stated that the amount of material brought in is below the amount that would require a permit, but soil and erosion regulations also apply.

A brief discussion ensued regarding the Planning & Zoning Engineer's suggesting a rain garden, and the ability to complete work on the neighbors property.

**Attorney Nichols** reiterated that he believes that because the road was abandoned by the Town, the current owner of the property has the right to place water on adjacent properties.

This concluded the presentations by both property owners.

5. Motion to recess/continue the Show Cause Order and authorize the Zoning Enforcement Officer to continue to pursue the resolutions as proposed.

**MOTION BY Commission Secretary Olbrys** to close the Show-Cause Hearing.  
**Second by Commissioner Rowland.**

**Attorney Thomas** requested the opportunity to respond to Attorney Nichols presentation.

**Commission Secretary Olbrys** noted that rebuttals are not part of the process.

**Linda Czaplinski, 30 Freeman Road** requested that the Commission allow her to clarify the classification of her property. She stated that it is currently classified as forest, but may revert back to farmland in the future.

**Vote on motion to close: All (6) Ayes.**  
Motion passed unanimously.

6. Motion to impose fines and penalties as authorized by the Town ordinance.

**MOTION BY Commission Secretary Olbrys** not to impose any fines at this time, and for the Commission to work on that at another meeting in the future.

**Commission Secretary Olbrys** noted that this is an item on the agenda and it shouldn't be overlooked.

It was noted that a motion was not necessary for this item.

**Chairman Cocchiarella** noted that under ZEO are the use permits approved administratively. He asked if anyone had any questions regarding any of the items.

There were no questions from Commissioners at this time.

b. ZEO Approved Use Permits:

- 1.) Z-23-161[IND] – 97 Willenbrock Road – Eastern Mechanical Services, Inc.
- 2.) Z-23-169 [COMM] – 340 Oxford Road – Morea Restaurant & Cocktail Bar
- 3.) Z-23-174 [VCMUD] – 334 Center Rock Green – The Paw Wash
- 4.) Z-23-179 [COMM] – 71 Oxford Road – Bubbakoos Buritos
- 5.) Z-23-183 [COMM] – 369 Oxford Road – Ryheart Retrievers
- 6.) Z-23-184 [VCMUD] – 315 Center Rock Green, Suite 10 – Dynamic Smiles Orthodontics
- 7.) Z-23-184(a) [IND] – 106 Willenbrock Road, Bldg #2, Untis A,B,C, D – Vintage and Classic, LLC

**Chairman Cocchiarella** noted that the minutes would not be acted upon this evening.

F. Approval of Minutes

- a. July 18, 2023 Regular Meeting Minutes
- b. August 1, 2023 Regular Meeting Minutes
- c. August 15, 2023 Regular Meeting Minutes

G. Invoices – None

H. Executive Session

**MOTION BY Commission Secretary Olbrys** to enter into Executive Session regarding the following items in litigation:

1. The Planning & Zoning Commission will hold an Executive Session to discuss litigation regarding AAN – CV22-6049298-S – Defeo Materials, LLC v. Planning and Zoning Commission of the Town of Oxford.
2. The Planning & Zoning Commission will hold an Executive Session to discuss litigation regarding AAN – CV23-6050997-S – Airamid, LLC v. Planning and Zoning Commission of the Town of Oxford.

**Second by Commissioner Carr.**

**All (6) Ayes.**

Motion passed unanimously.

**Chairman Cocchiarella** invited all present Commissioners, Steve Macary, ZEO, Land Use Counsel, Kevin McSherry, and Jessica Pennell, Coordinator into Executive Session. Jessica Pennell did not join the Executive Session.

**MOTION BY Commissioner Rowland** to exit Executive Session at 10:20 PM.

**Second by Commissioner Wall.**

**All (6) Ayes.**

Motion passed unanimously.



There was no action taken during Executive Session.

I. Audience of Citizens – Items not listed on the Agenda - None

J. Other Business

**MOTION BY Commission Secretary Olbrys** to table the remaining agenda items.  
**Second by Commissioner Rowland.**

**All (6) Ayes.**

Motion passed unanimously.

- a. Affordable Housing Plan – Discussion with Possible Action
- b. Any other business the Commission deems necessary for discussion.

J. Adjournment

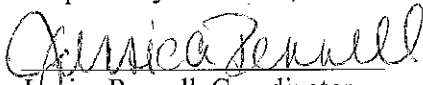
**MOTION BY Commissioner Rowland** to adjourn the meeting at 10:22 PM.


**Second by Commission Secretary Olbrys.**

**All (6) Ayes.**

Motion passed unanimously.

Respectfully submitted,

  
Jessica Pennell, Coordinator

2023 OCT 23 P 2:42  
TOWN OF OXFORD, CT  
  
TOWN CLERK