

TOWN OF OXFORD

PLANNING & ZONING COMMISSION

S.B. Church Memorial Town Hall

486 Oxford Road, Oxford, Connecticut 06478-1298

www.Oxford-CT.gov



Regular Meeting Minutes

Tuesday, December 4, 2018

7:30 PM

Main Meeting Room

S.B. Church Memorial Town Hall

1. CALL TO ORDER

Chairman Jeff Luff called the meeting to order at 7:30 PM.

- a. Pledge of Allegiance
- b. Roll Call/Seating of Alternates

Present: Greg Wanamaker, Dave Sauter, John Kerwin, Pete Zbras, Jeff Luff, Arnie Jensen, and Pat Cocchiarella.

Not Present: Tanya Carver and Dan Wall.

Also Present: Steve Macary, ZEO and Jessica Pennell.

2. PUBLIC HEARING

Z-18-279 - 24 Hawley Road – Community Chapel of the C & MA of Southbury
(Special Exception - Use)

- 1. Application
- 2. Statement of Use
- 3. Owner Authorization Letter
- 4. Required Approvals – Sign off sheet
- 5. Article 5, §5.3.1 (Commission reference)

Chairman Jeff Luff outlined the Public Hearing procedures.

Commission Secretary Pat Cocchiarella read the Call of the Meeting.

Charles Rosa, representative for C & MA gave a brief summary of the intended use of the property. He discussed parking, special events and mentioned the relationship the Church may have with the Town for

Charles Rosa, representative for C & MA gave a brief summary of the intended use of the property. He discussed parking, special events and mentioned the relationship the Church may have with the Town for summer camp. He also explained the intention to keep the residential use at this time.

Commissioner John Kerwin questioned the applicant's use of the property, and how it would differ from the current use. He questioned the zone of the property and referred to the regulation that applies to the use in the zone.

Chairman Jeff Luff stated that the zone of the property has come into question.

Mr. Rosa noted that he was told it is zoned residential.

Commissioners discussed the various sources of information on the property, and the discrepancies raised from those sources.

Mr. Rosa stated that they are downsizing the kitchen and creating some classrooms.

Chairman Jeff Luff stated that the property zone needs to be determined, and this would be the time to make that determination.

Commissioner John Kerwin noted that the zoning map prevails over the assessor's card.

The commercial pre-existing use was discussed.

Chairman Jeff Luff reiterated that this is an opportunity to have the property reviewed by the Land Use Attorney and make a final determination.

Commissioners discussed the following regarding the use of the property:

- Parking for church services and the adequacy of the parking if they decide to rent out the property for other types of events.
- The discussion between the Town and the applicant for possible rental of the property in the summer months.
- The status of the apartment, whether or not it will be rented and who will be allowed to reside there.
- The office space for the pastor and the secretary.

Tom Tarby, owner of 24 Hawley Road spoke regarding the previous application that was brought before the Commission and withdrawn. He stated that the property has, to date, been taxed as commercial, and zoned as residential; it is a non-conforming use that pre-dates the zoning regulations.

Betti Hellman, 33 Hawley Road, mentioned that she lives across the street from 24 Hawley Road and it has without a doubt a residential zone. She expressed her support of the application. She asked questions regarding the traffic flow, and the possibility of a second exit.

Tom Tarby, owner of 24 Hawley Road explained that he spoke to someone in the Assessor's office; he was told that at some point in time, Planning & Zoning determined that the property is zoned residential.

Chairman Jeff Luff commented that the only question that came up was regarding a second entrance. He asked the applicant if there were any plans for a second entrance.

Mr. Rosa stated that there are no plans for a second entrance at this time.

Commission Secretary Pat Cocchiarella asked questions regarding a vehicle access that goes to the field behind the pool.

Tom Tarby, owner 24 Hawley Road, explained the reason for the access.

Commissioners discussed the timeframe for the determination by the Land Use Attorney and the timeline the Commission follows per statute, to render a decision.

Tom Tarby stated that this is a time sensitive application as he is under contract for another property and the applicant is under contract for the subject property.

MOTION BY Vice Chairman Arnie Jensen to close the public hearing.

Second by Commission Secretary Pat Cocchiarella.

All (7) Ayes.

Motion passed unanimously.

3. CORRESPONDENCE - None

4. AMENDMENTS TO THE AGENDA

- a. **MOTION BY Commission Secretary Pat Cocchiarella** to amend the agenda to add discussion with possible action on the 2019 Regular Meeting Schedule under Old Business.
Second by Vice Chairman Arnie Jensen.

All (7) Ayes.

Motion passed unanimously.

- b. **MOTION BY Commission Secretary Pat Cocchiarella** to amend the agenda to add Z-18-274 under Old Business.

Second by Vice Chairman Arnie Jensen.

All (7) Ayes.

Motion passed unanimously.

5. AUDIENCE OF CITIZENS - None

6. OLD BUSINESS

- a. **Z-18-280 [COMM] 316 Oxford Road – Chrisandras’s Country Store, LLC**
(Change of Use Permit)

MOTION BY Commission Secretary Pat Cocchiarella to table this application.

Second by Vice Chairman Arnie Jensen.

All (7) Ayes.

Motion passed unanimously.

- b. **Oxford Greens** – Request for S&E Control Bond Reduction
(Referred to Jim Galligan)

Chairman Jeff Luff informed the Commission that he has spoken to Jim Galligan and he will be visiting the site and submitting his review.

c. **Approve 2019 Regular Meeting Schedule**

Jessica Pennell discussed the upcoming 2019 regular meeting schedule. She made note of certain conflicts that will arise in the upcoming year. Commissioners gave their feedback; a new schedule will be reviewed at the next meeting.

d. **Z-18-274 [RESA] 17 Sheldon Drive - ZAK Construction, LLC**
(Cottage Business Permit)

Commissioners discussed the items of concern from the 11/20/18 meeting. There was discussion between Commissioners regarding the interpretation of Article 5, §5.2.2, which regulates the storage of equipment.

Steven S. Macary, ZEO had provided pictures of the property to the Commission for review.

MOTION BY Vice Chairman Arnie Jensen to deny the application without prejudice.

Second by Commissioner Pete Zbras.

All Ayes.

Motion passed unanimously.

7. NEW BUSINESS

Note: Items (a) – (e) are permits for “Quarry Walk” - Owner: Oxford Towne Center, LLC

a. **Z-18-281 [VCMUD] 350 Center Rock Green, Suite 3 – Rydzik & Rydzik, CPA**
(Use Permit)

MOTION BY Commission Secretary Pat Cocchiarella to approve application Z-18-281 with the following conditions:

1. Applicant and their assigns must comply with all representations made at the Planning & Zoning meetings and/or Public Hearings regarding this application.
2. Compliance with the Statement of Use dated 11/2/2018.
3. The applicant must comply with the Town of Oxford Permit Procedures and obtain all required signatures from all necessary Town Departments.
4. Compliance with the Town of Oxford Regulations in effect as of this date.
5. Per Article 3, § 3.19.1 of the Zoning Regulations, the applicant shall be responsible for rendering payment for any outside experts the Commission assigns to review this application.
6. No exterior signage will be permitted without a sign permit.

The reason for approval is that it meets the Oxford Zoning Regulations in effect as of this date.

Second by Vice Chairman Arnie Jensen.

All (7) Ayes.

Motion passed unanimously.

b. **Z-18-284 [VCMUD] 338 Center Rock Green – 67 West Hair Design (Use Permit)**

MOTION BY Vice Chairman Arnie Jensen to approve application Z-18-284 with the following conditions:

1. Applicant and their assigns must comply with all representations made at the Planning & Zoning meetings and/or Public Hearings regarding this application.
2. Compliance with the Statement of Use dated 10/12/2018.
3. The applicant must comply with the Town of Oxford Permit Procedures and obtain all required signatures from all necessary Town Departments.
4. Compliance with the Town of Oxford Regulations in effect as of this date.
5. Per Article 3, § 3.19.1 of the Zoning Regulations, the applicant shall be responsible for rendering payment for any outside experts the Commission assigns to review this application.
6. Any signage must comply with the Oxford Planning & Zoning Regulations and Quarry Walk requirements, as approved by the ZEO.

The reason for approval is that it meets the Oxford Zoning Regulations in effect as of this date.

Second by Commissioner Pete Zbras.

All (7) Ayes.

Motion passed unanimously.

c. **Z-18-286 [VCMUD] 332 Center Rock Green – Window Treatments Unlimited (Use Permit)**

MOTION BY Commission Secretary Pat Cocchiarella to approve application Z-18-286 with the following conditions:

1. Applicant and their assigns must comply with all representations made at the Planning & Zoning meetings and/or Public Hearings regarding this application.
2. Compliance with the Statement of Use dated 11/2/2018.
3. The applicant must comply with the Town of Oxford Permit Procedures and obtain all required signatures from all necessary Town Departments.
4. Compliance with the Town of Oxford Regulations in effect as of this date.
5. Per Article 3, § 3.19.1 of the Zoning Regulations, the applicant shall be responsible for rendering payment for any outside experts the Commission assigns to review this application.
6. Any signage must comply with the Oxford Planning & Zoning Regulations and Quarry Walk requirements, as approved by the ZEO.

The reason for approval is that it meets the Oxford Zoning Regulations in effect as of this date.

Second by Vice Chairman Arnie Jensen.

All (7) Ayes.

Motion passed unanimously.

d. **Z-18-285 [VCMUD] 334 Center Rock Green – OXXO Care Cleaners (Use Permit)**

MOTION BY Commission Secretary Pat Cocchiarella to approve application Z-18-285 with the following conditions:

1. Applicant and their assigns must comply with all representations made at the Planning & Zoning meetings and/or Public Hearings regarding this application.
2. Compliance with the Statement of Use dated 11/16/2018.
3. The applicant must comply with the Town of Oxford Permit Procedures and obtain all required signatures from all necessary Town Departments.
4. Compliance with the Town of Oxford Regulations in effect as of this date.
5. Per Article 3, § 3.19.1 of the Zoning Regulations, the applicant shall be responsible for rendering payment for any outside experts the Commission assigns to review this application.
6. Any signage must comply with the Oxford Planning & Zoning Regulations and Quarry Walk requirements, as approved by the ZEO.

The reason for approval is that it meets the Oxford Zoning Regulations in effect as of this date.

Second by Commissioner Pete Zbras.

All (7) Ayes.

Motion passed unanimously.

- e. **Z-18-289 [VCMUD] 350 Center Rock Green, Suite 10 – More To Say, LLC**
(Use Permit)

MOTION BY Commission Secretary Pat Cocchiarella to approve application Z-18-289 with the following conditions:

1. Applicant and their assigns must comply with all representations made at the Planning & Zoning meetings and/or Public Hearings regarding this application.
2. Compliance with the Statement of Use dated 11/8/2018.
3. The applicant must comply with the Town of Oxford Permit Procedures and obtain all required signatures from all necessary Town Departments.
4. Compliance with the Town of Oxford Regulations in effect as of this date.
5. Per Article 3, § 3.19.1 of the Zoning Regulations, the applicant shall be responsible for rendering payment for any outside experts the Commission assigns to review this application.
6. Any signage must comply with the Oxford Planning & Zoning Regulations and Quarry Walk requirements, as approved by the ZEO.

The reason for approval is that it meets the Oxford Zoning Regulations in effect as of this date.

Second by Commissioner Pete Zbras.

All (7) Ayes.

Motion passed unanimously.

Commissioners discussed the importance of having applicants apply for sign permits and to submit the renderings with the use permit applications.

- f. **Z-18-292 [RESA] – Applicant: Moose Hill Cider, LLC**
Owner: Evelyn C. Belinsky Revocable Trust – C/O Attorney Dominick Thomas
(Proposed Zoning Text Amendments regarding the following Article/Section of the Zoning Regulations: 2.23a; 5.3.4; 10.11-10.44.4, and 17.2)

The Commission set the Public Hearing date; **January 8, 2019 at 7:30 PM.**

8. ZONING ENFORCEMENT

Ray Reynolds was present, at the request of the ZEO, to speak to the Commission regarding his property at 55 Old State Road. He noted that he is present tonight to discuss the issues of the condition of his property, the shed that he is building and the parking. He submitted a letter to the Commission and gave a brief history of the use of the property. He also submitted photos of his property to show the condition of the property and damage caused by the tornado. He explained that he has been working on cleaning up the property.

Chairman Jeff Luff told Mr. Reynolds to obtain a permit for the shed. He stated that he has received written correspondence from Sergeant Dan Semosky, and spoken with Scott Pelletier and Andy Ferrillo regarding safety and environmental issues caused by the parking.

Commissioners discussed the trucks parking on Town property.

Commissioners discussed the regulations that pertain to the number of parking spots required based on the size of the building.

Mr. Reynolds discussed his previously approved site plan and discussed the parking submitted with the plan.

Chairman Jeff Luff asked Mr. Reynolds to come in with a new site plan.

Mr. Reynolds stated that he is going to be submitting a new Statement of Use. He also explained the reasons why the number of vehicles has increased.

Chairman Jeff Luff asked Mr. Reynolds to submit a new site plan application. He expressed again that this is a safety issue and falls under the Planning & Zoning Commission's purview.

Mr. Reynolds noted that many of the trucks have been removed.

Chairman Jeff Luff asked Mr. Reynolds to contact the departments involved, and to have them submit something to Planning & Zoning in writing that they are willing to extend the timeframe for the removal of the trucks for another 30 days.

Chairman Jeff Luff stated that he is going to recommend to Public Works that they post "No Parking" signs on the road.

Sterling Fife, owner of Fox Pest Control spoke regarding the steps they are taking to resolve the parking issue. He understands that it is a safety issue and needs to be addressed immediately. He explained why there are an increased number of trucks, and how they are trying to remove the trucks within the given timeline.

Commissioners discussed how to proceed.

Mr. Reynolds stated that he would contact the departments as requested by Chairman Jeff Luff.

9. INVOICES

10. APPROVAL OF MINUTES

MOTION BY Vice Chairman Arnie Jensen to approve the following meeting minutes as presented:

- a. 11/6/18 Regular Meeting Minutes
- b. 11/13/18 Special Meeting Minutes
- c. 11/20/18 Regular Meeting Minutes

Second by Commissioner John Kerwin.

All (7) Ayes.

Motion passed unanimously.

11. OTHER BUSINESS

- a. Review and Approve the 2019 Regular Meeting Schedule (already discussed)
- b. Discuss possible Special Meeting for 12/18/18.

Commissioners agreed to hold a special meeting at **6:30 PM on 12/18/18.**

- c. Any other business the Commission deems necessary for discussion.

Commissioners questioned if there would be an executive session to discuss current litigation with Timberlake.

Chairman Jeff Luff stated that they are not scheduling an Executive Session at this time.

12. ADJOURNMENT

MOTION BY Commission Secretary Pat Cocchiarella to adjourn the meeting at 10:04 PM.


Second by Vice Chairman Arnie Jensen.

All (7) Ayes.

Motion passed unanimously.

Respectfully submitted,


Jessica Pennell, Coordinator
Planning & Zoning Commission

19 JAN -7 PM 4:15
TOWN OF OXFORD, CT

TOWN CLERK