



TOWN OF OXFORD
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 16, 2019

7:30 P.M Main Meeting Room

S.B. Church St. Memorial Town Hall

CALL TO ORDER

Vice Chairman Arnie Jensen called the meeting to order at 7:30 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Joshua Dykstra, Dave Sauter, John Kerwin, Pete Zbras, Arnie Jensen, Pat Cocchiarella, Tanya Carver, and Dan Wall (arrived at 7:32 PM).

Not Present: Jeff Luff and Greg Wanamaker.

Also Present: Steve Macary, ZEO and Jessica Pennell.

SEATING OF ALTERNATES

Vice Chairman Arnie Jensen seated Joshua Dykstra and Dave Sauter.

Commissioner Dan Wall arrived and Alternate Joshua Dykstra stepped down.

RECESSED PUBLIC HEARINGS:

Text Amendments to the Oxford Planning & Zoning Regulations

Proposed Amendments to the following Articles:

Article 2 – Definitions, **Article 10** – Special Exceptions (Contractor's Yards), and
Article 14 – Earth Re-grading & Excavation.

Commission Secretary Pat Cocchiarella moved come out of recess for the Public Hearing on Text Amendments to the Oxford Planning & Zoning Regulations.

Second by Commissioner Pete Zbras.

All (7) Ayes.

Motion passed unanimously.

Vice Chairman Arnie Jensen questioned if anyone from the audience had any comments on the proposed amendments to the Zoning Regulations.

PUBLIC COMMENTS:

Mark Oczkowski, business owner and resident, explained his concerns regarding maintenance of the vehicles and equipment occurring inside an enclosed building. He commented that most equipment would not fit inside a building, and he suggested to the Commission to consider requiring a buffer to the surrounding properties as an alternative to a building. He questioned the definition of clean material and asked if concrete and asphalt would be considered clean material; he explained that clearing and hauling materials offsite would cause more truck traffic on the roads. He had concerns regarding the amount of material that can be removed off site; he noted that it is reasonable for a residential site, but not a commercial or industrial site. He brought up concerns about the hours of operation as well as the permit process in regard to how the Town would handle large jobs that have unidentified soil conditions. He commented that if a contractor experiences unidentified soil conditions and has to pull a permit during construction, the ZEO should have the discretion to issue the permit. His concern is that the time constraints of getting a permit will shut down job sites for weeks.

Dominick Thomas, Attorney, 315 Main Street, Derby, CT, representing the Beard property owner for property owners, explained that the amendments to the regulations do not distinguish between a contractor's yard which processes materials daily and the smaller businesses that only process materials 8 weeks in a year. He stated that the Schedule "C" is still in the regulations and needs to be eliminated otherwise it causes a conflict within the regulations. He noted that previously rock crushing was allowed with a Special Exception, sifting was allowed. The proposed regulations now require a contractor to crush, sift, and chip indoors; he questioned how the Commission would deal with the existing businesses if it has been determined that the activities are illegal. He handed out exhibits to the Commissioners; photos of Guerrero, Burns Construction, 2 sites off Woodruff Hill Road, and the site of a paving contractor. He stated that contractor's yards of the past hauled the material off site to the dump, now; contractor's take the excess materials, process them, and use them for the next job or on various sites. He noted that inserting the requirement of a building doesn't apply to existing contractor's yards.

Steven Kulas, Attorney for property owners, commented that this is an extensive regulation change and asked that the public hearing be kept open. He stated that his clients support the proposal to prohibit hazardous materials and large stockpiles of unsightly materials, which are not contained. He commented that looking at the criteria, it should be more specific, and possibly a definition of what a small operation is as opposed to a larger operation. He also explained concerned with noise. He stated that there needs to be a balance between proper industrial uses, ecological needs, and the health and safety of the residents.

There were no further comments from the public.

MOTION BY Commission Secretary Pat Cocchiarella to recess the Public Hearing to May 21, 2019 at 7:30 PM.

Second by Commissioner Tanya Carver.

All (7) Ayes.

Motion passed unanimously.

AMENDMENTS TO THE AGENDA

AUDIENCE OF CITIZENS

CORRESPONDENCE

OLD BUISNESS

TIMBERLAKE APARTMENTS APPLICATIONS: *(Commission action on or before 4/16/19)*

Commission Secretary Pat Cocchiarella read correspondence addressed to Peter Olson, Land Use Counsel from Attorney Christopher J. Smith. The applicant has extended the application decision date to May 21, 2019.

1. **Z-18-270 [RGCD] - Riggs Street, "Timberlake Apartments at Oxford Greens - Owner & Applicant:** Timberlake Investment Partners V, LLC (Proposed Text Amendment to Article 5A Residential Golf Community District, pursuant to CGS §8-30 g) *(Commission action on or before 4/16/19)*

No action taken.

2. **Z-18-271 [RGCD] – Riggs Street "Timberlake Apartments at Oxford Greens - Owner & Applicant:** Timberlake Investment Partners V, LLC (Site Plan for 197 multi-family housing units pursuant to CGS 8-30 g)

No action taken.

3. **Z-18-302 [IND] – 10 Robinson Lane** *(Commission action on or before 5/4/19)*
Owner: McNamee Construction, 154 Route 202, Lincolnale, NY
Applicant: Daniel McNamee
(Special Exception – Contractor's Yard)
(Site Plan for Construction of a Garage, Canopy, and Building)

No action taken.

NEW BUISNESS

1. **Z-19-037 [VCMUD] – Oxford Towne Center, "Quarry Walk" – Phase 2E**
Owner & Applicant: Oxford Towne Center, LLC, 30 D Progress Ave. Seymour, CT
(Site Plan Modification – Phase 2E)

Kyle Bogardus, Langan Engineering presented the site plan modification to the Commission

He explained that the proposed plan includes one free standing, two-story building with an approximate footprint of 15,500 sq. ft. He pointed out the location of the building; the South side of the Green, adjacent to Building M. He described the site improvements, which include sidewalks, pedestrian crossings, and additional landscaping. He stated that as with other recent applications, the infrastructure

to service the pad has been installed in previous phases and will be extended to service this building as part of this application.

The Commissioners discussed the changes briefly.

A suggestion was made to have a motion drawn up to approve the application.

The Commission moved onto Zoning Enforcement while the motion was prepared.

ZONING ENFORCEMENT

Steve Macary, ZEO stated that Charlie Rosa, Community Chapel of the CRMA of Southbury is present to discuss the signage located at the corner of Route 67 and Hawley Road.

Commission Secretary Pat Cocchiarella stated that the sign for the church had additional signage/advertisements for other businesses.

Charlie Rosa stated that sign advertising the pickle ball was the latest addition, but the previous owner had allowed the others that were already attached to the sign.

Commission Secretary Pat Cocchiarella questioned the size of the property where the sign is located.

Charlie Rosa stated that it is approximately $\frac{3}{4}$ of an acre. He presented the Commission with a picture of the original sign and a picture of the proposed sign.

Vice Chairman Arnie Jensen questioned if the sign was the same size.

Charlie Rosa stated yes, but that they would like to add a cross to the top of the sign. He noted that it would be an LED sign but it would not be animated, it would not flash or scroll. He explained that it would have information pertaining to church functions, worship times, and possible ongoing events or announcements.

Commissioner Pete Zbras mentioned that there is a state regulation that stated that no signs can be located within 10 feet of a cemetery.

Commissioner Tanya Carver questioned if the purpose of his presence tonight is just to show the sign to the Commission.

Charlie Rosa stated that is all they intended for tonight, the sign will be replaced right now, but possibly in the future.

Commissioner Tanya Carver asked if the sign will be the same size as the existing sign.

Charlie Rosa stated that it would be the same size.

Commissioners had no further questions.

Steve Macary, ZEO explained that he was asked to issue a zoning certificate of compliance for a lot on Hogsback Road. He stated that when he went out to inspect the property, there were some items that needed to be completed before he could issue the certificate. He contacted Jim Galligan and Jim also inspected the property and created a punchlist of items that needed to be addressed.

Commission Secretary Pat Cocchiarella noted that he visited the property and the silt fence needed repair.

Vice Chairman Arnie Jensen questioned if the items on the punch list could be completed within a week.

Siuyan Cao, Civil 1, engineer for the applicant stated that he has the mylar that needs to be signed by the Chair.

Vice Chairman Arnie Jensen stated that the Chair is not present tonight, so the mylar can be signed at the next meeting.

Commissioners agreed that the punch list should be completed and that the mylar can be signed at the next meeting.

Vice Chairman Arnie Jensen stated that Steve Macary, ZEO will follow up on this item.

Steve Macary, ZEO also reported that he sent out various letters concerning complaints and violations. He discussed the following items:

- Fox Pest Control
- 220 Punkup Road
- 3 Charter Oak Drive
- Oxford House

Steve Macary, ZEO concluded his report.

At this time the Commission went back to Application No. Z-19-037 and took the following action:

MOTION BY Commissioner Tanya Carver:

WHEREAS, The Oxford Planning and Zoning Commission have received Application Z-19-037; application for a Site Plan Modification – Quarry Walk – Phase 2E.

WHEREAS, The Oxford Planning and Zoning Commission considered this application at a regularly scheduled meeting on April 16, 2019.

WHEREAS, The Oxford Planning and Zoning Commission considered maps and documents all drawn or prepared by Langan Engineering, within their deliberations:

WHEREAS; The Oxford Planning and Zoning Commission considered the Town of Oxford Application Z-19-037 and finds;

The application conforms to all requirements of the Oxford Zoning regulations.

SUBJECT TO THE FOLLOWING CONDITIONS;

1. Compliance with all Town of Oxford Regulations and Ordinances in effect as of this date.

2. No substitute material shall be used without approval of the Planning and Zoning Commission and the Planning and Zoning Commission Engineer.
3. 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 initial review through inspection and final acceptance of any improvements.
4. The applicant and their assigns must comply with all representation made at Planning and Zoning Commission meetings or at public hearings regarding this application.
5. The applicant shall submit one complete copy of the set of plans, which reflect these conditions of approval, with a copy of the conditions of approval attached.
6. The specific uses on this property shall be limited to those designated within the "Statement of Use" submitted by the applicant.
7. The applicant shall have a pre-construction meeting with appropriate Town Staff prior to any construction activities.
8. 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 Commission's engineer.
9. It is the responsibility of the owner/applicant to ensure capability of communication with the Fire Department and EMS. If the requirement is not fulfilled, it is the responsibility of the owner/applicant to rectify the problem.
11. Site Plan approval expires if the work is not completed within five (5) years from the date of approval.

Second by Commissioner John Kerwin.

All (7) Ayes.

Motion passed unanimously.

MINUTES

1. 4/2/19 Meeting Minutes (Tabled)

INVOICES

OTHER BUSINESS

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

REMINDER: Public Hearing scheduled for May 7, 2019.

Z-19-028 [IND] – 89 Prokop Road – Phase 1 - Building
Applicant & Owner: Matthew Zaloumis, 315 Riggs Street
(Construct a 7,500 sq. ft. building) (Offices & Inside storage)

Vice Chairman Arnie Jensen announced that he would be resigning from the Commission because he is being nominated for appointment to the Board of Selectmen.

ADJOURNMENT

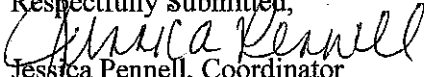
MOTION BY Commissioner Tanya Carver to adjourn the meeting at 9:05 PM.

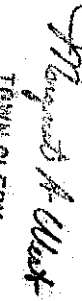
Second by Commission Secretary Pat Cocchiarella.

All (7) Ayes.

Motion passed unanimously.

Respectfully Submitted,


Jessica Pennell, Coordinator
Planning & Zoning Commission

19 MAY 20 PM 4:39
TOWN OF OXFORD, CT

TOWN CLERK