



**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, June 18, 2019
7:30 P.M Main Meeting Room
S.B. Church St. Memorial Town Hall

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Joshua Dykstra, Pete Zbras, Dave Sauter, Jeff Luff, Pat Cocchiarella and Dan Wall.

Not Present: John Kerwin, Greg Wanamaker, Alan Goldstone and Tanya Carver.

Also Present: Jessica Pennell and Steve Macary, ZEO.

I. PUBLIC HEARINGS

A. CONTINUED PUBLIC HEARINGS

B. NEW PUBLIC HEARINGS

Chairman Jeff Luff opened the Public Hearing on the following application:

Z-19-057 [IND] – 306 Riggs Street – Owner: Anne Strobel – Applicant: Anne Strobel & Oxford Chiropractic Health, LLC (Special Exception – Article 9, §9.13)

Public Hearing – June 18, 2019. Deadline to close Public Hearing – July 22, 2019.

Chairman Jeff Luff outlined the Public Hearing Procedures.

Commission Secretary Pat Cocchiarella read the Call of the Meeting.

Chairman Jeff Luff gave a brief summary of the history of this application. He explained that this was approved as a cottage business and the applicant has extended the permit in such a way that it needs to be reviewed by the Commission. He explained that this is a home that has been converted into a chiropractic business and that the owner has placed a sign advertising the business on the property, he has also added steps in the back of the home and constructed a concrete handicap ramp. He had requested that the previous application be withdrawn and that the applicant submit a new application for

a Special Exception.

Attorney Dominick Thomas, 315 Main Street, Derby was present representing the applicant. He stated for the record that he has submitted the notices and proof of mailing to the Secretary, as well as a photo of the sign that was posted on the property. He stated that under Article 9, Section 9.13 doctor's offices are permitted by special exception. He referred the Commission to the Statement of Use. He noted that initially there were 8 parking spaces, the number has been reduced to 5 spaces based on the zoning regulations. He also explained that there would be two employees, and services would be by appointment only. He commented that he is aware that the plan has been sent to wetlands for review regarding the parking.

Chairman Jeff Luff explained that a cease and desist was issued because of the concrete ramp that was installed without a permit.

Attorney Thomas stated that it is a handicap ramp.

Chairman Jeff Luff stated that the main concern is that the ramp is so close to the road, he stated that it would need a permit; he also noted that three steps were added in the back without a permit.

Attorney Thomas stated that the ramp and steps are shown on the site plan.

Chairman Jeff Luff mentioned the lighting for the business, he stated that it is very bright and that the lights must be dark sky compliant.

Commission Secretary Pat Cocchiarella questioned the size of the sign.

Attorney Thomas stated that the property is zoned industrial, and the sign will comply with the regulations for businesses in that zone.

Commissioners and **Attorney Thomas** discussed the location of the handicap ramp. **Chairman Jeff Luff** explained that it is very close the road and he will need to find out if the location is a safety issue.

Chairman Jeff Luff opened the floor to the public.

Nil Guillet, 2 Douglas Drive stated that this application had been discussed previously and at that Time, when the applicant enclosed the front porch, there was a problem with the encroachment into the setback. He explained that he doesn't believe that the Commission has the right to allow more encroachment into the setback.

Attorney Thomas responded by stating that enclosing the existing porch does not increase the footprint of the building. He noted that the ramp is an access issue, therefore it would not be considered as an encroachment into the setback. He also stated, regarding the sign, that he will submit a drawing with the dimensions and requested that the Commission will consider acting on the application at the next meeting.

Nil Guillet, 2 Douglas Drive stated that when you enclose an area it becomes livable space, therefore there was more encroachment.

There was no further discussion.

MOTION BY Commission Secretary Pat Cocchiarella to recess the Public Hearing to July 2, 2019.
Second by Commissioner Dan Wall. All (7) Ayes.
Motion passed unanimously.

C. FUTURE PUBLIC HEARINGS AND OPEN PUBLIC HEARINGS

II. REGULAR MEETING BUSINESS

A. SEATING OF ALTERNATES

Chairman Jeff Luff seated Alternate Commissioner Joshua Dykstra. He also seated him for the previous public hearing. He asked if Alternate Commissioner Dykstra had any objection to the last motion made.

Alternate Commissioner Joshua Dykstra stated that he did not oppose the motion.

Chairman Jeff Luff also asked that seating of alternates be moved under roll call for future agendas.

B. AMENDMENTS TO THE AGENDA

1. **MOTION BY Commission Secretary Pat Cocchiarella** to amend the agenda to add Z-19-058 – 5 Morse Road to the agenda under Item F. – Old Business – Other Matters.
Second by Commissioner Dan Wall.
All (7) Ayes.
Motion passed unanimously.

C. AUDIENCE OF CITIZENS

D. CORRESPONDENCE

E. OLD BUSINESS – MATTERS ON WHICH A PUBLIC HEARING WAS HELD

1. **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.

MOTION BY Commission Secretary Pat Cocchiarella to approve amendments to Article 2, Article 10, and Article 14 of the Town of Oxford Zoning Regulations, last revised 5/31/2019, and presented to the Commission by Peter Olson, Land Use Counsel.

Second by Commissioner Dan Wall.

All (7) Ayes.

Motion passed unanimously.

Effective Date: July 1, 2019.

Please see (ATTACHMENT A).

F. OLD BUSINESS – OTHER MATTERS

1. **Z-19-051 [IND] – 89 Prokop Road – Phase 1 - Building**
Applicant & Owner: Matthew Zalounis, 315 Riggs Street
(Site Plan - Construct a 7,500 sq. ft. building)

Application Accepted: June 4, 2019; Deadline to make decision: August 7, 2019.

It was noted by staff that the application is still being reviewed by the P&Z Engineer, Jim Galligan.

MOTION BY Commission Secretary Pat Cocchiarella to table this application.

Second by Commissioner Dan Wall.

All (7) Ayes.

Motion passed unanimously.

2. **Z-17-056 – Owner & Applicant: Garden Homes Management – 117 Hurley Road**
(Site Plan Modification – Sheds)

Application Accepted: June 4, 2019; Deadline to make decision: August 7, 2019.

Commissioners discussed this item briefly and requested that a motion of approval be prepared for the next meeting.

MOTION BY Commission Secretary Pat Cocchiarella to table this application.

Second by Commissioner Dave Sauter.

All (7) Ayes.

Motion passed unanimously.

3. **Z-19-058 [IND] – 5 Morse Road – Owner: TPS, Inc. – Applicant: 5 Morse Road, LLC**
(Site Plan – Construct an 11,920 sq. ft. building)

Commission Secretary Pat Cocchiarella read a letter from Jim Galligan, P&Z Engineer.

Commission Secretary Pat Cocchiarella read the approval letter from the OCCIWA.

Ron Wolff, engineer for the applicant, presented his responses to Jim Galligan's review. He also submitted detail for the proposed sign.

MOTION BY Commission Secretary Pat Cocchiarella to approve the following resolution of approval:

WHEREAS, The Oxford Planning and Zoning Commission have received Application Z-19-058, a site plan application to construct an 11,920 square foot building.

WHEREAS, The Oxford Planning and Zoning Commission considered this application on June 4, 2019 and June 18, 2019.

WHEREAS, The Oxford Planning and Zoning Commission considered maps and documents all drawn or prepared by Ron Wolff, P.E., Wolff Engineering and Merrell Architects, within their deliberations.

WHEREAS; The Oxford Planning and Zoning Commission considered the Town of Oxford Application Z-19-058 and finds;

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

THEREFORE, application Z-18-058 is approved, 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. No work to commence until security is set by the PZC Engineer in a form acceptable to Town Counsel, and installed by the applicant.
7. The specific uses on this property shall be limited to those designated within the "Statement of Use" submitted by the applicant.
8. The applicant shall have a pre-construction meeting with appropriate Town Staff prior to any construction activities.
9. 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.
10. 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 Dan Wall.

All (7) Ayes.

Motion passed unanimously.

G. NEW BUSINESS – SCHEDULE PUBLIC HEARING

H. NEW BUSINESS – OTHER

1. **Z-19-064 [IND] – Lot 10 Woodruff Hill Road – Owner & Applicant: Mark Ozckowski**

(Site Plan Modification)

Application Accepted: June 18, 2019; Deadline to make decision: August 21, 2019.

The Commission determined, after consideration and a discussion with Siuyan Cao, Civil 1, engineer for the applicant, that this application should be withdrawn and a new application for a Special Exception for a Contractor's Yard should be submitted with the site plan. It was noted that this application would have to comply with the new regulations that take effect on July 1, 2019.

2. Z-16-226 [IND] – Lot 7 Fox Hollow Road – Owner: 589 Investments, LLC – Applicant: Gregory Geaski (Site Plan Modification)

Application Accepted: June 18, 2019; Deadline to make decision: August 21, 2019.

Siuyan Cao, Civil 1, engineer for the applicant presented the application to the Commission. He explained that a previous application for Lot 7 Fox Hollow Road was approved in 2017. He noted that this application proposes to reduce the building size from 52,250 SF to 45,000 SF. He commented that the building would be used for offices, manufacturing, and warehousing.

The Commission requested that a resolution of approval be prepared for the next meeting.

MOTION BY Commission Secretary Pat Cocchiarella to table this application.

Second by Commissioner Dan Wall.

All (7) Ayes.

Motion passed unanimously.

I. ZONING ENFORCEMENT

Steve Macary, ZEO presented a Mylar for Hogsback Estates. He requested that the Chairman and Commission Secretary sign the mylar so that it could be filed on the Land Records.

Chairman Jeff Luff and **Commission Secretary Pat Cocchiarella** signed the mylar for Hogsback Estates.

Steve Macary, ZEO discussed 241 Oxford Road with the Commission. He noted that there has been progress by the homeowner.

Chairman Jeff Luff asked that Steve contact the homeowner and come up with a timeline of when the Commission can expect the work to be completed.

Chairman Jeff Luff discussed the issues regarding 3 Charter Oak Drive. He noted that this property has to be brought into compliance. Commissioners agreed and requested that this item be forwarded to Kevin Condon, Town Counsel for review.

Commissioners also stated that staff review the zoning regulations in effect when the permits were issued in 1988 and 1993.

J. MINUTES

1. MOTION BY Commission Secretary Pat Cocchiarella to approve the 6/4/19 Meeting Minutes as presented. **Second by Alternate Commissioner Joshua Dykstra.**

All (7) Ayes.

Motion passed unanimously.

K. INVOICES

1. Land Use Counsel Invoices

a. **Motion by Commission Secretary Pat Cocchiarella** to approve Invoice #1023.1 – \$1,505.00 - General Representation. **Second by Commissioner Dan Wall. All (7) Ayes.**
Motion passed unanimously.

b. **Motion by Commission Secretary Pat Cocchiarella** to approve Invoice #1023.19 – \$2,709.00 – Timberlake 8-30g. **Second by Commissioner Pete Zbras. All (7) Ayes.**
Motion passed unanimously.

c. **Motion by Commission Secretary Pat Cocchiarella** to approve Invoice #1023.3 – \$731.00 - Assisted Living Application. **Second by Commissioner Pete Zbras. All (7) Ayes.**
Motion passed unanimously.

d. **Motion by Commission Secretary Pat Cocchiarella** to approve Invoice #1023.18 – \$946.00 – TPB Contractor's Appeal. **Second by Commissioner Dave Sauter. All (7) Ayes.**
Motion passed unanimously.

2. **Motion by Commission Secretary Pat Cocchiarella** to approve the invoice for Stenography Services - \$1,080.00 – Transcripts for Timberlake. **Second by Commissioner Pete Zbras. All (7) Ayes.**
Motion passed unanimously.

3. **Motion by Commission Secretary Pat Cocchiarella** to approve the reimbursement –\$39.25 (3 Month Subscription) to Jessica Pennell. **Second by Commissioner Pete Zbras. All (7) Ayes.**
Motion passed unanimously.

Chairman Jeff Luff submitted two additional invoices for approval.

Motion by Commission Secretary Pat Cocchiarella to approve payment for order #65VGJ-C5A56-5E4 (P&Z Department Stickers) - \$25.50. **Second by Commissioner Pete Zbras. All (7) Ayes.** Motion passed unanimously.

Motion by Commission Secretary Pat Cocchiarella to approve payment for order #114-0276762-7564267 in the amount of \$1,429.20 (chairs for main meeting room). **Second by Commissioner Dave Sauter. All (7) Ayes.**
Motion passed unanimously.

L. OTHER BUSINESS

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

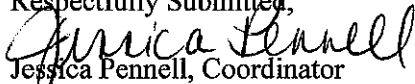
Commissioner Dave Sauter presented the revised “Applicant Acknowledgement Form”.


Commissioners also discussed the echo in the room, everyone agreed that the problem needed to be rectified in a timely manner. The Commission did not take any formal action on this issue at this time.

M. ADJOURNMENT

MOTION BY Commissioner Dan Wall to adjourn the meeting at 9:25 PM. Second by Commissioner Pete Zbras. All (7) Ayes.
Motion passed unanimously.

Respectfully Submitted,


Jessica Pennell, Coordinator
Planning & Zoning Commission

19 JUL -1 PM 4:30
TOWN OF OXFORD, CT

TOWN CLERK