



**TOWN OF OXFORD
PLANNING & ZONING COMMISSION**
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 20, 2021
7:30 PM - Online/Virtual Meeting**

The Planning & Zoning Commission met remotely on **Tuesday, April 20, 2021, at 7:30 PM.**

Members of the public and applicants were able to access the meeting using the following information:

Join Zoom Meeting:

<https://us02web.zoom.us/j/89514807276?pwd=Y1k2ME9BSFpnSkxPSSttZDJQc2YvZz09>

Meeting ID: 895 1480 7276

Passcode: 127906

Dial by your location: +1 646 558 8656

Meeting ID: 895 1480 7276

Passcode: 127906

I. CALL TO ORDER

Chairman Dave Sauter called the meeting to order at 7:30 PM.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Present: Pete Zbras, Dave Sauter, Pat Cocchiarella, Dan Wall, Brett Olbrys, Mary LoPresti, and John Kerwin.

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

Not Present: Jesse Schremmer, and Joshua Dykstra.

IV. SEATING OF ALTERNATES

Chairman Dave Sauter seated Alternate Mary LoPresti for Jesse Schremmer.

V. PUBLIC HEARINGS

A. Recessed Public Hearings – NONE

B. New Public Hearings- NONE

C. Future Public Hearings – NONE

VI. REGULAR MEETING BUSINESS

A. Amendments to the Agenda – NONE

B. Audience of Citizens – (Items not listed on the Agenda)

C. Correspondence

D. Old Business – Matters on which a Public Hearing was held – NONE

E. Old Business – Other Matters

1. **Z-21-065 - [RESA] – 66 Perkins Road – Owner & Applicant:** Edward Magera, 77 Perkins Road
Letter dated 3/19/21 from Edward P. Magera (*Request for Driveway Location Revision*)

Vice-Chairman John Kerwin gave a brief background on this item. He stated that it is not a buildable lot because there is no public access. He also briefly explained options for resolutions to provide Mr. Magera access to his property.

Attorney Kevin McSherry also explained briefly the actions that may be taken between Mr. Magera and the Town that would settle some of the outstanding issues, and hopefully, eliminate any future issues regarding the development of the property.

Vice-Chairman John Kerwin explained that Mr. Magera, and his surveyor would be getting a survey of the area to determine the amount of property that Mr. Magera would need to acquire in order to have access to his lot from the road.

MOTION BY Commission Secretary Pat Cocchiarella to table this item to the 5/4/21 meeting.

Second by Commissioner Pete Zbras.

All Ayes.

Motion passed unanimously.

2. **Z-21-064 - [COMM] – 248 Oxford Road – Owner:** T&J Realty, 3333 Main Street, Stratford, CT
Applicant: Oxford Axe Throwing, 54 Dorman Road, Oxford, CT (*Change of Use*)

Chairman Dave Sauter noted that at the 4/6/2021 meeting, the Commission requested Attorney McSherry draft a detailed motion for consideration.

Commission Secretary Pat Cocchiarella stated that he would like to see a more detailed drawing on the positioning of the bar and the axe throwing.

Attorney Karen Fischer, applicant's representative, explained the interior set up of the axe throwing relative to the bar area.

Commissioner Brett Olbrys asked if there is a door between the two (2) spaces, and are servers bringing alcohol into the axe throwing area?

Attorney Fisher explained that under the old application the patrons could bring their coolers in and go right into the axe throwing area. She stated that with this application, there are no outside coolers brought in by patrons. She stated that now people will be going to the bar, getting their drinks, and then they can bring them into the axe throwing area.

Commissioners questioned the amount of space occupied by the bar area and the axe throwing area. They also discussed the fire exit, and location of axes for rental.

Attorney Fisher explained that with the previous application, they had to apply for a Special Exception, and she wants to make sure that the Special Exception will follow to the space they are currently utilizing. She noted that she doesn't want to vacate the Special Exception approval.

Commission Secretary Pat Cocchiarella asked if they have the document from the applicant, which will abandon the previous application.

Vice-Chairman John Kerwin stated that he didn't know that they were abandoning the Special Exception, because then the applicant would have to apply again because you need to have a Special Exception to serve/sell liquor. He stated that with this change of use, they were going to have it amend specific conditions in the original two (2) applications.

Attorney McSherry noted that he did a draft motion, and a revised motion for this application.

Vice-Chairman John Kerwin stated that in 2019, the applicant was approved for the axe throwing, and patrons bringing in their own alcohol, in 2020 the approval was for a separate bar and outdoor patio. He stated that he doesn't believe that the approval for Z-20-035A included the approval to sell alcohol; it referred to the Statement of Use.

Attorney Fisher stated that as part of the last application (Z-20-035A), the applicant had to do an amendment that provided that no one was allowed to bring in any alcohol anymore. She stated that the approval from the first application that allowed people to bring in alcohol was removed with the second application that allowed serving alcohol and having a patio area. She noted that now they are moving that application to a different spot in the same complex, and deleting the outside patio area.

Vice-Chairman John Kerwin also mentioned that he put in a condition requiring the Special Exception be filed on the land records.

Attorney Fisher stated that she agrees that the Special Exceptions need to be recorded on the land records.

Commissioner Brett Olbrys questioned if there has to be a public hearing for the sale of alcohol.

Attorney Fisher stated that they did do that as part of the last application that was approved in June 2020.

Alternate Commissioner Mary LoPresti asked if the axe throwing while consuming alcohol would be monitored.

Attorney Fisher stated that the axe throwing and alcohol consumption will be monitored; there are also regulations that govern axe-throwing establishments.

Commission Secretary Pat Cocchiarella stated that looking at the motion, under conditions for Z-19-321, item 7 states; "included in this approval is that no alcohol shall be sold on the premises without additional approval from the Planning & Zoning Commission".

Vice-Chairman John Kerwin stated that is from the original approval, and in the motion coming before the Commission, it is addressed in Condition 1, and Condition 1A.

Chairman Dave Sauter stated that everyone has the motion.

Commissioner Brett Olbrys questioned if the facility would be open during construction. He questioned if they would be serving alcohol since there won't be an active bar or active permission for bringing in alcohol.

Attorney Fisher stated that they couldn't serve any alcohol until Planning & Zoning approve it, and until they receive their liquor license from the state.

Commission Secretary Pat Cocchiarella questioned if they approved this today, does that mean that no liquor can be brought in until the permits from the state allow the sale of alcohol.

Attorney Fisher stated that the applicant would have to work as quickly as possible because if the Commission approves this, the ability for patrons to bring in alcohol is removed, and without the liquor license from the state, they can't serve any alcohol.

MOTION BY Commissioner Brett Olbrys to approve the following resolution prepared by Attorney McSherry:

Whereas, Oxford Axe Throwing, "the Applicant", has filed a Change of Use Application for the property located at 248 Oxford Rd., Oxford dated April 1, 2021, requesting that the prior Special Exception, Z-20-035A, which expanded the area of the premises to include an and outdoor patio, be amended to remove the and outdoor patio from the footprint of the premises.

Whereas, the Planning and Zoning Commission approved a Special Permit for "the Applicant" the property located at 248 Oxford Rd., Oxford on January 21, 2020 (Z-19-321).

Whereas, the Planning and Zoning Commission approved a Special Exception for "the Applicant" for the property located at 248 Oxford Rd., Oxford on June 2, 2020 (Z-20-035A).

Whereas, the prior approvals shall remain in full force and effect, except as modified with the Change of Use Application dated April 1, 2021 as filed by the applicant;

The applicant has filed in support of change of use application the following documents:

1. Completed application
2. Statement of Use with attachment
3. Applicant Acknowledgement Form
4. Interior layout of the premises
5. Copy of the Lease Agreement

Whereas, the prior approvals conditions are set out herein and shall be in full force and effect with the exception of the modifications requested by the Applicant as described in the new Statement of Use submitted with the Change of Use Application Z-21-064.

Conditions for Z-19-321 – Special Permit Application Pursuant to Article 7, Section 7.3.11 (Membership Club):

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 cost how 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.
3. The applicant and their assigns must comply with all representations made at Planning and Zoning Commission meetings and/or at public hearings regarding this application; including testimony there will be a maximum of eleven (11) targets; one (1) target per bay, with a maximum of one person throwing per bay at one given time. At all times there shall be one (1) instructor per six (6) throwers.

4. The specific uses on this property shall be limited to those designated within the Statement of Use, dated 11/3/ 2019 and submitted it as part of this application.
5. The applicant and their assigns must comply with all applicable conditions required by the OCCIWA and Emergency services, (Fire, Police, and Ambulance), and this approval is conditioned on OCCIWA an emergency services (Fire, Police, and Ambulance), and approval of any applications or condition subject to this application.
6. All signs included within this approval shall be subject to approval by the Oxford PZC In accordance with the standards and guidelines as interpreted by the commission.
7. Included in this approval is there no alcohol shall be sold on the premises without additional approval from the Planning and Zoning commission.
8. The applicant shall follow the Town of Oxford's approved Permit Procedure which includes reviews and sign offs from the OCCIWA, ZEO, WPCA, fire marshal, and any other applicable Town Departments before work begins.

Conditions for Z-20-035A – Special Permit – Pursuant to Article 7, Section 7.3.16 (Sale of Alcoholic Beverages):

1. Compliance with all Town of Oxford Regulations and Ordinances in effect as of this date.
2. Patio doors are only to be opened from the interior, will be locked on the outside and will only be used for emergency exist only.
3. No exterior or interior signage will be allowed on the fencing surrounding the patio.
4. 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.
5. The applicant and their assigns must comply with all representations made at planning and zoning commission meetings or at public hearings regarding this application.
6. Compliance with the Statement of Use submitted with this application.
7. 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.

Whereas, the Oxford Planning and Zoning Commission has considered the Application for Change of Use, Z-21-064.

The Application for the Change of Use conforms to all requirements of the Oxford Zoning Regulations and therefore, is approved subject to the following terms and conditions:

1. All conditions stated in this Statement of Use in this application, are incorporated as amendments to the two prior Statements of Use approved in Z-19-321 and Z-20-035A, specifically:

(A) Z-19-321 is amended to the extent that Sales of Alcohol is permitted in the premises, and no alcohol is allowed to be transported, carried, or brought into the establishment by patrons or guests.

Only alcohol purchased in the bar area from the permittee or his/her agents and employees may be consumed in the premises.

(A1) Z-20-035A is amended to remove the patio from the site plan for the establishment, and the amended site plan filed with this change of use permit is accepted. Condition #2 & #3, insofar as they rely on the use of an existing patio, are removed. An outdoor patio is not allowed for this establishment.

2. Signage shall comply with 16.6.3.
3. All Prior conditions in Z-19-321, not amended by this Change of Use Application, Z-21-064.
4. All Prior conditions in Z-20-035A, not amended by this Change of Use Application, Z-21-064.
5. 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.
6. The applicant and the signs must comply with all representations made at planning and zoning commission meetings or at public hearings regarding this application.
7. In accordance with CGS § 8-3c, the applicant will cause this special application along with Special Exception Z-19-321 and -Z-20-035A, as amended by this change of use application, to be filed on the Land Records of the Town of Oxford.

Second by Commissioner Dan Wall.

Ayes (6), Nays (1), Pete Zbras.

Motion passed 6-1.

F. New Business – Schedule a Public Hearing – NONE

G. New Business

1. **Z-21-080 - [IND] – 3 Fox Hollow Road (Lot 2)** Owner: CED Properties, LLC, 3 Fox Hollow Road
– Applicant: Wayne Mignano, CEO, CED Services, 3 Fox Hollow Road
(Site Plan – 20,300 sq. ft. Addition)

Wayne Mignano, 3 Fox Hollow Road was present to discuss and answer questions from the Commission. He stated that they are a manufacturing company located at 3 Fox Hollow Road. He explained that they have been there for seven (7) years and they are proposing a 22,000 sq. ft. addition to their existing building. He also noted that they are an aircraft and medical manufacturer in the medical field for bone cutting and breast cancer; they have approximately fifty (50) employees.

Chairman Dave Santer stated that this would need to be referred to Nafis & Young.

Commissioners discussed the size of the building, referring to Article 9 in the Zoning Regulations. Article 9, Section 9.3.1 states that any building with a gross floor area of 50,000 or greater requires a Special Exception. They also discussed if the regulation was applicable to only to the initial size of a building or if it included buildings that reached 50,000 sq. ft. with additions to an original building.

Commissioner Pete Zbras questioned if there is outside storage.

Mr. Mignano stated that there is no outside storage, only garbage, which is enclosed.

MOTION BY Commission Secretary Pat Cocchiarella to refer this application to Nafis & Young for review.

Second by Commissioner Pete Zbras.

All Ayes.

Motion passed unanimously.

3. **Z-21-018 – [IND] – 349 Christian Street** – Owner & Applicant: Michael Tarby, 82 Bagley Road, Southbury, CT (*Site Plan – 4,600 sq.ft Addition*)

Commissioners discussed this application briefly and noted that there are discrepancies regarding the size of the addition. They requested that Jessica ask the applicant to attend the next meeting.

MOTION BY Commission Secretary Pat Cocchiarella to refer this application to Nafis & Young.

Second by Commissioner Pete Zbras.

All Ayes.

Motion passed unanimously.

H. Zoning Enforcement

1. None

I. Minutes

1. 4/6/21 – Regular Meeting Minutes (*Tabled*)

J. Invoices

K. Other Business

- a. Any other business the Commission deems necessary for discussion.
- b. **Moose Hill Estates Requests** – Awaiting Review/Response from Legal Counsel

Attorney McSherry reported that he is waiting for the Board of Selectmen to decide how they would like to proceed.

- c. **Riverview Subdivision** – Request from Horbal & Judson – Referred to Attorney Kevin McSherry

Attorney McSherry reported that he is awaiting a response from the applicant's engineer.

Commission Secretary Pat Cocchiarella questioned when the Town Hall would be open for in person meetings.

Chairman Dave Sauter stated that he asked that question today, and the Town is ironing out some details. He stated that they still have to provide a virtual option for people who do not want to attend meetings in person.

Jessica Pennell noted that a meeting can be held anywhere as long as the location is listed clearly on the agenda.

Commissioner Brett Olbrys stated that there is no requirement that you have to provide electronic access to a meeting as long as you post where the meeting will be and it is open to the public.

Chairman Dave Sauter discussed briefly that there is going to be some review of the policies and procedures. He stated that one item that is currently in place is all agenda items have to be submitted to the Planning & Zoning Department by the Tuesday before the meeting.

Commissioner Brett Olbrys stated that he is working on the forms, digitizing them and making them cleaner. He said once they are complete, he would present them to the Commission for approval.

Commissioner Brett Olbrys also informed the Commission that he visited the Planning & Zoning Department and spoke with staff. He stated that he was impressed with staff's knowledge and would like to be able to get more feedback from them on some items that come before the Commission.

L. Adjournment

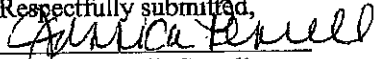
MOTION BY Commission Secretary Pat Cocchiarella to adjourn the meeting at 8:55 PM.

Second by Commissioner Pete Zbras.

All Ayes.

Motion passed unanimously.

Respectfully submitted,



Jessica Pennell, Coordinator
Planning & Zoning Commission

21 MAY 13 PM 3:40
TOWN OF OXFORD, CT
Gregory H. West
TOWN CLERK