

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 19, 2018
7:30 PM
Main Meeting Room
S.B. Church Memorial Town Hall

CALL TO ORDER

Chairman Jeff Luff opened the meeting at 7:30 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Greg Wanamaker, Pete Zbras, Arnie Jensen, Jeff Luff, Pat Cocchiarella, and Tanya Carver.

John Kerwin arrived at 7:35 PM.

Also Present: Steven S. Macary, ZEO and Jessica Pennell, Administrative Secretary.

SEATING OF ALTERNATES

Chairman Jeff Luff stated that Alternate Commissioner John Kerwin is attending, and seated him for the meeting.

PUBLIC HEARINGS:

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

Public Hearing: Z-18-180 [COMM] – 35 Oxford Road, (Parcel ID: 80/35/30)
Owner: Dave Dambryoso/Jave, LLC, 60 Quaker Farms Rd, Oxford, CT
Applicant: Guerrero Construction, 154 Christian St, Oxford, CT
Application: SE; Article 14, § 14.6 (Temporary Use of Processing Machinery for Site Improvement.

Robert Rossi of Guerrera Construction was present on behalf of the applicant.

Mr. Rossi explained that the applicant wants to develop the property and there is a considerable amount of material to be removed from the site. He stated that he is before the Commission to request setting up a machine on a temporary basis to process the ledge into usable material. He projected that the process would take three weeks or less.

Mr. Rossi submitted the proof of mailings and a picture of the sign posted on the site, he also stated that he submitted a copy of the site layout to Jim Galligan, P&Z Engineer.

Alternate Commissioner John Kerwin arrived at 7:35 PM.

Chairman Jeff Luff questioned the blasting on site and if it was being coordinated with the Fire Marshal. He asked Mr. Rossi how much material would be processed.

Mr. Rossi stated that he is not involved in that particular aspect, but that yes the Fire Marshal has been notified. He stated that they would like to set aside approximately 4,000 cubic yards of material to use on site.

Chairman Jeff Luff questioned if any material would be taken off site.

Mr. Rossi stated that approximately 15,000 to 18,000 cubic yards would be removed from the site.

Commission Secretary Pat Cocchiarella mentioned that the amount was inconsistent with the amount reference in the Statement of Use.

Mr. Rossi stated that the amount changed after a survey was completed, the applicant was unaware of how much rock was on site.

Commission Secretary Pat Cocchiarella questioned if the contours match the contours of the original approval.

Mr. Rossi stated that they do, they were taken from the original plans.

Commissioner Tanya Carver requested that Mr. Rossi repeat the amount of material to be removed.

Mr. Rossi repeated his previous statement.

Commissioner Tanya Carver mentioned the truck traffic that would be generated. She questioned how much material would be crushed on site.

Mr. Rossi stated that 4,000 cubic yards would be processed on site.

Commission Secretary Pat Cocchiarella noted that the fees should be adjusted according to the new amounts stated this evening.

Steven S. Macary, ZEO stated that he would adjust the fees accordingly.

Chairman Jeff Luff asked the applicant why they want to crush on site.

Mr. Rossi stated that they do it on a regular basis, and it could be beneficial to the town. He stated that it makes good sense rather than have 350 truckloads making 700 passes through Oxford. He also noted that the owners have spoken to the surrounding neighbors about the application. He noted that there have been no complaints, and it has been going on for the past 3 to four weeks.

Chairman Jeff Luff questioned if the neighbors were notified.

Mr. Rossi stated that they were notified by the mailing and in person by the owners of the property.

Chairman Jeff Luff asked if the public had any comments.

No public comments were received.

Chairman Jeff Luff inquired about the noise and the dust.

Mr. Rossi stated that they have access to water hook up on site and that the hours are usually 7:00 am to 3:30 pm, but they would start at 8:00 am.

Vice Chairman Arnie Jensen questioned if the crushing would take place from Monday thru Friday.

Mr. Rossi stated that they would crush Monday through Friday.

Commissioner Commission Secretary Pat Cocchiarella, Commissioner Pete Zbras and Alternate Commissioner John Kerwin discussed the distance to the nearest residence and referred to Article 14, §14.6.2 and §14.6.20. Concerns about the distance to residential properties were noted.

Mr. Rossi stated that he believed a month would be sufficient.

MOTION BY Commission Secretary Pat Cocchiarella to close the public hearing.

Second by Vice Chairman Arnie Jensen.

All (6) Ayes.

Motion passed 6-0.

Chairman Jeff Luff opened the recessed public Hearing on the following application:

Commissioner Tanya Carver recused herself and stated for the record that hse is a neighboring property owner.

Public Hearing: **Z-18-170 [RESA] – 25 Lisa Drive “Moose Hill Acres” (Parcel ID: 18/29/21A)**
Owner: Stephen Bellis, 121 Lane Street, Shelton, Connecticut
Applicant: Stephen Bellis, 121 Lane Street, Shelton, Connecticut
Application: Re-subdivision of Lot 3 Moose Hill Acres (2 Lots)

Commission Secretary Pat Cocchiarella read excerpts from hand written correspondence submitted by Ed Carver of 1 Old Moose Hill Road.

Stephen Bellis, co-owner and applicant gave a brief recap of the application for the re-subdivision on Lot 3, Moose Hill Acres. He also stated that the engineer and surveyor for the application is Fred D'Amico. He explained that at the last meeting inquiries were made regarding raised Old Moose Hill Road. He noted that the Commission had requested that he write a letter to the First Selectman, he did send a letter to the First Selectmen. He submitted a copy of the letter for the record. He also, at the Commission's request did research on the road.

Fred D'Amico, engineer for the applicants answered questions from Commissioners regarding the status of the subdivision "Moose Hill Acres". He stated that it was an approved subdivision.

Larry Ellis, co-owner referred to the "Park Acres" subdivision.

Mr. Bellis stated Map 13-4 was filed on the land records. It was noted that Lisa Drive is a town approved road and turns into Old Moose Hill Road; Lot 3 is on an unimproved town road.

Chairman Jeff Luff questioned the applicants if the Selectmen had responded to their letter.

Mr. Bellis stated that they have not received a response, he stated that he also reached out to Town Counsel, Kevin Condon.

Chairman Jeff Luff requested that the Commission have a response from the Board of Selectmen and Town Counsel to determine the status of the road.

Alternate Commissioner John Kerwin referred to the zoning regulations that would apply if is determined to be private.

Mr. Bellis disagreed with the statement that the road is private and would be subjected to certain regulations. He explained in his research he found nothing that states that it is a private road. He stated that as the applicant, they are allowed to subdivide their property; the application meets all the regulations.

Chairman Jeff Luff asked if there is an owner of the road.

Mr. Bellis stated that he is just responding to questions from the Commission. He noted that it is an unimproved town road.

Alternate Commissioner John Kerwin questioned if there is a deed for the road. He cited a court case regarding "implied acceptance". He also noted other indicators that would suggest that if it is a town road or a private road; postal service and speed limit signs.

Alternate Commissioner John Kerwin and **Mr. Bellis** continued to discuss the road status. **Commissioner Pete Zbras** noted that he visited the area and shared his findings.

A detailed and long discussion ensued between Commissioners and the applicants.

Chairman Jeff Luff reiterated that the determination should be made by the Board of Selectmen and Town Counsel.

Mr. Bellis stated for the record that some items in Mr. Carver's correspondence do not apply to this application.

Commission Alternate John Kerwin suggested alternatives for consideration if the status of the road remains undetermined.

Chairman Jeff Luff opened the floor for comments from the public.

Ed Carver of 1 Old Moose Hill Road stated that he is looking for improvements to the road. He noted that he went to the Selectmen's Office and was referred back to P&Z. He also referred to a map submitted with his letter that shows that Old Moose Hill Road is depicted on an approved subdivision.

A discussion ensued regarding the process of road acceptance according to the subdivision regulations.

Commission Secretary Pat Cocchiarella noted that Lot 3 is already an approved building lot. He also made reference to the GIS maps on the Town website that shows possible other access to the lots on Old Moose Hill Road.

Kathryn Lasky of 9 Lisa Drive presented the deed to her home and Old Moose Hill is referenced twice. She also stated that there is a lot of foot traffic on Old Moose Hill Road.

Chairman Jeff Luff stated that the Commission will request an answer from Kevin Condon and the Board of Selectmen regarding the road. He also requested that Mr. Bellis agree to an extension if it is necessary.

Mr. Bellis agreed to an extension to the July 17th meeting.

MOTION BY Commission Secretary Pat Cocchiarella to recess the public hearing to **July 17, 2018.**

Second by Vice Chairman Arnie Jensen.

All (4) Ayes.

Motion passed 4-0.

6/19/18 REGULAR MEETING:

AMENDMENTS TO AGENDA

CORRESPONDENCE

Commission Secretary Pat Cocchiarella read the following correspondence into the record:

- a. Memorandum dated 6/7/18 from Selectmen's Office to the Planning & Zoning

Commission - Proposed Plan of Conservation and Development

Chairman Jeff Luff stated that he will contact the Selectmen's Office to tell them that Arnie will be present at the meeting.

Commissioner Tanya Carver stated that as Chairman of the committee that was appointed by the Board of Selectmen, she and the POCD update committee members will be attending the Board of Selectmen's meeting.

Vice Chairman Arnie Jensen stated that there will be a newly revised plan with the input from NVCOG.

Commission Secretary Pat Cocchiarella suggested that they request that the Board of Selectmen table the item until the revised version is submitted.

Chairman Jeff Luff stated that he would like Arnie Jensen to answer any questions from the Board of Selectmen.

- b. Memorandum dated 6/7/18 from the Selectmen's Office to the Planning & Zoning Commission - **Appointment of Alternate**

AUDIENCE OF CITIZENS

(Items not listed on the Regular Meeting Agenda)

NEW BUSINESS

- 1. **Z-18-184 [RESA] - 219 Meadowbrook Road (Parcel ID: 35/80/23-1)**
Owner & Applicant: Mountain Road Estates, LLC, 30-D Progress Ave, Seymour, CT
Application: Special Exception; Article 5, § 5.3.3 and Article 10, § 10.10
(Proposed additional Age Restricted Housing Units – Meadow Brook Estates)

PUBLIC HEARING CLOSED ON 6/5/18.

The Commission began deliberations on this application.

Commissioners discussed that the application changes and agreed that the change is the unit count; increasing by 9 units.

Discussion ensued regarding the elevations, as a result of concerns from citizens, a few Commissioners stated that they had driven by the site and didn't feel that there were any issues.

Commissioner Tanya Carver questioned if Jim Galligan had submitted his review, which was requested the last day of the public hearing.

Chairman Jeff Luff stated that he spoke to Jim Galligan and that Jim said that everything was in compliance. He also noted that he was going to have Gordon check on it, but he is on vacation.

Commissioners agreed that previous modifications could have been processed differently. They discussed the regulation that allows a request for one time expansion, this approval would fulfill that one expansion allowed, therefore there should be no further expansion of this development.

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

WHEREAS, The Oxford Planning & Zoning Commission have received Application Z-18-184 for a Special Permit to modify the site plan for Meadowbrook Estates.

WHEREAS, The Oxford Planning & Zoning Commission considered this application at a Public Hearing on June 5, 2018 at its regular meeting.

WHEREAS, The Oxford Planning & Zoning Commission considered the following maps and plans prepared by J.P.G.A, LLC within their deliberations:

WHEREAS, The Oxford Planning & Zoning Commission considered the application and finds that 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 from the Planning & Zoning Commission and the Planning & Zoning Commission Engineer.
3. The applicant shall be required to pay all costs of special consultants or studies 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's and their assigns must comply with all representations made at Planning & Zoning meeting and/or 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 be done until security is set by the PZC Engineer in a form acceptable to Town Counsel and installed by the applicant.
7. The specific uses of 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 plan and current guidelines, subject to field review by the PZC Engineer.
10. Site Plan approval expires if the work is not completed within 5 years from the date of this approval.

11. This approval satisfies the one expansion of this project related to Article 5, § 5.3.3 and Article 10, § 10.10.2.D.

Second by Alternate Commissioner John Kerwin.

All (6) Ayes.

Motion passed 6-0.

2. **Z-18-183 [IND] 21 & 23 Nichols Road, (Parcel ID: 18/30/6 & 6-1)**
Owner: T & C Partners, LLC c/o Atty. Dominick Thomas, Derby, CT
Applicant: TPB Contractors, LLC
Application: Special Exception; Article 9, § 9.3.21 (Contractor's Yard)

PUBLIC HEARING CLOSED ON 6/5/18.

The Commission began deliberations on this application.

Chairman Jeff Luff stated that the Commission has to consider the contractor's yard and the rock crusher.

Alternate Commissioner John Kerwin stated that rock crushing is not clearly not permitted per the regulations, unless in conjunction with site improvement for site development. The contractor's yard use would be consistent with other uses in the area.

Vice Chairman Arnie Jensen agreed that rock crushing is explicitly not permitted, the only way to change that would be to change the regulations.

Commission Secretary Pat Cocchiarella stated that they could approve the contractor's yard and deny the rock crusher.

Commissioners discussed how the Commission could deny one use and approve another use. It was stated that this is a special exception, and it could be done as a condition of approval.

Staff noted that the application is for the contractor's yard and the statement of use and addendum is what connects the request for the rock crusher to the special permit application for a contractor's yard.

Discussion ensued regarding the process the Commission could use to approve the contractor's yard and deny the rock crusher. The Commission also discussed how difficult it would be to monitor the crushing related to the request in the addendum to the Statement of Use.

Chairman Jeff Luff asked that Land Use Counsel, Peter Olson draft a resolution of approval for the contractor's yard and a denial for the rock crusher because it is prohibited in the regulations.

Commission Alternate John Kerwin requested that Attorney Olson be provided with Schedule C of the Zoning Regulations.

Commissioners discussed that the attorney fees for this application should be billed to the applicant.

MOTION BY Commission Secretary Pat Cocchiarella to forward the file and request Land Use Counsel, Peter Olson to draft a resolution of approval for the contractor's yard and a denial for the rock crushing operation for the July 17, 2018 regular meeting.

Second by Commissioner Tanya Carver.

All (6) Ayes.

Motion passed 6-0.

3. **Z-18-207 [IND] Hurley Road, "Oxford Commons" (Parcel ID: 2/26/2B)**

Owner: Third Garden Park LTD Partnership, 29 Knapp Street, Stamford, CT

Applicant: Steven Trinkaus, P.E. 114 Hunters Ridge Road, Southbury, CT

Application: (Site Plan Modification)

Steve Macary, ZEO stated that he met with Steve Trinkaus who could not attend this evening. **Commission Secretary Pat Cocchiarella** read correspondence dated June 7, 2018 from Steve Trinkaus.

Chuck Agapiou, representative for Garden Homes explained the application to the Commission.

Steve Macary, ZEO stated that they are going to replace the pickle ball court with a clubhouse.

Commission Secretary Pat Cocchiarella requested that any roads depicted on the map be removed until final approval.

Commissioner Tanya Carver questioned if the application needs review or if the wetlands approval need to be modified.

Chairman Jeff Luff stated that the application should be sent to Jim Galligan and staff should speak with wetlands. Also requested that the applicant bring the final approved court stipulated maps be available at the next meeting.

Commission Secretary Pat Cocchiarella asked that architectural renderings for the proposed clubhouse also be submitted.

Vice Chairman Arnie Jensen asked that this application also be reviewed by Land Use Counsel, Peter Olson.

MOTION BY Commission Secretary Pat Cocchiarella to table this application.

Second by Commissioner Tanya Carver.

All (6) Ayes.

Motion passed 6-0.

4. **Z-18-208 [COMM] 297 Oxford Road (Parcel ID: 34/64/15B)**

Owner: Louis & Barbara Scianna, 268 Oxford Road, Oxford, C

Applicant: John Bedosky, "Oxford Dry Cleaners & Laundry Company"
9 Hill View Lane, Woodbury, CT

Application: (Change of Use Permit)

John Bedosky, applicant was present and explained his use permit application to the Commission.

MOTION BY Commission Secretary Pat Cocchiarella to approve Application Z-18-208 with the following conditions:

1. Applicant and their assigns must comply with all representations made at the Planning & Zoning Commission meetings and/or the public hearings regarding this application.
2. Compliance with the Statement of Use dated 6/4/2018.
3. Compliance with the Oxford Zoning Regulations as of this date.
4. 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.

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

Second by Commissioner Pete Zbras.

All (6) Ayes.

Motion passed 6-0.

5. **Z-18-213 [IND] 115 Hurley Road, Unit #8 (Parcel ID: 2/36/2A)**
Owner: The Hurley Group, 55 Church Street, New Haven, CT
Applicant: Mark Maher, “Beyond Botanicals, LLC”, 57 South Street, Danbury, CT
Application: (Change of Use Permit)

MOTION BY Commissioner Tanya Carver to approve Application Z-18-213 with the following conditions:

5. Applicant and their assigns must comply with all representations made at the Planning & Zoning Commission meetings and/or the public hearings regarding this application.
6. Compliance with the Statement of Use dated 6/8/2018.
7. Compliance with the Oxford Zoning Regulations as of this date.
8. Per Article 3, Section 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.

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

Second by Commissioner Pete Zbras.

All (6) Ayes.

Motion passed 6-0.

OLD BUSINESS

1. **Z-18-203 [RESA] 124 Moose Hill Road (Parcel ID: 29/72/14)**
Owner: Howard & Evelyn Belinsky Revocable Trust
Applicant: Moose Hill Cider, LLC – Principal, Glenn Belinsky
Application: (Site Plan) (Use – Winery)

Commissioners discussed the options available to proceed with this application.

Chairman Jeff Luff noted that he had spoken to Attorney Olson and was asked to relay some questions to the applicant. He requested that staff get questions from Attorney Olson, and the answers from the applicant, so that they can discuss this at the 7/17/18 meeting.

ZONING ENFORCEMENT

- Report of the ZEO on complaints, violations and any other items deemed necessary for discussion and/or action by the Commission.

Steven S. Macary, ZEO requested the presence of Paul Silkoff of 241 Oxford Road to attend tonight's meeting. Mr. Silkoff is present.

Chairman Jeff Luff recused himself, and stepped down as he is an adjoining property owner.

Vice Chairman Arnie Jensen will be acting Chairman.

Steven S. Macary, ZEO and the Commissioners discussed the property located at 241 Oxford Road. He explained that there is a use permit for the property, but at this time there have been complaints about cars, debris, etc., located on the property.

Discussion ensued between Commissioners regarding the fact that there is no blight ordinance for Oxford.

Commissioners asked that Mr. Silkoff have the property cleaned up by 9/1/2018. They requested that Steven S. Macary, ZEO monitor the property to make sure that progress is being made.

Steven S. Macary, ZEO mentioned that there was a resident that contacted him regarding selling guns and ammunition from his home; an online business with no retail.

Chairman Jeff Luff rejoined the meeting at this time.

Steven S. Macary, ZEO noted that currently he is scheduled to work 40 hours per week and he would like to take one day off a week and give back a portion of his raise and work only 32 hours a week.

Chairman Jeff Luff noted that he would have to speak with Kyra, Steve's union representative.

APPROVAL OF MINUTES

1. 6/5/18 – Regular Meeting Minutes (TABLED)

INVOICES

A brief discussion ensued regarding which items should be assigned to Kevin Condon, Town Counsel or Peter Olson, Land Use Counsel.

1. Land Use & Conservation Counsel Invoices:

- a. 1023.17 – FOI Czapinski – **Motion by Vice Chairman Arnie Jensen** to approve payment, **second by Commission Secretary Pat Cocchiarella**.
All (6) Ayes. Motion passed 6-0.

A brief discussion ensued regarding pre-application meetings. It was noted that the Chairman was advised by Land Use Counsel to be the only one to meet with the applicants for pre-application meetings; he noted that he would like to have at least one other member present.

- b. 1023.3 – Timberlake – **Motion by Commission Secretary Pat Cocchiarella** to approve payment, **second by Commissioner Tanya Carver**.
All (6) Ayes. Motion passed 6-0.

Chairman Jeff Luff informed the Commission that the Commission may hold a public hearing at Oxford Greens on July 11th.

- c. 1023.6 – Haynes – Quarry Walk – **Motion by Commission Secretary Pat Cocchiarella** to approve payment, **second by Commissioner Tanya Carver**.
All (6) Ayes. Motion passed 6-0.
- d. 1023.15 – Oxford Towne Center – **Motion by Commission Secretary Pat Cocchiarella** to approve payment, **second by Commissioner Tanya Carver**.
All (6) Ayes. Motion passed 6-0.
- e. 1023.15 – Garden Homes 2017 Appeal – **Motion by Commission Secretary Pat Cocchiarella** to approve, **second by Vice Chairman Arnie Jensen**.
All (6) Ayes. Motion passed 6-0.

2. Nafis & Young Invoices:

- a. 122-18 – 66 Hawley Road - **Motion by Commission Secretary Pat Cocchiarella** to approve, **second by Vice Chairman Arnie Jensen**.
All (6) Ayes. Motion passed 6-0.
- b. 123-18 – 317 Riggs Street Road - **Motion by Commission Secretary Pat Cocchiarella** to approve, **second by Vice Chairman Arnie Jensen**.
All (6) Ayes. Motion passed 6-0.
- c. 125-18 – Quarry Walk - **Motion by Commission Secretary Pat Cocchiarella** to approve, **second by Commissioner Pete Zbras**.
All (6) Ayes. Motion passed 6-0.
- d. 124-18 – Lot 3 Moose Hill **Motion by Commission Secretary Pat Cocchiarella** to table this invoice, **second by Vice Chairman Arnie Jensen**.
All (6) Ayes. Motion passed 6-0.

OTHER BUSINESS

1. Update of the POCD - Discussion with possible action.
2. Any other business the Commission deems necessary for discussion.

ADJOURNMENT

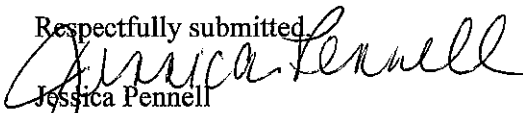
MOTION BY Commissioner Pete Zbras to adjourn the meeting at 10:25 PM.

Second by Vice Chairman Arnie Jensen.

All (6) Ayes.

Motion passed 6-0.

Respectfully submitted,



Jessica Pennell

Administrative Assistant

Planning & Zoning Commission

18 JUL 31 AM 11:11
TOWN OF OXFORD, CT
Margaret H. West
TOWN CLERK