

TOWN OF OXFORD PLANNING & ZONING COMMISSION

S.B. Church Memorial Town Hall
486 Oxford Road, Oxford, Connecticut 06478-1298
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Regular Meeting Minutes Tuesday, September 6, 2022 7:30 PM – Main Meeting Room S.B. Church Memorial Town Hall

I. Call to Order

Chairman Pat Cocchiarella called the meeting to order at 7:30 PM.

II. Pledge of Allegiance

III. Roll Call

Present: Robert Carr, Joshua Dykstra, Dan Wall (arrived 7:31), Pete Zbras, John Kerwin, Pat Cocchiarella, Brett Olbrys, and Ed Rowland.

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

Not Present: Jesse Schremmer and Steve Macary, ZEO.

IV. Seating of Alternates

No alternates were seated.

V. Public Hearings:

A. Recessed Public Hearings:

Recessed to 9/20/22:

1. **Z-22-096 – Proposed Zoning Regulation Text Amendment** – Applicant: Sit Stay Play Train, LLC c/o Attorney Benjamin Proto, 2885 Main Street, Stratford, CT 06614
(*Proposed Amendments to the Zoning Regulations – Amend Article 9, Section 9.3 – Amend Article 2 – and Amend Article 10*)

Recessed to 9/6/22:

2. **Z-22-108 [IND] – 79 Prokop Road** – Owner: Connecticut Rock Development, LLC 166 Little Fox Lane, Southbury, CT – Applicant: Defeo Materials, LLC c/o Attorney Dominick Thomas, 315 Main Street, Derby, CT. (Special Exception – Article 14, Section 14.2) (Site Plan – Construct a 5,000 sq. ft. building)

Commission Secretary Brett Olbrys read the 9/6/22 letter from Jim Galligan, P&Z Engineer.

Dominick Thomas, attorney for the applicant, was present. He stated that at the last meeting they did a thorough presentation, and discussed the decibel level at the property line. He also noted that the application is on the OCCIWA agenda for 9/13/22; they do not have wetlands approval at this time.

Commissioners asked questions regarding the location of the finished product, as well as the how the material will be manufactured.

Attorney Thomas, and **Christopher DeFeo**, owner answered the Commission's questions.

Chairman Pat Cocchiarella asked if there were any members of the public had comments or questions regarding the application.

There were no comments from the public.

There were no further comments or questions from the Commission.

Attorney McSherry suggested leaving the public hearing open until the Commission receives the Inland/Wetlands approval.

MOTION BY Commissioner Dan Wall to recess the Public Hearing to 9/20/22.

Second by Commission Secretary Brett Olbrys.

All (6) Ayes.

Motion passed unanimously.

B. New Public Hearings for 9/6/22:

Chairman Pat Cocchiarella opened the Public Hearing on the following application and outlined the Public Hearing Procedures.

Commission Secretary Brett Olbrys read the Legal Notice.

Chairman Pat Cocchiarella called for any conflicts of interest from Commission members.

All Commissioners and Alternate Commissioners presented stated their name and that they had no conflict of interest in with this application.

Chairman Pat Cocchiarella asked the applicant's representative is he or his client had any conflicts of interest with this application.

Thomas Calkins, attorney for the applicant, stated that they had no conflict of interest.

1. **Z-22-123 [IND] 178 Christian Street** – **Owner:** Cab Properties, LLC - **Applicant:** Steven Buonauto, 178 Christian Street, Oxford, CT (*Special Exception for an Auto Dealership in the Industrial Zone*)

Commission Secretary Brett Olbrys read the following correspondence into the record:

- a. ZBA Approval dated 7/20/22
- b. Letter dated 6/14/22 from Thomas W. Calkins.
- c. Letter dated 8/16/22 from Mike Herde, IW Enforcement Officer
- d. Letter dated 9/1/22 from Scott Pelletier, Fire Marshal

Thomas Calkins, attorney for the applicant, 20 Woodside Avenue, Middlebury, CT is present to represent the applicant, Stephen Buonauto.

Attorney Calkins also read an email he sent to Scott Pelletier, Fire Marshal regarding the waste oil tank. He stated that his client does not need it, and the Fire Marshal wants it removed.

He questioned if his client needed to submit a revised site plan to reflect the removal of the waste oil tank.

Chairman Pat Cocchiarella stated that the site plan has to be revised to reflect any changes to what the applicant is proposing to revise on the site plan to address any of the Fire Marshal's comments.

Attorney Calkins briefly outlined the application. He noted that Mr. Buonauto would have high end cars either inside or in the back of the building, customers would be by appointment only. He stated that there would be no sign, and no traffic generation from Mr. Buonauto's business.

Commissioner John Kerwin asked Attorney Calkins to explain the CGS §14-54 that was required before they could apply to Planning & Zoning.

Attorney Calkins explained the role of the Zoning Board of Appeals in this is to approve the location of the auto dealership before the applicant can come to the Planning & Zoning Commission.

Commissioner John Kerwin also asked about the regulation that applies to this application.

Attorney McSherry noted that the application is coming in with a commercial use, under Article 7, in the Industrial Zone, Article 9, which is allowed by Special Exception.

Commissioners asked questions regarding security.

Steven Buonauto, 106 Skyline Drive, Middlebury, stated that there is a security system in place with a variety of different components.

Commissioners also asked how he would market the automobiles, and if he had a website.

Mr. Buonauto stated that he would use the internet to market the items and would meet customers by appointment only.

There were no further questions from the Commission.

MOTION BY Commissioner John Kerwin to close the Public Hearing.

Second by Commissioner Dan Wall.

All (6) Ayes.

Motion passed unanimously.

C. Future Public Hearings – None

VI. Regular Meeting Business

A. Amendments to the Agenda – None

B. Audience of Citizens

Tony Pevorniak, 14 Sioux Drive asked if the Commission could give him an update on the items he brought to them at the last meeting concerning his neighbor at 10 Sioux Drive. He stated that he was referring to the copy of the sign-off sheet for the shed that is built on property that she does not own.

Chairman Pat Cocchiarella stated that the Zoning Enforcement Officer is not present tonight,

therefore, an update is not available at this time.

Mr. Pevorniak also questioned how the ZEO proceeds or investigates complaints and issues fines. He mentioned that when he received his letter from the ZEO he was notified that he would be fined \$150.00 per day if he

Albert Arcuri, 9 Sioux Drive also spoke about complaints made regarding his property by the owner of property at 10 Sioux Drive. He also noted that he is related to the owners of the property that is the subject of encroachment.

Tom Iannotti, 31 Cherokee Drive was also present and stated that he believes that there is encroachment on the property adjacent to 10 Sioux Drive, which is adjacent to his property.

Diane Pevorniak, 14 Sioux Drive questioned the process for complaints. She noted that she was not able to get a copy of the complaint filed against them regarding their shed. She questioned if complaints had to be submitted to the ZEO in writing. She also noted that they received a letter stating that they would be fined \$150.00 per day, which was alarming because they had no prior contact from the ZEO to discuss the matter.

Rich Kosinski, 40 Manitook Drive stated that adjacent property owners do have rights.

Commissioners, after hearing all the comments from the public regarding this matter, noted that they could not do anything about encroachment or use of a property if the owner of the property is not the complainant.

Attorney McSherry discussed briefly with the Commission that he could write something up that could outline clearly the procedures for dealing with violations.

- C. Correspondence – None
- D. Old Business – Matters on which a Public Hearing was held – None
- E. Old Business – Other – None
- F. New Business – Schedule a Public Hearing – None
- G. New Business – Other

1. **Z-22-125 [IND] – 324 Christian Street** – Owner: Anvil Properties/Anvil CT, LLP, 1432 Old Waterbury Road, Suite 9, Southbury, CT – Applicant: Amanda Pakul, 50 Hinkle Road, Washington, CT (Use Permit) (Sign Permit)

Amanda Pakula, applicant, was present. She and her husband explained their welding business to the Commission and presented a rendering of the sign that will replace the existing sign currently affixed to the side of the building.

The commission had no further questions for the applicant.

MOTION BY Commissioner John Kerwin to approve application Z-22-125 with standard conditions.

Second by Commissioner Pete Zbras.

All (6) Ayes.

Motion passed unanimously.

- H. Zoning Enforcement – There was no report or discussion.
- I. Minutes

1. **MOTION BY Commission Secretary Brett Olbrys** to approve the 8/16/2022 Regular Meeting Minutes as presented.
Second by Commissioner Ed Rowland.
Ayes (6), Abstention, (1).
Motion passed.

J. Invoices

1. **MOTION BY Commission Secretary Brett Olbrys** to approve OmniPrint Invoice # 722-246.
Second by Commissioner John Kerwin.
All (6) Ayes.
Motion passed unanimously.

K. Other Business

1. Farm Events Ad-hoc committee update (if available).
Commissioner Pete Zbras stated that the new Farm Events Ad Hoc Committee would be meeting on before each regular meeting from 7:00-7:25 PM.
2. Any other items the Commission deems necessary for discussion.
Attorney McSherry briefly discussed with the Commission an application that will be submitted. There was a question regarding what type of application it would be, a subdivision, or re-subdivision. He reviewed the application and has determined that it would be a subdivision application, and would not require a public hearing.

L. Adjournment

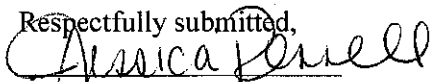
MOTION BY Commissioner Ed Rowland to adjourn the meeting at 9:00 PM.

Second by Commissioner Dan Wall.

All (6) Ayes.

Motion passed unanimously.

Respectfully submitted,



Jessica Pennell, Coordinator

Planning & Zoning Commission

22 SEP 12 PM 4:37
TOWN OF OXFORD, CT
Margaret A. Albee
TOWN CLERK