

TOWN OF OXFORD
PLANNING & ZONING COMMISSION
S.B. Church Memorial Town Hall
486 Oxford Road, Oxford, Connecticut 06478-1298
Phone: (203) 828-6512 · Email: pandz@oxford-ct.gov
www.Oxford-CT.gov



Planning & Zoning Commission
Regular Meeting Minutes
Tuesday, October 4, 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 7:40 PM.

II. Pledge of Allegiance

III. Roll Call

Present: Bob Carr, Joshua Dykstra, Pete Zbras, Pat Cocchiarella, Brett Olbrys, and Ed Rowland.

Also Present: Kevin McSherry, Steve Macary, ZEO and Jessica Pennell, Coordinator.

Not Present: John Kerwin and Dan Wall.

IV. Seating of Alternates

Chairman Cocchiarella seated **Alternate Commissioners Bob Carr and Joshua Dyskstra.**

V. Public Hearings:

A. Recessed Public Hearings:

The following Public Hearings *recessed to Tuesday, October 4, 2022:*

1. **Z-22-108 [IND] – 79 Prokop Road – Map: 25 Block: 19 Lot: 4 C** **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 Olbrys read correspondence dated 10/4/22 from Attorney Dominick Thomas granting a 10-day extension on this application. It was noted that the public hearing would be continued to Tuesday, October 18, 2022.

B. New Public Hearings - None

C. Future Public Hearings

Public Hearing scheduled for 10/18/22:

1. **Z-22-131 [RESA] – 266 Maple Tree Hill Road – Map: 5 Block: 43 Lot: 1 A –**
Owner & Applicant: Tom Loring, 266 Maple Tree Hill Road, Oxford
(Special Exception – Construct a 4,752 sq. ft. Barn) (Special Exception – Boarding of Horses) (Special Exception – Construct a 17,136 sq. ft. Indoor Riding Rink)

VI. Regular Meeting Business

A. Amendments to the Agenda

MOTION BY Commission Secretary Olbrys to amend the agenda to add New Business #1 – Initiation of Opt-Out process for the statutory regulation requirements regarding Accessory Apartments as outlined in Public Act 21-29.

Second by Alternate Commissioner Dykstra.

All (6) Ayes.

Motion passed unanimously.

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

C. Correspondence

Commission Secretary Olbrys read the following correspondence into the record:

- a. Memo dated 9/28/22 from Town Clerk Margaret West-Mainor

The Commission acknowledged that Jesse Schremmer has resigned, and thanked him for his service.

D. Old Business - Matters on which a Public Hearing was held:

1. **Z-22-123 [IND] 178 Christian Street – Map: 18 Block: 25 Lot: 1 A – Owner & Applicant:** Cab Properties, LLC, Steven Buonauto, 178 Christian Street, Oxford, CT
(Special Exception for an Auto Dealership in the Industrial Zone)

* Public Hearing closed on 9/6/22; the Commission has 65 days to act on this application.

Attorney McSherry noted that the waivers requested by the applicant need to be approved before the special exception.

WAIVERS REQUESTED BY THE APPLICANT:

- a.) 9.8.2 Parking Lot - No work is planned for the existing parking area.

Motion by Commission Secretary Olbrys to approve the waiver of Article 9, Section 9.8.2.

Second by Commissioner Zbras.

All (6) Ayes.

Motion passed unanimously.

- b.) 9.8.3 Setback Belt Use-no work is planned that will affect the existing stabilization vegetation within the set back.

Motion by Commission Secretary Olbrys to approve the waiver of Article 9, Section 9.8.3.

Second by Alternate Commissioner Dykstra.

All (6) Ayes.

Motion passed unanimously.

- c.) 9.12 Site Plan-no work is planned that impacts the exterior of the existing building or any other structures on the site.

Motion by Commission Secretary Olbrys to approve the waiver of Article 9, Section 9.12.
Second by Commissioner Rowland.

All (6) Ayes.

Motion passed unanimously.

- d.) 9.14.1 Design standards No additional structure shall be constructed on site. There will be no change to the existing utilities serving the building, the landscaping or parking lot.

Motion by Commission Secretary Olbrys to approve the waiver of Article 9, Section 9.14.1.

Second by Alternate Commissioner Dykstra.

All (6) Ayes.

Motion passed unanimously.

- e.) 9.14.5, 9.14.6, 9.14.7 Landscaping- the properties are already landscaped.

MOTION BY Commission Secretary Olbrys to approve the waiver of Article 9, Section 9.14.5, 9.14.6, and 9.14.7.

Second by Alternate Commissioner Zbras.

All (6) Ayes.

Motion passed unanimously.

RESOLUTION OF APPROVAL – Z-22-123 - 178 Christian Street

Whereas Steven Buonauto, herein “the Applicant” and CAB PROPERTIES, LLC “the OWNER” has filed a **Special Exception** application for the use of **178 Christian Road, Oxford CT 06478 as Auto Dealership.**

Whereas The Oxford Planning and Zoning Commission considered this application at its regularly scheduled meeting/public hearings held on August 16, 2022, September 6, 2022, and September 20, 2022.

Whereas The Oxford Planning and Zoning Commission considered the following additional information the applicant filed in support:

1. Statement of Use dated August 9, 2022.
2. A Letter from the Law Office of Thomas W. Calkins dated June 14, 2022.
3. Waiver requests
4. Letter from the Conservation Commission/Inland Wetlands Agency indicating a wetland permit is not required.

5. Town of Oxford Zoning Board of Appeals Public Hearing Notice dated July 20, 2022, approving the Certificate of Location of 178 Christian Street, Oxford, Connecticut, for the applicant, Steven Buonauto.
6. Zoning Location Survey prepared for BUONAUTO Enterprises Incorporated, 178 Christian Street, Oxford, Connecticut, dated March 29, 2022, prepared by Horbal & Judson Land Surveyors and Associates, located at 52 Main Street, Seymour, Connecticut.

Commission Secretary Olbrys moved to approve Application No. Z-22-094, a Special Exception Application for the Use of 178 Christian Road, Oxford, CT 06478 as an Auto Dealership designated on the Assessors map as Map: 18 Block: 25 Lot: 1A in accordance with the Findings, Conditions of Approval and Standard Conditions herein.

FINDINGS:

- 1.) The Statement of Use proposes the second floor of the premises as a showcase and storage area for classic and high-end pre-owned automobiles, some of the existing parking area will be used for the same purpose.
- 2.) There will be no washing of cars on site and there will be no repair service on available on site. The first floor of the building will continue to be occupied by the previous owner, Oxford Science Park, LLC, and its use will be unchanged.
- 3.) The impervious surface surrounding the building will be increased by 12 feet wide approximately 25-foot-long access from the parking lot to the newly and stored garage doors on the east side of the building.
- 4.) Waivers have been requested for the following zoning regulations and have been granted:
 - a.) 9.8.2 Parking Lot - No work is planned for the existing parking area.
 - b.) 9.8.3 Setback Belt Use-no work is planned that will affect the existing stabilization vegetation within the set back.
 - c.) 9.12 Site Plan-no work is planned that impacts the exterior of the existing building or any other structures on the site.
 - d.) 9.14.1 Design standards No additional structure shall be constructed on site. There will be no change to the existing utilities serving the building, the landscaping or parking lot. ted on the property.
 - e.) 9.14.5, 9.14.6, 9.14.7 Landscaping- the properties are already landscaped.
- 5.) The proposed use will not be detrimental to the health, safety, welfare, and property values in the neighborhood.

- 6.) The site is suitably landscaped and the design and setback of buildings and other structures are adequate to protect property and preserve the appearance and character of the neighborhood.
- 7.) The proposed use, buildings, and other structures are adequate to carry the potential traffic and provision is made for entering and leaving the site in such a manner that no traffic hazards will be created and that adequate off-street parking and loading facilities will be provided.
- 8.) The land in which the use, building, or other structure is of adequate dimensions to conduct the use in such a manner that it will not be detrimental to adjoining property in the neighborhood.

Conditions of approval:

- 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 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.
- 3.) The applicant and its/his assigns must comply with all representations made at the Planning and Zoning Commission meetings or at public hearings regarding this application.
- 4.) The specific uses on this property shall be limited to those designated within the Statement of Use submitted by the applicant.
- 5.) Any uses not existing and approved at the time of this approval, must apply to the Planning & Zoning Commission for a change of use, as the property is located in the Industrial Zone.
- 6.) The applicant shall comply with all requirements set forth in the Fire Marshal's letter dated 9/1/22.
- 7.) The applicant shall obtain all necessary licensing and permits as may be required by other local and/or state agencies.

Second by Alternate Commissioner Dykstra.

Discussion:

Chairman Cocchiarella mentioned the standard condition regarding the communications with fire and EMS.

Commission Secretary Olbrys moved to amend the motion to add condition #8 as follows:

- 8.) 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.

Alternate Commissioner Dykstra seconded the amendment to the motion.

All (6) Ayes.

Motion to amend the motion passed unanimously.

Vote on amended motion:

All (6) Ayes.

Motion passed unanimously.

E. Old Business - Other Matters

1. **Z-22-177 [RGCD] – Residential Area No. 6 Oxford Greens Map: 33-32 Block: 10-11 Lot: 2 1 – Owner & Applicant:** BH Oxford Ventures, LLC, 100 Crossways Park Drive W, Suite 111, Woodbury, NY (*Site Plan Modification - Minor*)

Chairman Cocchiarella noted that the Commission previously voted to approve the site plan that was brought to them on 9/20/22 as a minor modification to the site plan that was agreed upon per the settlement agreement with the previous owners of Oxford Greens. He explained that Attorney McSherry has drafted a motion to approve the minor changes to the site plan.

RESOLUTION OF APPROVAL

Z-22-177 – Apartments at Oxford Greens – Residential Area No. 6

Whereas, BH Oxford Ventures, LLC herein “the Applicant” and “the OWNER” has filed a **Site Plan** application for the modification of the existing site plan for Apartments **at Oxford Greens, Residential Area No. 6, Oxford, Connecticut, 06478.**

Whereas, the Oxford Planning and Zoning Commission considered this application at it’s regularly scheduled meeting on September 20, 2022, and October 4, 2022.

Whereas, the Oxford Planning and Zoning Commission determined the modification to the Site Plan to be a minor modification.

Whereas, the Oxford Planning and Zoning Commission previously entered into an agreement as part of the settlement of two lawsuits that were commenced by the applicant's predecessor in title.

Whereas, the Oxford Planning and Zoning Commission and the original applicant agreed to be bound by the terms and conditions of the settlement agreement, as well as their successors and assigns.

Whereas, the settlement agreement can only be amended, changed, modified, released, or discharged by further written agreement by the parties.

Whereas, the applicant has proposed a minor modification to the site plan by joining two buildings together and reducing the number of buildings from four (4) to three (3) and allowing the rest of the terms and conditions found in the agreement to still be binding on the parties.

Whereas, the Oxford Planning and Zoning Commission considered the following additional information the applicant filed in support of the site plan modification:

1. Site Plan-TPA Design Group dated 8/23/2022 Approved Site Plan (4 buildings)
2. Site Plan- TPA Design Group dated 8/23/2022 Proposed Site Plan (3 buildings)
3. Grading Plan- TPA Design Group dated 8/23/2022
4. Cut/Fill Report- TPA Design Group dated 8/23/2022
5. Architectural Site Plan- The Sullivan Architectural Group dated 8/4/2022
6. Building plans, A-100- The Sullivan Architectural Group dated 8/4/2022
7. Building plans, A-101- The Sullivan Architectural Group dated 8/4/2022
8. Perspective cool tone schemes- The Sullivan Architectural Group dated 8/4/2022
9. Perspective warm tone schemes- The Sullivan Architectural Group dated 8/4/2022
10. Building elevations, A-200 -The Sullivan Architectural Group dated 8/4/2022
11. East elevation A-201-The Sullivan Architectural Group dated 8/4/2022
12. South and North elevations A-202 - The Sullivan Architectural Group dated 8/4/2022
13. West elevations A-203 The Sullivan Architectural Group dated 8/4/2022
14. Building section, A-400 The Sullivan Architectural Group dated 8/4/2022

MOTION BY Commission Secretary Olbrys to approve application No. Z-22-177 for the modification of the Site Plan of the Apartments at Oxford Greens, Residential Area No. 6, Oxford Greens, Oxford Connecticut, 06478 designated on the Assessors map as Map: 32-33 Block: 10-11 Lot: 2-1 in accordance with the Findings, Conditions of Approval and Standard Conditions herein.

FINDINGS:

- a. The Site Plan modification as voted by the Commission is a minor modification.
- b. Proposed Site Plan, detailed floor plans, architectural elevations, exterior color schemes, and building section as submitted meet the requirements of the Oxford Zoning Regulations.

Conditions of approval:

- 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 costs of special consultants or studies as deemed necessary by the Commission at any time during the period from the initial review through inspection and final acceptance of any improvements.

- 3.) The applicant and its/his assigns must comply with all representations made at the Planning and Zoning Commission meetings or at public hearings regarding this application.
- 4.) The specific uses on this property shall be limited to those designated within the Settlement Agreement as amended by the plans submitted by the applicant.
- 5.) The applicant shall comply with all requirements set forth in the Fire Marshal's letter dated September 19, 2022.
- 6.) The applicant shall obtain all necessary licensing and permits as may be required by other local, regional, and state departments and/or agencies.
- 7.) The Commission authorizes the Chairman sign the written agreement with the applicant that amends the original settlement agreement to reduce the number of buildings from four (4) to three (3) in accordance with the presentation made by the applicant and approved herein by the Commission.
- 8.) 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.

Second by Commissioner Zbras.

Discussion:

Commissioners discussed adding the standard condition regarding the communication with the fire department and EMS.

Commissioner Zbras moved to amend the motion to add Condition #9 as follows:

- 9.) The owner/applicant is required to ensure capability of communication with the fire department and EMS, if the requirement is not fulfilled; it is the responsibility of the applicant to rectify the situation.

Alternate Commissioner Dykstra seconded the amendment to the motion.

All (6) Ayes.

Motion to amend the motion passed unanimously.

Vote on original motion with amendment:

All (6) Ayes.

Motion passed unanimously.

2. **Z-22-129 [RESA] – 228 Quaker Farms Road – Map: 22 Block: 69 Lot: 34 –**
Owner & Applicant: Rhode Island Lights, Inc. c/o Attorney Dominick Thomas, 315 Main Street, Derby, CT *(4-Lot Subdivision)*

Commission Secretary Olbrys read correspondence from Attorney Dominick Thomas dated 10/4/22.

Discussion ensued regarding whether or not the Commission wanted to hold a public hearing on this application.

Kevin McSherry, Land Use Counsel, explained that it is within the Commission's discretion to hold a public hearing on any subdivision application as outlined in the Town of Oxford Subdivision Regulations.

MOTION BY Commission Secretary Olbrys to schedule a Public Hearing for *Tuesday, November 1, 2022.*

Second by Commissioner Zbras.

All (6) Ayes.

Motion passed unanimously.

F. New Business - Schedule a Public Hearing

Tentative Public Hearing Date: November 1, 2022

1. **Planning & Zoning Commission Initiation of Opt-Out process for the statutory regulation requirements regarding Accessory Apartments as outlined in Public Act 21-29.**

Chairman Cocchiarella explained that there is a process that the Commission needs to begin in order to opt-out of the requirements outlined in Public Act 21-29 regarding Accessory Apartments. He noted that the first step is for the Commission to vote to initiate the process of opting out of the requirements set forth in Public Act 21-29.

MOTION BY Commission Secretary Olbrys to initiate the process for the Commission to opt-out of the requirements regarding Accessory Apartments as outlined in Public Act 21-29.

Second by Commissioner Zbras.

All (6) Ayes.

Motion passed unanimously.

Chairman Cocchiarella explained that the next step in the process is for the Commission to schedule a Public Hearing.

MOTION BY Commission Secretary Olbrys to schedule a Public Hearing for *Tuesday, November 1, 2022 at 6:00 PM.*

Second by Alternate Commissioner Dykstra.

All (6) Ayes.

Motion passed unanimously.

2. **Z-22-180 [IND] – Proposed Text Amendment to the Industrial Zone –**
Owner: 8 Pheasant Run, LLC, c/o Mark Oczkowski, 4 Woodruff Hill Road
Applicant: Vesta Modular c/o Robert Sizemore, 1000 Town Center Suite 975, Southfield, MY (*Proposed zoning regulation text amendments: addition of Article 2, Section 2.13a and addition of Article 9, Section 9.3.23*)

MOTION BY Commission Secretary Olbrys to schedule a Public Hearing on Z-22-180 for *Tuesday, November 1, 2022 at 6:10 PM.*

Second by Commissioner Zbras.

All (6) Ayes.

Motion passed unanimously.

3. **Z-22-181 (a) Z-22-181 (b) – [IND] – 8 Pheasant Run Road –**
Owner: 8 Pheasant Run, LLC, c/o Mark Oczkowski 4 Woodruff Hill Road – **Applicant:** Vesta Modular c/o Robert Sizemore, 1000 Town Center Suite 975, Southfield, MY
(*Site Plan – Construct 5,000+sq.ft. building*) (*Special Exception –Use – Article 9, Section 9.3.23*)

MOTION BY Commission Secretary Olbrys to schedule a Public Hearing on Z-22-181 (a) and Z-22-181 (b) for *Tuesday, November 1, 2022 at 6:20 PM.*

Second by Commissioner Zbras.

All (6) Ayes.

Motion passed unanimously.

4. **Z-22-182 (a) and Z-22-182 (b) – [IND] –13 E. Commerce Drive (Lot 14 Woodruff Hill Industrial Park - Owner: Town of Oxford, 486 Oxford Road, Oxford – Applicant: Airamid, LLC c/o William Kennedy and/or Tiana DiMaria, 511 Brook Street, Rocky Hill, CT (Site Plan – Construct 5,332 sq.ft. building) (Special Exception –Article 9, Section 9.3.10)**

MOTION BY Commission Secretary Olbrys to schedule a Public Hearing on Z-22-182 (a) and Z-22-182 (b) for *Tuesday, November 1, 2022 at 6:30 PM.*

Second by Commissioner Zbras.

All (6) Ayes.

Motion passed unanimously.

G. New Business - Other

H. Zoning Enforcement

The ZEO did not present a report this evening.

I. Minutes

1. 9/20/2022 Regular Meeting Minutes

MOTION BY Commission Secretary Olbrys to approve the 9/20/22 Regular Meeting Minutes as presented.

Second by Alternate Commissioner Dykstra.

All (6) Ayes.

J. Invoices

1. Amazon Business Invoice #19JX-NWWY-XF4P

MOTION BY Commissioner Zbras to approve Invoice #19JX-NWWY-XF4P.

Second by Commission Secretary Olbrys.

All (6) Ayes.

Motion passed unanimously.

K. Other Business

- a. Farm Events Ad-Hoc Committee update (if available).

Commissioner Zbras, Chairman of the Farm Events Committee, stated that they are making progress and will be holding a special meeting next week.

- b. Any other items the Commission deems necessary for discussion.

L. Adjournment

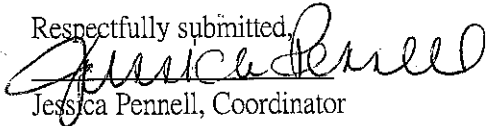
MOTION BY Commissioner Rowland to adjourn the meeting at 8:44 PM.

Second by Alternate Commissioner Dykstra.

All (6) Ayes.

Motion passed unanimously.

Respectfully submitted,



Jessica Pennell, Coordinator

Planning & Zoning Commission

22 OCT 12 PM 4:12
TOWN OF OXFORD, CT
Margaret A. West
TOWN CLERK