

**TOWN OF OXFORD
PLANNING & ZONING COMMISSION**

S.B. Church Memorial Town Hall
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**Planning & Zoning Commission
Regular Meeting Minutes
Tuesday, February 7, 2023
7:30 PM – Main Meeting Room
S.B. Church Memorial Town Hall**

I. Call to Order

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

II. Pledge of Allegiance

III. Roll Call

Present: Joshua Dykstra, Carl Bouchard, Sara Locke, Pete Zbras, Pat Cocchiarella, Brett Olbrys, Ed Rowland, and Robert Carr.

Not Present: John Kerwin and Dan Wall.

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

IV. Seating of Alternates

V. Public Hearing:

A. Recessed Hearing:

Chairman Cocchiarella explained that the first item is the recessed hearing on the following application:

1. **Z-22-182 (a) - 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*)(*Extension granted on 12/6/2022, 1/3/2023, and 1/10/2023*)

Chairman Cocchiarella made a brief statement about crosstalk during the meeting and how it can make it difficult for people to hear when someone is addressing the Commission.

The Commission took a short recess to set a Public Hearing date for an application that listed under Old Business.

Motion by Commission Secretary Olbrys to take a five (5) minute recess.

Second by Commissioner Rowland. All (5) Ayes.

Motion passed unanimously.

Jessica Pennell, Coordinator stated that the Commission is setting a Public Hearing for the following application:

Z-22-204 [IND] – 110 Hawley Road – **Owner & Applicant:** Robert Werden (*Site Plan - construct a building for a rock crusher to be added to a pre-existing contractor's yard*), and that Mr. Werden paid the additional fees before tonight's meeting.

Attorney McSherry recommended that Mr. Werden add a Special Exception application to the Site Plan application after discussing this with Attorney Kulas.

The Commission unanimously agreed to hold a Public Hearing on Application No. Z-22-204 on ***Tuesday, March 7, 2023 at 7:30 PM.***

Motion by Commission Secretary Olbrys to come out of recess.

Second by Commissioner Rowland. All (5) Ayes.

Motion passed unanimously.

The Commission resumed the Public Hearing on **Z-22-182 (a) - Z-22-182 (b) – [IND] –13 E. Commerce Drive.**

Tom Regan, Attorney for the applicant explained that they have some experts to reply to some of the information presented at the last hearing, as well as concerns of the public and Commission. He introduced appraiser, Vincent Guardiano.

Vincent Guardiano, Real Estate Appraiser, LLC, Derby, CT presented his appraisal of 66 Prokop Road to the Commission.

Attorney Franca DeRosa, representative for the applicant, referred to documentation submitted via email and dated 2/7/23. She explained that the memorandum is a supplemental submittal for Lot 14 Woodruff Hill Industrial Park, and includes additional information on CT DEEP air quality monitoring. She noted the DEEP Ambient Air Quality Monitoring System, and explained the locations that are monitored on a continuous basis. She referred to Tab 6 during her presentation, which is the DEEP Template Air Permit for Crematory Units.

Chris Ecsedy, CJE Environmental, responded to the memorandum dated 2/6/23 and, submitted by Attorney Jackie Kaufman on behalf of Hu Brothers, LLC, the owner of 66 Prokop Road. The memorandum was prepared by Stephen D. Smith, Senior Environmental and Safety Engineer, of Labella Associates. He noted the recommendation in the memo regarding an evaluation of the adverse downwind effects of hazardous pollutants. He noted several reasons why he disagreed with the recommendation of the opposing party's expert.

Alternate Commissioner Bouchard asked questions regarding a list of hazardous pollutants.

Mr. Ecsedy stated explained that the list of hazardous pollutants is extensive.

Alternate Commissioner Bouchard referred to a statement in the memo from Labella regarding the amount of hazardous pollutants.

Attorney DeRosa addressed Alternate Commissioner Bouchard's questions regarding the statement in the memo.

There was a brief discussion about the amount of hazardous air pollutants that can be emitted from a proposed facility.

Alternate Commissioner Carl Bouchard questioned if the application meets DEEP requirements.

Attorney DeRosa stated that it does meet DEEP requirements. She also noted that they have included, in their submittal, a copy of the New Source Review Permit Application Guidance for Crematory Units, and labeled as Exhibit 5.

Attorney Regan introduced Curt Jones, who prepared the maps and plans for the application.

Curt Jones, Civil 1, 43 Sherman Hill Road, Woodbury, CT presented the Commission with a map delineating a 500' radius to surrounding property lines and structures. He explained the uses of the structures and properties within the 500' radius of the subject property.

Attorney Regan also commented on the two (2) statutes referred to in documentation submitted by Attorney Kaufman. He explained that the statutes were regarding the distance of a crematorium from other properties and property uses. He explained CGS §19-320a, and CGS §8-2n. He outlined the differences in the statutes and how they relate to this application. He also discussed briefly the process under CGS §8-24 and the refuted the statements made by the representative for Hu Brothers, LLC.

Tiana DiMaria, applicant came before the Commission to introduce herself and gave a brief explanation of her background and the background of the family business, and the business model.

Luke DiMaria also addressed the Commission as the owner of funeral homes and the father of Tiana DiMaria. He explained how the funeral home and cremation business operates, and that currently they have too much business and they have to use companies in order to run their business. He noted that the option to purchase the land in Oxford, and have a modern facility would keep prices down for customers and allow them to complete the process themselves.

Commissioners asked questions regarding Mr. DiMaria owning any other crematories.

Mr. DiMaria explained that he has to sub-contract out the cremation services.

Attorney McSherry requested that Mr. DiMaria go through the process of a customer who wanted to have someone cremated.

Mr. DiMaria explained the process, and noted that all the business transactions with customers would take place at their facility in Rocky Hill.

A brief discussion ensued regarding requests of loved ones to view a body, and how those requests are handled.

Mr. DiMaria shared his thoughts about family members viewing the body with Commissioners.

At this time Attorney Regan requested a brief recess.

Motion by Chairman Cocchiarella to recess at 8:31 PM.

Second by Commission Secretary Olbrys.

All (5) Ayes.

Motion to recess passed unanimously.

Motion by Commission Secretary Olbrys to come out of recess at 8:54 PM.

Second by Commissioner Zbras. All (5) Ayes.

Motion passed unanimously.

Public Comments:

Linda Czaplinski, 30 Freeman Road stated that just because we can do something doesn't always mean we should. She noted the amount of input from the people, and the many concerns including the pollutant such as mercury, and the guidelines for what is acceptable as well as the air quality and monitoring.

Holly Sear, no address provided, stated that she understands the need for economic development in Oxford. She also questioned what the Town is gaining in the end considering the sale price of the lot, the potential tax revenue from this business, and the possible decrease of values in other homes in the area because of this business. She questioned is the sale price of the land versus the taxes the Town will receive is worth the damage that it might or might not do to the people living in the area and their home values.

John Deloroso, 618 Championship Drive, questioned why Oxford would need another crematorium.

Ellen Fox, 522 Traditions Court requested that an air quality station be placed at the airport or the power plant. She also pointed out the mission of the Commission is to provide a rural community and secure environment with sustainable development and requested that they keep that in mind when making their decision. She noted that Mr. DiMaria does own Abbey Crematorium in Rocky Hill, Connecticut, and noted that all the information can be found on the Secretary of the States website. She added that Mr. DiMaria has not been a model citizen.

Chairman Cocchiarella stated that those types of statements are not allowed.

Cory Farrell, 6 Prokop Road stated that there has been a lot of discussion about DEEP requirements and the Maximum Allowable Stack Concentration (MASC), and that the application is compliant with DEEP regulations. He questioned the MASC is measured, because the applicant is applying for four (4) stacks. He stated that individually the stacks are in compliance, but questioned if they are in compliance aggregately. He stated that the applicant should demonstrate a compliant system because of the location and proximity to other crematoriums.

Peter Calcandy, 1051 August Drive, stated that the citizens have spoken out against this, it doesn't add any value to the Town, and he hopes the Commission will deny the application.

Attorney Regan requested that the Commission recess the hearing and take care of other business while they wait for Attorney Kaufman.

Motion by Commission Secretary Olbrys to recess the hearing at 9:11 PM.

Second by Commissioner Rowland.

All (5) Ayes.

Motion passed unanimously.

At this time, the Commission moved onto Regular Meeting business.

VI. Regular Meeting Business

A. Amendments to the Agenda

Motion by Commission Secretary Olbrys to move Z-23-102 from Old Business to New Business due to a clerical error.

Second by Commissioner Rowland.

All (5) Ayes.

Motion passed unanimously.

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

Linda Czaplinski, 30 Freeman Road commented on the farm venue regulations that are going to be considered. She requested that the Commission consider the traffic flow, and possibly having law enforcement to direct traffic.

Attorney McSherry stated that the Farm Events Sub-Committee is drafting regulations, and once the regulations are drafted, they will possibly presented in a work session with the public, and then an official public hearing will be held to receive any further input from the public.

C. Correspondence

Commission Secretary Olbrys noted the following correspondence, and stated that it is on file in the Planning & Zoning Department.

- a. CT Federation of Planning & Zoning Agencies Newsletter (Winter 2023)

b. CFPZA 2023 Annual Conference Invitation

D. Old Business

1. **Z-22-204 [IND] – 110 Hawley Road** – Owner & Applicant: Robert Werden
(Site Plan - construct a building for a rock crusher to be added to a pre-existing contractor's yard) (Referred to Attorney McSherry for Review)

Z-22-204 was moved to the beginning of the agenda and the Commission set a Public Hearing for Tuesday, March 7, 2023 at 7:30 PM.

2. **Z-23-102 [IND] – 117 Oxford Road** – Owner: Thomas & Annette Hylwa, 266 Pinesbridge Road, Beacon Falls, CT - Applicant: Justin Harding, 54 Dorman Road, Oxford, CT (Use Permit)

Per the amendment to the agenda, this application was moved under New Business as Item #2.

E. New Business

1. **Bond Reduction Request – Pulte Homes - Z-16-029 – Oxford Greens - Phase 4 East**

- a. Letter dated 1/25/23 to Steve Macary, ZEO from Tony Schumann

Commissioners requested the final inspection report from Jim Galligan, P&Z Engineer.

F. Zoning Enforcement

Steve Macary, ZEO stated that there is nothing to report to the Commission at this time.

G. Minutes

- a. **Motion by Commission Secretary Olbrys** to approve the 1/3/23 Regular Meeting Minutes as presented. **Second by Commissioner Carr.**
All (5) Ayes.
Motion passed unanimously.
- b. **Motion by Commission Secretary Olbrys** to table the 1/17/23 Regular Meeting Minutes. **Second by Commissioner Carr.**
All (5) Ayes.
Motion passed unanimously.

H. Invoices

- a. Nafis & Young Invoice #263-22 - Oxford Greens Paving Inspection

Motion by Commission Secretary Olbrys to approve Invoice #263-22 from Nafis & Young. **Second by Commissioner Carr.** **All (5) Ayes.**
Motion passed unanimously.

- b. Nafis & Young Invoice #302-22 – 671 Oxford Road (Bill to Property Owner)

Motion by Commission Secretary Olbrys to table Invoice #302-22 from Nafis & Young to the next meeting. **Second by Commissioner Zbras.** **All (5) Ayes.**
Motion passed unanimously.

I. Other Business

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

Commission Secretary Olbrys inquired about the marijuana moratorium.

Attorney McSherry stated that the Chairman has requested that he start drafting a regulation, and he noted that they do have the eighteen (18) month moratorium, so they still have some time.

Commissioner Zbras also mentioned that the Commission had to update the Plan of Conservation and Development.

Chairman Cocchiarella explained that they changed the regulation; instead of updating the plan every ten (10) years, it now has to be done every five (5) years.

Commissioners briefly discussed the upcoming Land Use Law Seminar being held remotely on Saturday, March 11, 2023, and hosted by the CT Bar Association.

Commission Secretary Olbrys moved to recess the regular meeting at 9:19 PM.

Second by Commissioner Carr. All (5) Ayes.

Motion passed unanimously.

The Regular Meeting reconvened at 9:23 PM.

The Commission resumed New Business #2.

Z-23-102 [IND] – 117 Oxford Road – Owner: Thomas & Annette Hylwa, 266 Pinesbridge Road, Beacon Falls, CT - **Applicant:** Justin Harding, 54 Dorman Road, Oxford, CT (*Use Permit*)

Justin Harding, 54 Dorman Road, applicant explained his plans for the business located at 117 Oxford Road. He explained the expansion of the use and hours of operation as outlined in the statement of use dated 1/23/23 and submitted with the application. A site plan prepared by D'Amico Associates, dated 1/20/23 was also submitted with the application.

Commissioners and Mr. Harding discussed the application briefly and Mr. Harding answered questions regarding what would be repaired on site, what would be sold and what would be visible from the road. Mr. Harding stated that there would be no sand and salt stockpiled for sale in preparation for inclement weather.

Attorney McSherry also asked questions of the applicant regarding the specific uses of the property. Mr. Harding answered Attorney McSherry's questions and explained the current uses approved for the property, as well as the expanded and accessory uses.

Chairman Cocchiarella asked Mr. Harding what type of equipment would be stored on site.

Mr. Harding listed the equipment: a forklift, a dump truck, and a loader. He also noted that there will be inside storage. He also discussed a privacy fence.

Chairman Cocchiarella asked Mr. Harding if he has received wetlands approval.

Mr. Harding explained that he spoke to Mike Herde, the IWEO, and he did meet him on site.

Commission Secretary Olbrys moved to recess the regular meeting and reconvene the Public Hearing at 9:40 PM.

Attorney Jackie Kaufman, representative for Hu Bros., LLC, 66 Prokop Rod, stated that the applicant and her client have taken some time and have resolved their issues. She stated that Hu Bros., LLC no longer believes that the proposal is a threat to its immediate public health and safety, and property value, and therefore they withdraw their opposition.

Attorney Tom Regan asked Chris Ecsedy to address some of the comments made earlier regarding the air quality and monitoring.

Chris Ecsedy addressed comments brought up earlier this evening regarding air quality and monitoring.

Attorney Tom Regan clarified that his client owns Abbey Crematory Services, which provides crematory services, but is not a crematory. He concluded the presentation with noting the information presented from their Appraiser and environmental expert, as well as the reasons why they believe that the application meets all the criteria required by the Oxford Zoning Regulations. He requested that the Commission approve the application.

MOTION BY Commission Secretary Olbrys to close the public hearing.

Second by Commissioner Rowland. All (5) Ayes.

Motion passed unanimously.

Chairman Cocchiarella stated that the Commission has sixty-five (65) days to render a decision.

The Commission resumed the regular meeting business.

Commission Secretary Olbrys moved to approve application **Z-23-102 [IND] – 117 Oxford Road** – Owner: Thomas & Annette Hylwa, 266 Pinesbridge Road, Beacon Falls, CT - **Applicant:** Justin Harding, 54 Dorman Road, Oxford, CT (*Use Permit*) **subject to the following conditions:**

- 1.) The applicant shall comply with the Statement of Use submitted with the application, dated 1/23/23.
- 2.) The specific uses on this property shall be limited to those designated within the Statement of Use submitted by the applicant.
- 3.) The hours of operation shall adhere to the hours submitted in the Statement of Use dated 1/23/23.
- 4.) A privacy fence shall be installed to screen any outside storage of materials from public view.
- 5.) The heavy equipment stored on the property shall be limited to a loader, forklift, and dump truck, as stated by the applicant at the 2/7/23 meeting.
- 6.) All Inland Wetland requirements are to be met.
- 7.) Compliance with all Town of Oxford regulations and ordinances in effect as of this date.
- 8.) The applicant will be required to pay all costs of special consultants or studies deemed necessary by the Commission at any time during the period from the initial review through inspection and final acceptance of any improvement.
- 9.) The applicant and its/his assigns must comply with all representations made at the Planning and Zoning Commission 2/7/23 meeting.
- 10.) The specific uses on this property shall be limited to those designated within the Statement of Use submitted by the applicant.

11.) The applicant shall obtain all necessary licensing and permits as may be required by other agencies.

12.) The proposed sign shall be submitted to the ZEO for approval before installation.

Second by Commissioner Zbras.

All Ayes.

Motion to approve passed unanimously.

J. Adjournment

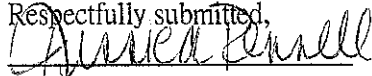
MOTION BY Commission Secretary Olbrys at 10:00 PM.

Second by Commissioner Carr.

All Ayes.

Motion passed unanimously.

Respectfully submitted,



Jessica Pennell, Coordinator
Planning & Zoning Commission

TOWN OF OXFORD, CT
TOWN CLERK
3/13/23

2023 MAR 13 P 2:42