



**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1668 – February 10, 2015  
MEETING MINUTES**

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**MOTION: To ACCEPT the Minutes of Regular Meeting #1667 dated January 13, 2015 as written.**

**Devanney moved/Thurz seconded/**

**DISCUSSION: None.**

**VOTE: In Favor: Unanimous (Devanney/Ouellette/Slate/Sullivan/Thurz)**

**RECEIPT OF APPLICATIONS:**

1. Application of Jeffrey and Maria Ewing for a Special Use Permit to allow a rear lot (per Chapter 408) off of Kreyssig Road, accessed through Ellington (part of a 5-lot subdivision known as Spring Brook Farm Subdivision along East Windsor/Ellington town line). [A-1 Zone; Map 136, Block 75, Lot 11].

**PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD**

**ACCEPTANCE: Kingshire Subdivision** – Request from Atty. William T. Case, representing Kingshire 2, LLC and Kingshire III, LLC for a four-year extension for Phases 2 and 3 of the Kingshire Subdivision, located off of Rye Street. (*Previous extension expires on 4/26/2015*);

Chairman Ouellette acknowledged receipt of letter from Attorney William T. Case representing Kingshire 2, LLC and Kingshire III, LLC dated 1/7/2015 which requested an extension of four (4) years to complete all sitework.

Appearing to represent Attorney Case was William Case. He concurred that the topcoat remains to be completed on one of the roads within the subdivision. The slump in the economy has delayed sale of the remaining lots. It was noted that the Kingshire Subdivision was originally approved on April 25, 2005; subsequent two (2) year approvals were granted in 2010 and 2012.

**MOTION: To APPROVE the request of Attorney William T. Case representing Kingshire 2, LLC and Kingshire III, LLC for a for a four-year extension (through April 26, 2019) for Phases 2 and 3 of the Kingshire Subdivision, located off of Rye Street**

**Devanney moved/Slate seconded/**

**DISCUSSION: None.**

**VOTE: In Favor: Unanimous (Devanney/Ouellette/Slate/Sullivan/Thurz)**

**CONTINUED PUBLIC HEARINGS: None.**

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**NEW PUBLIC HEARINGS – Timothy Rodrigue** - 2-lot Resubdivision of property located at 185 Wells Road, owned by Denise E. Rodrigue. [A-1 zone; Map 85, Block 31, Lot 1B]. (*Deadline to close hearing 3/3/2015*):

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this Application was Tim Coon, of J. R. Russo and Associates, LLC; Mr. Coon is representing the Applicant, Timothy Rodrigue, and the owner, Denise Rodrigue.

Mr. Coon described the property as being located at 185 Wells Road, which is south of the intersection with Mahoney Road. The parcel contains 6.2+/- acres located within an A-1 Zone; an existing dwelling served by a well and septic system is presently located on the northern portion of the parcel. The land to the south is a combination of wooded and mowed area which also contains fingers of wetlands. The applicant is proposing to split off two lots, each containing 1.77+/- and 2.02+/- acres respectively. Both of the new lots will be served by sanitary sewer coming in from Wells Road, and private wells. The Applicant is offering a \$2,000/lot fee-in-lieu of Open Space

Mr. Coon also noted the following:

- he is requesting waivers for sidewalks and street lights, as none exist in the immediate area, and a waiver of the installation of street trees as there are already trees along Wells Road.
- they have received a letter from the Water Pollution Control Authority (WPCA) indicating there is sufficient capacity within the current facility to serve these two additional lots.
- Receipt of memo dated 1/21/2015 from Town Engineer Norton recommending the installation of a catch basin within the easterly gutter of Wells Road adjacent to the proposed drainage easement; that a storm drainage pipe be installed prior to other utilities being placed; and the conveyance of a right-to-drain easement in favor of the Town of East Windsor be executed. Mr. Coon argued that the catch basin suggested by Town Engineer Norton would help alleviate an existing drainage problem on Wells Road; both Mr. Rodrigue and Mr. Coon feel the installation of the catch basin is not the Applicant's responsibility. As Town Engineer Norton subsequently agreed with the Mr. Rodrigue and Mr. Coon the Town will submit an application to the Inland Wetlands Commission in the future for installation of the catch basin.

Mr. Coon concluded his presentation by indicating he felt the lots meet the minimum requirements ; he is seeking approval of the subdivision.

The Commissioners and Staff raised the following questions:

- **Street trees:** Commissioners Thurz and Devaney and Town Planner Whitten indicated they had visited the site; no one saw any existing street trees in the area of the proposed subdivisions. Mr. Coon felt that trees currently existed; he

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suggested he will verify the lack of trees and will add them to the plans and the lots if necessary. Town Planner Whitten requested the inclusion of an additional condition of approval to address the need for street trees.

- **Property line distance:** Commissioner Sullivan noted a property line distance on one of the lots of 105' from the existing dwelling; he questioned if the sale of the existing home would have any impact on the new lot because of the 105' property line distance? Town Planner Whitten suggested the lot meets the required lot line distance in other areas; it is the required distance at the building line.
- **Abutter notification:** Commissioner Sullivan questioned if the abutters had been notified? Mr. Coon reported they had been advised.
- **Well approval:** Commissioner Devanney questioned if the North Central Health District (NCHD) had approved the location of the proposed wells? Mr. Coon suggested they had approved the conceptual location.
- **Gravestone marker:** Commissioner Devanney questioned if the gravestone marker located along the side of Wells Road is located on the Rodrigue property? Mr. Pippin, speaking from the audience, advised the Commission the gravestone is located on the Bancroft property; it is a gravestone only and does not indicate an actual grave.
- **Swale at Rodrigue/Bancroft property line:** Chairman Ouellette questioned what the 1' wide 1' deep swale is for? Mr. Coon indicated it was recommended by Town Engineer Norton to prevent run off onto the Bancroft property.

Chairman Ouellette queried the audience for comments; no one requested to speak.

**MOTION: To CLOSE the Public Hearing on the Application of Timothy Rodrigue for a 2-lot Resubdivision of property located at 185 Wells Road, owned by Denise E. Rodrigue. [A-1 zone; Map 85, Block 31, Lot 1B].**

**Devanney moved/Sullivan seconded/**

**VOTE: In Favor: Unanimous (Devanney/Ouellette/Slate/Sullivan/Thurz)**

**MOTION TO APPROVE Waivers of**

- a) Sidewalks (Sec 2.11.3) as none exist in the area. A Fee In lieu of sidewalks will be required, and
- b) Street Lights (Sec 21.11.2) as none exist in the area, and

**Devanney moved/Sullivan seconded/**

**DISCUSSION: None**

**VOTE: In Favor: Unanimous (Devanney/Ouellette/Slate/Sullivan/Thurz)**

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(No one opposed/ No abstentions)

**MOTION TO APPROVE the Application of Timothy Rodrigue and owner Denise Rodrigue requesting a 2 lot re-subdivision for property located at 185 Wells Road[Map #85, Blk. 31, Lot 1B] in the A-1 Zone..**

This approval is granted subject to conformance with the referenced plans (as may be modified by the conditions) and the following conditions of approval:

**Referenced Plans:**

Sheet 1/5 Cover Sheet, 2 Lot Resubdivision. Wells Road, East Windsor CT prepared for Denise C Rodrigue, 185 Wells Rd, East Windsor Ct , prepared by JR Russo & Assoc, LLC 1 Shoham Road, East Windsor CT 06088, 860/623-0569 [www.jrusso.com](http://www.jrusso.com), dated 12/30/14, key map scale 1" = 200'

2/5 Resubdivision Plan

3/5 Topographic Plan

4/5 Sanitary Sewer Plan and Profile

5/5 Erosion control Motes and Details

**Conditions which must be met prior to signing of mylars:**

1. The applicant shall submit a paper copy of the final approved plans to the Town Planner for review and comment prior to the submission of the final mylars.
2. All mylars submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
3. The conditions of this approval shall be binding upon the applicant, land owners, and their successors and assigns. A copy of this motion shall be filed in the land records prior to the signing of the final mylars.

**Conditions which must be met prior to the issuance of any permits:**

4. Two sets of final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. One set of signed fixed line mylars shall be filed with the Town Clerk by the applicant **no later than 90 days after the 15 day appeal period from date of publication of decision has elapsed** or this approval shall be considered null and void, unless an extension is granted by the Commission. One set of mylars shall be filed in the Planning and Zoning Department.

**Conditions which must be met prior to certificates of compliance:**

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5. Iron pins must be in place at all lot corners and angle points.
6. The driveway must have a 15' paved apron or if weather does not permit, a bond for such submitted.
7. Final grading and seeding shall be in place, or if weather does not permit, a bond for the unfinished work be submitted.
8. All required landscaping shall be in place, or if weather does not permit, a bond for the required plantings shall be submitted.
9. Final as-built survey showing all structures, pins, driveways, final floor elevations, landscaping and grading must be submitted.
10. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all public health and safety components have not been completed, the Zoning Officer may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.
11. Any Conservation Easements must be filed on the land records and medallions demarcating the easement must be placed in the field.
12. Any easements must be filed with the deeds.

**General Conditions:**

13. This re-subdivision approval shall expire **(five years form the date of approval)**. Failure to complete all required improvements within that time shall invalidate the subdivision. The developer may request an extension of time to complete the subdivision improvements from the Planning and Zoning Commission. Such extension shall not exceed the time limits as provided for in the Connecticut General Statutes, Section 8-26 as may be amended from time to time. The Commission may require proper bonding be in place prior to approval of any such extension.
14. A Zoning Permit shall be obtained prior to any the commencement of any site work.
15. This project shall be constructed and maintained in accordance with the referenced plans. Minor modifications to the approved plans which results in lesser impacts may be allowed subject to staff review and approval.
16. Any modifications to the proposed drainage or grading of the subdivision is subject to the approval of the Town Engineer.

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17. Additional erosion control measures are to be installed as directed by Town Staff if field conditions necessitate.
18. By acceptance of this approval and conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.
19. Should the property transfer ownership before all work is completed, or before a certificate of completeness is issued, the new owner must place new bonds if required in their name, at which time the original bond may be released.

**Additional Conditions:**

**20; Street trees to be installed if none exist.**

**21. A \$2,000 fee per lot, payable to the Town Treasurer, is not paid prior to the filing of the final mylars, the mylars shall contain a clearly visible notation for each applicable lot stating, “Any sale or transfer of this property within five (5) years of the original (re)subdivision approval to a person not exempt under section 7.10 of East Windsor’s Subdivision Regulations shall result in the liability of payment (\$2,000) to the Town of East Windsor for the total fee as defined in Section 7.6 of East Windsor’s Subdivision Regulations”.**

Devanney moved/Sullivan seconded/

**DISCUSSION:**       None

**VOTE:**       **In Favor: Unanimous (Devanney/Ouellette/Slate/Sullivan/Thurz)**  
**(No one opposed/ No abstentions)**

**NEW PUBLIC HEARINGS: Jeffrey and Maria Ewing** - Special Use Permit to allow a rear lot (per Chapter 408) off of Kreyssig Road, accessed through Ellington (part of a 5-lot subdivision known as Spring Brook Farm Subdivision along East Windsor/Ellington town line). [A-1 Zone; Map 136, Block 75, Lot 11] :

Chairman Ouellette noted this Item of Business, and the associated item listed under **NEW BUSINESS**, has been tabled this evening. No discussion will occur.

**OLD BUSINESS:**                       None.

**NEW BUSINESS: Jeffrey E. and Maria B. Ewing** – 5-lot Subdivision off of Kreyssig Road (Spring Brook Farm Subdivision) along East Windsor/Ellington town line, with one

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lot totally in East Windsor. A-1 Zone; Map 146, Block 75, Lot 11]. (*Deadline for decision 3/19/2015*):

TABLED – see discussion under **NEW PUBLIC HEARINGS** regarding an associated Item of Business. No discussion will occur this evening.

**NEW BUSINESS - McCuda, LLC** - Site Plan Approval for construction of a 16,800 sq. ft. industrial building and 14,000 sq. ft. future warehouse addition, and associated parking, driveway and utilities at 4 New Park Road. [M-1 zone; Map 72, Block 19, Lot 99] (*Deadline for decision 3/19/2015*)

Chairman Ouellette read this Item of Business. Appearing to discuss this Application was Tim Coon, of J. R. Russo and Associates representing the Applicant.

Mr. Coon reported this property is located within the East Windsor Industrial Park at 4 New Park Road. The property is the last parcel on the right which is currently occupied by the Blake Group. The parcel contains approximately 11.4+/- acres and is currently improved with an existing building and 55 space parking lot and access driveway. The parcel is currently served by water, gas, and sanitary sewer. Run off from the site and existing parking lot flows into an existing pond which then flows into adjacent wetlands on the southeast corner of the property.

This proposal is to construct a 16,800 square foot industrial building in the short term and to increase the existing parking lot by another 25 spaces at the east end of the building. Future construction will include a 14,000 square warehouse – including a loading area to serve all buildings - and the addition of 7 more parking spaces for warehouse employees. The wooded area at the front of the parcel will remain undeveloped at this time. A new drainage system, which will include a storm water treatment component, will be constructed to handle additional run off from the new construction. The new drainage system has been designed to handle both of the new additions. A riprap splashpad will be installed at the outlet of the drainage system.

New lighting fixtures will be installed along the new driveway; full cut-off fixtures will be installed on the buildings. The photometric plan submitted with the Application shows there will not be any overflow light spillage off the property. Mr. Coon indicated they are not proposing any additional signage at this time – other than directional signage along the driveway.

Mr. Coon also submitted elevation drawings depicting a brick or concrete block building including a significant amount of windows; he also submitted a floor plan as well. He also noted they have received a letter from the Water Pollution Control Authority (WPCA) regarding their ability to provide capacity to serve the proposed building(s), and they received approval from the Inland Wetlands Commission for the Application the previous week.

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Mr. Coon referenced a cross-hatched area on the plans which represents the location of a berm to be constructed on the southern end of the property. The purpose of the berm is to hold material being excavated from the site. Whatever material removed which will be suitable for use in reconfiguration of the parking lot will be utilized; the remaining materials will remain on site as the berm to avoid the expense of removal.

Town Planner Whitten noted that the plans lack the identification of spot grades, therefore, the Commission and staff have no information regarding the height of the proposed berm. Lengthy discussion continued, with Mr. Coon suggesting the height of the berm will be determined by the amount of material being retained on the site; he guesstimated the maximum height of the berm may be 15'. Town Planner Whitten continued questioning Mr. Coon regarding information not identified on the plans, such as:

- **where the top of the berm is anticipated to be:** guesstimated to be at a height of 15'
- **what the final shape of the berm will be:** see proposed plans.
- **where is the drainage from the berm going:** Mr. Coon indicated the area currently drains to the west into the wetlands and will continue to run off into the westerly direction.
- **what is the proposed slope:** Mr. Coon indicated he is proposing a 3:1 grade. See additional comments below.
- **is the bottom of the berm to be located at the property line:** Mr. Coon indicated they are showing the swale at the property line so the run off of water which lands on the berm – which Mr. Coon contends won't be much – will continue to be directed into the wetlands. Commissioner Sullivan noted they are making a natural slope even steeper by constructing the berm; how will the run off be mitigated? Chairman Ouellette questioned if a buffer could be created between the berm and the property line; could the swale be wider? Mr. Coon suggested just because the slope will be steeper doesn't mean there will be more run off; some will go into the ground. Discussion continued regarding the impact of the berm on adjacent property owners. It was noted Enfield is currently dealing with increased run off onto adjacent property created by a berm constructed on the new CREC facility. It was also noted that the proximity of the swale and berm to the property line was a concern raised at the recent Inland Wetlands Commission Meeting. Mr. Coon reiterated the anticipated height will be 15' from the bottom (or finished grade) of the parking lot. Chairman Ouellette questioned if the Applicant would agree to a compromise as the current proposal is based on a guesstimate; could the grade be flatter than 3:1? Mr. Coon indicated that would be more costly for the Applicant. Chairman Ouellette questioned if a 4:1 slope is off the table? Mr. Coon suggested he didn't believe a 4:1 slope would have any less impact. Commissioner Kowalski questioned if they would be adding to the berm when constructing the warehouse, or would all site work occur at one time? Mr. Coon indicated it would occur at one time.

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Town Planner Whitten referenced the plans, noting the height of the proposed building is 28' so the berm will be approximately half the height of the building, and will be constructed right up to the property line. Mr. Coon replied affirmatively, noting a 3:1 slope is common and shouldn't be an issue. Town Planner Whitten concurred regarding the 3:1 slope but noted most berms aren't constructed right next to the property line.

- **stormwater treatment for existing basin:** Commissioner Kowalski noted the inclusion of stormwater treatment for the new drainage system; is any provided for the existing system? Mr. Coon replied negatively, noting stormwater treatment is now required under the current Zoning Regulations.
- **driveway accessibility:** Commissioner Thurz questioned the ability for emergency vehicles to access the driveway. Mr. Coon indicated the driveway has been designed to accommodate tractor trailer trucks.
- **gravel storage area:** Chairman Ouellette questioned what the gravel storage area on the west side of the building will be used for? Mr. Coon indicated it would provide storage area for pipes.

Discussion continued regarding concerns for the impact of the berm. Chairman Ouellette questioned if there had been any discussion at the Inland Wetlands Meeting regarding the berm? Mr. Coon replied affirmatively, noting similar concerns were raised, including the close proximity to the property line.

Mr. Coon concluded his presentation by suggesting he felt they had met all zoning requirements; he requested approval of the Application.

**MOTION TO APPROVE the Application of owner McCuda LLC. requesting site plan modification to construct an additional 16,800 sq. ft. building and 14,000 square foot warehouse along with associated improvements at 4 New Park in the M1 Zone - Map 72, Blk 19, Lot 99.** This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions) and the following conditions:

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**Referenced Plans:**

Cover Sheet 1/9: Site Plan , 4 New Park Road, East Windsor CT Key Map 1" = 20' for owner McCuda LLC, 4 New Park Rd, East Windsor, CT 06088 prepared by JR Russo and Assoc 1 Shoham Rd, East Windsor CT 06088 860/623-0569, 860/623-2485 Fax scale 1" = 40' dated 12/29/14 [www.jrusso.com](http://www.jrusso.com)

- 2/9 Layout Plan
- 3/9 Grading and Drainage Plan
- 4/9 Utility Plan
- 5/9 Landscape and Lighting Plan
- 6/9 Erosion and Sediment Control Plans
- 7-9/9 Details

**-Conditions which must be met prior to signing of mylars:**

1. All final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
2. The conditions of this approval shall be binding upon the applicant, land owners, and their successors and assigns. A copy of this approval motion shall be filed in the land records prior to the signing of the final plans.

**Conditions which must be met prior to the issuance of any permits:**

3. One set of final plans, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Mylar shall be filed in the Planning and Zoning Department.
4. An erosion and sedimentation control bond must be submitted for all site activities.

**Conditions which must be met prior to certificates of compliance:**

5. Final grading and seeding shall be in place or a bond for the unfinished work submitted
6. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all public health and safety components have been completed, the Zoning Officer may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

**General Conditions:**

7. In accordance with Chapter 900.3.h of the Zoning Regulations, any approval of a site plan application shall commence the construction of buildings and/or site work within **one year from the date of approval** and **complete all improvements within five years of the date of approval**, otherwise the approval shall become null and void, unless an extension is granted by the Commission.
8. A Zoning Permit shall be obtained prior to the commencement of any site work.
9. This project shall be constructed and maintained in accordance with the filed plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
10. Any modifications to the proposed drainage or grading for the site plan is subject

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to the approval of the town engineer.

11. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
12. By acceptance of this approval and conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval

**Devanney moved/Slate seconded/**

**DISCUSSION:       None**

**VOTE:           In Favor: Unanimous (Devanney/Ouellette/Slate/Sullivan/Thurz)  
(No one opposed/ No abstentions)**

**MOTION:    To TAKE A FIVE MINUTE BREAK.**

**Devanney moved/Thurz seconded/**

**VOTE:           In Favor: Unanimous (Devanney/Ouellette/Slate/Sullivan/Thurz)**

The Commission RECESSED at 7:32 p.m. and RECONVENED at 7:45 p.m.

**BUSINESS MEETING/(1) Terri Hahn, LADA – POCD Commercial Workshop:**

Appearing to discuss the continuing POCD Route 5 Commercial Development Workshop was Terri Hahn, of LADA . Mrs Hahn presented the Commission with two aerial maps of existing conditions along the Route 5 business corridor. At the Commission’s request she has identified vacant parcels, noting that some parcels are located within the Connecticut River Flood Plain which would prohibit development.

The second aerial depicts existing road characteristics along Route 5. Mrs. Hahn also provided the Commission traffic counts along various intersections. Discussion followed regarding the various counts, and their impact on the traffic flow through East Windsor. While the general perception has been that traffic congestion is caused by vehicles traveling through East Windsor to either Enfield and/or South Windsor the counts indicate that the traffic which occurs is traffic generated within East Windsor.

Mrs. Hahn also presented the Commission with alternate plans for future development of the Route 5 corridor. Lengthy discussion continued.

**BUSINESS MEETING/(2) Signing of Mylars/Plans, Motions:**

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No Mylars or Motions presented for signing this evening.

**OTHER BUSINESS:** None.

**CORRESPONDENCE:**

- Connecticut Federation of Planning and Zoning Agencies 67<sup>th</sup> Annual Conference, Thursday, March 26, 2015 at the Aqua Turf Country Club, Plantsville, CT. – Principal speaker: David Fink, Policy Director, Partnership for Strong Communities.
- Connecticut Bar Association seminar regarding “Connecticut Land Use Law for Municipal Land Use Agencies, Boards, and Commissions”, being held on Saturday, March 21, 2015 at Wesleyan University, Middleton.

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 9:20 p.m.**

**Devanney moved/Slate seconded/VOTE: In Favor: Unanimous**

Respectfully submitted,

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Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission  
(4382)