

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION**

**Meeting #1610
April 24, 2012**

*******Draft Document Subject to Commission Approval*******

The Meeting was called to order in the Cafeteria of the East Windsor High School, 76 South Main Street, East Windsor, CT. at 7:00 P. M. by Chairman Ouellette.

ESTABLISHMENT OF QUORUM:

A quorum was established as five Regular Members (Devanney, Gowdy, Ouellette, Sullivan and Thurz) were present. Alternate Member Zhigailo was absent. Chairman Ouellette noted all Regular Members would sit in, and vote, on all Items of Business this evening.

Also present was Town Planner Whitten.

GUESTS: Alan Baker, Board of Selectmen Liaison to the Planning and Zoning Commission; Kathy Pippin, Board of Finance.

LEGAL NOTICE:

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, April 12, 2012, and Thursday, April 19, 2012, was read by Chairman Ouellette:

1. Proposed Amendment to the Plan of Conservation and Development (POCD) regarding Route 140 re-development (as requested by the Planning & Zoning Commission).
2. Proposed Text Amendment to the Zoning Regulations, Chapters 500, 700 and 805, regarding the creation of a new Business 3 (B-3) zone for a Route 140 Business Corridor (as requested by the Planning and Zoning Commission).
3. Proposed Rezone and associated Zoning Map Amendment for approximately 288 acres along Route 140 from zones A-1, M-1, B-1 and B-2 to a new B-3 Zone (as requested by the Planning & Zoning Commission).
4. Benson Enterprises, Inc. for a Special Use Permit per Chapter 502(6) to construct one residential unit below the first story commercial space at 8E Pasco Drive. [B-1 Zone; Assessor's Map 71, Block 19, Lot 96].

ADDED AGENDA ITEMS: None.

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PUBLIC PARTICIPATION: No one requested to speak.

APPROVAL OF MINUTES/March 27, 2012:

MOTION: To APPROVE the Minutes of Regular Meeting #1609 dated March 27, 2012 as written.

Devanney moved/Gowdy seconded/VOTE: In Favor: Unanimous

RECEIPT OF APPLICATIONS:

Chairman Ouellette acknowledged receipt of the following new Applications:

1. Application of American Auto Wholesalers for Site Plan Approval to allow used car dealership and carwash at 157 North Road, owned by 157 North Road, LLC. [B-2 Zone; Map 125, Block 16, Lot 28].
2. Application of CT. Trolley Museum, A.K.A. CT. Electric Railway Association for a Temporary Liquor Permit, per Chapter 805, for a fundraiser to be held on May 11, 2012, from 5:00 to 8:00 p.m. on property located at 58 North Road. [A-1 Zone; Map 113, Block 17, Lot 7].
3. Application of Armster Reclaimed Lumber Company for Modification of Approved Site Plan for 232 & 244/246 South Main Street, owned by All American Products Corp., for modification of Phase II wood storage area adding 6 wood storage sheds. [M-1, B-2 & A-2 Zones; Map 12, Block 5, Lots 84-1 & 87].
4. Application of DMD Realty Family Limited Partnership for a 1-lot resubdivision and Special Use Permit, per Chapter 408, to establish a rear lot at 7 Dempsey Road. [R-3 Zone; Map 46, Block 49, Lot 2].
5. Application of B & G Motors, LLC for Site Plan Approval for property at 250 South Main Street, owned by James Balch. [B-2 Zone; Map 12, Block 5, Lot 89].

Town Planner Whitten noted the only Application to be heard this evening will be the Connecticut Trolley Museum.

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 5-year extension for Phases 2 & 3 of the Kingshire Subdivision located off of Rye Street. (*Previous 2 year extension expires on 4/26/2012*):

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Chairman Ouellette read the description of this Item of Business. Appearing to discuss the request was Reinhard van Hollander.

Chairman Ouellette clarified that the subdivision received its original 5 year approval in 2005, and received a subsequent 2 year extension in 2010; the Applicant is seeking another 5 year extension. Town Planner Whitten's memo to the Board noted that Connecticut General Statute (CGS) 8-26c(b) allows extension of subdivision approvals not to exceed 10 years from the original date of approval. Therefore, the Commission can only grant a 3 year extension of the subject subdivision rather than the 5 year extension requested.

In response to Chairman Ouellette's question regarding remaining lots Mr. van Hollander suggested there are 2 lots remaining in Phase 2, and 5 lots in Phase 3.

Chairman Ouellette noted the Commission has no concerns regarding this 3 year extension; Town Planner Whitten reported she had no concerns either.

MOTION TO APPROVE a Three year extension for Phases 2 & 3 of the Kingshire Subdivision located off of Rye Street. The subdivision will expire on April 26, 2015.

Devanney moved/Gowdy seconded/VOTE: In Favor: Unanimous

Chairman Ouellette suggested the Commission consider taking the Application of the Connecticut Trolley Museum next.

MOTION: TO TAKE ITEM X: NEW BUSINESS: Connecticut Trolley Museum a/k/ CT. Electric Railway Association OUT OF ORDER AND HEAR THE APPLICATION NEXT.

Devanney moved/Gowdy seconded/VOTE: In Favor: Unanimous

NEW BUSINESS: Connecticut Trolley Museum a/k/a CT Electric Railway Association – Temporary Liquor Permit, per Chapter 805, for a fundraiser to be held on May 11, 2012, from 5:00 to 8:00 p.m. on property located at 58 North Road. [A-1 Zone; Assessor's Map 113, Block 17, Lot 7]:

Chairman Ouellette read the description of this Item of Business. Appearing to discuss this Application was Fred Stroiney, Chairman of the Board of the Connecticut Trolley Museum, and Leslie Hickey, owner of Joe's Liquor's.

Mr. Stroiney advised the Commission Mr. Hickey is assisting the Trolley Museum with this wine and beer tasting event. Mr. Hickey reported the event will be done similar to previous events he has hosted at the Golden Gavel property. The wine and beer tasting will be confined to a fenced location in front of the Musuem's Visitor Center; police personnel will be on-site to assist monitoring the event. Mr. Hickey suggested estimated

attendance is not known; the event is being held as a fundraiser to pay for recent damage to the trolley cars.

Commissioner Gowdy questioned if parking will be an issue? Mr. Stroiney indicated the usual parking is available as it would be for other Museum events. Mr. Hickey suggested that if parking becomes an issue they are prepared to park people at the Golden Gavel lot and shuttle people to the Museum. Commissioner Thurz questioned if the Museum would be running the trolleys during the event? Mr. Stroiney replied affirmatively. Mr. Hickey reported they will be providing wrist bands for the wine tasting event; the area is fenced in to control age appropriate attendance. The fenced in area won't block entrance to the Museum. People will be able to attend the Visitor's Center, as well as the Fire Museum, even if they don't want to attend the wine/beer tasting. The purpose of the event is to introduce people to the Museum and to raise money for the recent damage.

Commissioner Gowdy questioned if 5:00 to 8:00 is long enough to run the event; he felt they may attract commuters passing by as well as those aware of the event in advance. Commissioner Thurz questioned the time period for previous events managed by Mr. Hickey? Mr. Hickey indicated he usually asks for the event to run from 4:00 to 9:00 but the events usually start at 5:00. The Applicant's suggested amending the request to 5:00 to 9:00 if the Commission was in agreement.

Town Planner Whitten noted this Application is for a Temporary Liquor Permit; the Applicant must still apply for a Zoning Permit for a Special Event, and must acquire the usual official sign-offs.

MOTION TO APPROVE THE Application of Connecticut Trolley Museum a.k.a. CT Electric Railway Association, represented by President Gaelen Semprebson requesting a temporary liquor permit per Chapter 805 for property located at 58 North Road, East Windsor, CT., Map 113, Blk. 17, Lot 7, zoned A-1. Event will be held in the Trolley and Fire Museum buildings on May 11, 2012, from 5:00 – 9:00 p.m.

Devanney moved/Gowdy seconded/VOTE: In Favor: Unanimous

Referencing the items scheduled for Public Hearings Chairman Ouellette clarified that the order of discussion should be: 1) Proposed Amendment to the Plan of Conservation and Development (POCD) regarding Route 140 re-development; 2) Proposed Rezone and associated Zoning Map Amendment for approximately 288 acres along Route 140 from zones A-1, M-1, B-1 and B-2 to a new B-3 Zone; and 3) Proposed Text Amendment to the Zoning Regulations, Chapters 500, 700 and 805, regarding the creation of a new Business 3 (B-3) zone for a Route 140 Business Corridor. Town Planner Whitten concurred.

NEW PUBLIC HEARING: Proposed Amendment to the Plan of Conservation and Development (POCD) regarding Route 140 re-development (as requested by the Planning & Zoning Commission):

Chairman Ouellette and Town Planner Whitten explained for the public that the rezone of a business corridor for Route 140 grew from the Phase I Sewer Expansion Project. A consultant was hired; they conducted a Visual Preference Survey at which the Commission took considerable public input. As a result of that survey Design Preferences were developed which include mixed use residential development and other permitted uses.

Chairman Ouellette queried the audience for comments or questions regarding the Commission's intent, and the purpose of this amendment. No one requested to speak.

Town Planner Whitten noted the proposed amendment had been referred to CRCOG (Capitol Region Council of Governments). They were a bit concerned as the rezone involved an area which had been recommended for business rather than residential use but the proposal for mixed use development makes this proposal in keeping with the Municipal Focus Area as identified in the 2009 Regional Plan of Conservation and Development. Noting the Commission's concern regarding environmental impact of wetlands and other preservation areas CRCOG recommended the Commission consider the Smart Growth Guidelines for Sustainable Design and Development (CRCOG/EPA, November 2009) when developing the area. In summary, Town Planner Whitten suggested CRCOG is happy with the proposed amendment.

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

MOTION: To CLOSE THE PUBLIC HEARING on the Application of the Planning and Zoning Commission for a Proposed Amendment to the Plan of Conservation and Development (POCD) regarding Route 140 re-development.

DISCUSSION: None.

Devanney moved/Gowdy seconded/VOTE: In Favor: Unanimous

Motion to Approve the following :

1. Adopt "**Suggested Amendments for Plan of Conservation and Development**" as recommended by consultant. [EXHIBIT #1]
2. To revise the **Proposed East Windsor Business Corridor Zoning Map** [EXHIBIT #2] from the 2004 POCD, to include a Route 140 Corridor within the Northern Business Corridor.

3. To revise the **Residential Growth Guide Plan** adopted into the POCD on June 16, 2006 to eliminate the Route 140 Corridor as an area for residential development, as depicted in Exhibit #3A

Conditions:

1. This approval does not constitute approval of a site development plan or permit for any construction or use of the subject parcel.
2. A copy of this motion with text amendments, exhibits, and maps shall be recorded on the Town of East Windsor Land Records. Effective date of these POCD amendments shall be date filed in the land records.

DISCUSSION: None.

Devanney moved/Gowdy seconded/VOTE: In Favor: Unanimous

NEW PUBLIC HEARING: Proposed Rezone and associated Zoning Map Amendment for approximately 288 acres along Route 140 from zones A-1, M-1, B-1 and B-2 to a new B-3 Zone (as requested by the Planning & Zoning Commission):

Town Planner Whitten noted the Town's GIS consultant has prepared a new map showing the area to be rezoned. Chairman Ouellette noted the Commission has held multiple discussions regarding the boundaries, including how far the easterly boundary should go. Town Planner Whitten clarified that the area of discussion is the area cross-hatched in purple on the map before the Commission. It is the same map referred to CRCOG.

Chairman Ouellette opened discussion to the public.

Michael Koczera, Wells Road: suggested one of the biggest concerns expressed by the public when the sewer expansion was discussed was that people felt it would allow condos or development like Mill Pond. Town Planner Whitten clarified that the change of the POCD Growth Guide changed that to prohibit condos, etc. Mr. Koczera questioned if parking lots like those on Route 5 would be allowed? Town Planner Whitten indicated they would be prohibited under the proposed Text Amendment. Mr. Koczera suggested everyone knows of the high water table in the area; with the expansion of the sewer it would allow more houses. As a taxpayer he is concerned with taxes going up. Town Planner Whitten suggested that is a concern expressed by others.

Mr. Koczera suggested that in other communities they have a third lane down the highway, and when Walter Bass got approval for the golf course he was required to have a turn off lane. A third lane would prevent that. Chairman Ouellette and Town Planner Whitten suggested that change would not be up to the Town.

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Mr. Koczera referenced farm properties, noting if they are rezoned the taxes will go up. Town Planner Whitten clarified that all properties, be they agricultural, business, or industrial, will be changed to B-3.

Mary Kolakowski: noted she has property in the area; the Commission is no longer allowing auto uses, what if it is an auto use now? Chairman Ouellette/Town Planner Whitten noted it would be a legal non-conforming use. Ms. Kolokowski questioned if the business could expand? Town Planner Whitten replied the business could not expand; Chairman Ouellette suggested the operator could go for a variance but that issue is handled by another Commission. Town Planner Whitten referenced page 8 and 9 of proposed Section 506 (Business Zone 3) which addresses non-conforming uses. Town Planner Whitten suggested the Commission understands there are many non-conforming uses in the area; the Commission is willing to work with people regarding their issues.

Michael Koczera: what if a business shuts down? Town Planner Whitten noted there is case law which addresses the issue of deliberately shutting down a use. If it was possible to use the parcel as a residential use and the owner came in with a Site Plan for a business use, then it could not return to a residential use later.

Mary Kolakowski: could the business be sold to another person? Town Planner Whitten suggested if the owner went out of business and the property was sold to another person proposing the same use it could be reopened.

Tim Daugherty, 5 Rolocut Road: noted this is going into residential areas; he questioned if there were any plans to push into Wells Road? He suggested there could be a huge traffic impact. Chairman Ouellette suggested that was a great question. He indicated the Commission can't tell how successful the rezone will be. Currently there are no plans to expand the southern limit of the proposed zone. Town Planner Whitten clarified that the area under consideration is an area proposed to be a business corridor in the current POCD (Plan of Conservation and Development). The area to the east falls into a different area under the State and local POCD; they are really areas of conservation. She noted the PZC is due to review and perhaps propose a new local POCD in 2014, at which time they would be reviewing long range plans for the town. She welcomed Mr. Daugherty to return to offer input as to where changes should be stopped. To make changes to the areas to the east now would require changes to the local POCD, the Sewer Service Area, and the State POCD. Town Planner Whitten suggested she sees no plans from the Commission to do that; she doesn't see that area as another developing into another Berlin Turnpike as there are many environmental constraints which would have impact on development.

Mr. Koczera raised several questions regarding the sewer line and future expansion. Town Planner Whitten and Chairman Ouellette referred Mr. Koczera to the WPCA (Water Pollution Control Authority) regarding those questions.

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Chairman Ouellette queried the audience for comments or questions again; no one else requested to speak.

MOTION: To CLOSE THE PUBLIC HEARING on the Application of the Planning and Zoning Commission for a Proposed Rezone and associated Zoning Map Amendment for approximately 288 acres along Route 140 from zones A-1, M-1, B-1 and B-2 to a new B-3 Zone.

Devanney moved/Gowdy seconded/VOTE: In Favor: Unanimous

MOTION TO APPROVE the Rezone and associated Zoning Map amendment as requested by the Town of East Windsor Planning and Zoning Commission. Said change would rezone approximately 288 +/- acres along Route 140 from zones A-1, M-1, B-1 and B-2 to a new B-3 Zone, all of which is shown on attached map, dated 2-14-12, as will be reflected on a final amended zoning map.

These approvals are granted subject to conformance with the referenced plans (as may be modified by the Conditions) and the referenced text amendments with the following conditions

Referenced Plans:

- Proposed area to be rezoned to B-3, as filed in town clerk's office and attached to this document

Conditions:

1. This approval does not constitute approval of a site development plan or permit for any construction or use of the subject parcel.
2. One amended colored copy of revised zoning map shall be recorded with the Planning Department and Town Clerk.
3. A copy of this motion with text amendments shall be recorded on the Town of East Windsor Land Records. Effective date of Map amendment and Text Amendment shall be date filed in the land records.

DISCUSSION: None

Devanney moved/Gowdy seconded/VOTE: In Favor: Unanimous

NEW PUBLIC HEARING: Proposed Text Amendment to the Zoning Regulations, Chapters 500, 700 and 805, regarding the creation of a new Business 3 (B-3) zone for a Route 140 Business Corridor (as requested by the Planning and Zoning Commission):

Chairman Ouellette suggested this proposed Text Amendment is where the Commission spells out the proposed uses under the new B-3 Zone. Town Planner Whitten noted that under the B-3 Zone the Commission is proposing to allow a variety of uses, including

some village campus uses with perhaps some mixed uses including residential over business. Many of the proposed uses are similar to those allowed in the B-1 and B-2 zones, however, some specific uses – such as fast food restaurants – are being omitted. A Special Use Permit is required for all development as it allows for more flexibility for both the developer and the Commission. A waiver provision has been included in the proposed regulation. Parking is preferred to be located in the rear of the development; parking requirements include 3 spaces/1,000 square feet of development. The Commission is looking for shared parking and shared curb cuts. The height of the buildings increase as the distance from Route 140 frontage increases. A traffic study is required for all new development anticipating over 100 trips/hour or proposing 50 parking stalls. Design requirements are stated in the POCD amendment approved prior to this Application.

Chairman Ouellette opened discussion to the public.

Michael Koczera: questioned the height of the buildings? Town Planner Whitten suggested the maximum height would be 4 stories, but the structure must be further back from Route 140. Mr. Koczera questioned if “towers” are allowed? Town Planner Whitten indicated the Commission didn’t address cell towers; Chairman Ouellette suggested the use is not shown as a permitted use in this proposal and would therefore not be allowed.

No one else from the public requested to speak.

MOTION: To CLOSE THE PUBLIC HEARING on the Application of the Planning and Zoning Commission for a Proposed Text Amendment to the Zoning Regulations, Chapters 500, 700 and 805, regarding the creation of a new Business 3 (B-3) zone for a Route 140 Business Corridor.

Devanney moved/Gowdy seconded/VOTE: In Favor: Unanimous

MOTION TO APPROVE the Zoning Regulation Text Amendment as requested by the Town of East Windsor Planning and Zoning Commission. Said change would amend the zoning regulations as proposed to Chapters 500, 700, and 805, all in relation to the creation of a new Business 3 zone, which corresponds with the amendments to the POCD for a Route 140 Business Corridor, as referenced in attached memo dated February 15, 2012.

These approvals are granted subject to conformance with the referenced plans (as may be modified by the Conditions) and the referenced text amendments with the following conditions

Referenced Plans:

- Proposed area to be rezoned to B-3, as filed in town clerk’s office and attached to this document

Conditions:

1. This approval does not constitute approval of a site development plan or permit for any construction or use of the subject parcel.
2. One amended colored copy of revised zoning map shall be recorded with the Planning Department and Town Clerk.
3. A copy of this motion with text amendments shall be recorded on the Town of East Windsor Land Records. Effective date of Map amendment and Text Amendment shall be date filed in the land records.

DISCUSSION: None

Devanney moved/Gowdy seconded/VOTE: In Favor: Unanimous

Chairman Ouellette expressed his gratitude and appreciation to Town Planner Whitten for the work she put into this effort, and for her foresight in hiring the consultant. He suggested without Town Planner Whitten's work this change would never have happened. Town Planner Whitten suggested she couldn't take full credit as all staff assisted her.

NEW PUBLIC HEARING: Benson Enterprises, Inc. – Special Use Permit per Chapter 502(6) to construct one residential unit below the first story commercial space at 8E Pasco Drive. [B-1 Zone; Assessor's Map 71, Block 19, Lot 96] (*Deadline to close hearing 5/29/2012*):

Chairman Ouellette read the Hearing description, and welcomed Mr. Benson to the table. Mr. Benson referenced the plan, noting his proposal is for an area which previously served as a drop-off area for the daycare provider. The daycare got permission from the State to move the drop-off area to the level above. Mr. Benson is proposing to change this existing area to a handicapped accessible 900 square foot apartment; Town Planner Whitten noted there is a handicapped parking space outside this unit already. Mr. Benson noted the apartment would be adjacent to a utility room which services the day care. Nothing is changing with regard to construction of the building; this is just a reconfiguration of space. He suggested he expects to see more of this type of change as formal office space is being replaced by people working from home. Mr. Benson suggested it's great for a developer to be able to come in and revisit proposed uses with the Commission.

Chairman Ouellette noted he has no problem with the request but, as Chairman, he must ask questions of the Applicant. He questioned what was proposed for landscaping for this unit, although he noted there is significant landscaping throughout the site. Mr. Benson referenced the plans, noting various areas of current landscaping, including trees and grassy areas; he also noted the difficulty of adding additional landscaping due to the grade difference in the building levels.

Commissioner Devanney questioned the parking allocation for the unit. Mr. Benson again referenced the plans. Commissioner Sullivan felt the size of the parking space – 9' x 15' wasn't large enough for a standard vehicle. Mr. Benson suggested cars are getting smaller; he noted that several units have no specific parking spaces.

Chairman Ouellette queried the audience for comments. No one from the public requested to speak.

MOTION: TO CLOSE THE PUBLIC HEARING on the Application of Benson Enterprises, Inc. for a Special Use Permit per Chapter 502(6) to construct one residential unit below the first story commercial space at 8E Pasco Drive. [B-1 Zone; Assessor's Map 71, Block 19, Lot 96] .

Devanney moved/Gowdy seconded/VOTE: In Favor: Unanimous

MOTION TO APPROVE the Application of owner Benson enterprises, Inc. requesting a Special Use Permit per Chapter 502(6), to construct one residential unit below the first story commercial space at 8E Pasco Drive, Zoned B-1, Assessors Map 71, Block 19, Lot 96. Said permit is subject to the following conditions:

CONDITIONS OF APPROVAL

Referenced Plans:

- Improvement Location Survey – Record prepared for Benson Enterprises, Inc, Pasco Common Parcel C, south Main St., East Windsor CT Map 28, Block 19, Lot 96, Zone B-1, prepared by Gary B. LeClair, LLC 36 Suffield St. Ste 2, Windsor Locks CT 06096 860/627-8200 dated 7/9/02, last revised 12/3/07
- Floor Plan Condominium Documents, lower level stair plan for Pasco Common, Benson Enterprises, Inc, Unit 8E Pasco Drive, East Windsor CT prepared by JWM? Architects, LLC 41 C New London Turnpike, Glastonbury, CT 06033 dated 3/25/05

-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 and one set of mylars, with any required revisions

incorporated on the sheets shall be submitted for signature of the Commission. Both sets shall be filed in the Planning and Zoning Department.

4. A cash (escrow) or passbook bond (made out to the applicant AND the Town of East Windsor) shall be submitted for sedimentation and erosion control maintenance and site restoration during the **construction of the project**. Any funds that may be withdrawn by the Town for such maintenance or restoration shall be replaced within five (5) days or this permit shall be rendered null and void. The applicant's engineer shall submit an estimated cost of the E & S controls to the Town Engineer. The amount of said bond shall be determined by the Town Engineer. (*Not Applicable*)

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. *N/A*
6. Final as-built survey showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted. *N/A*
7. 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:

8. In accordance with Chapter 900.3.h of the Zoning Regulations, any approval of a site plan application shall commence the construction of buildings 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.
9. A Zoning Permit shall be obtained prior to the commencement of any site work.
10. 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.
11. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
12. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.

13. 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
14. All required landscaping shall be adequately maintained.

DISCUSSION: None

Devanney moved/Gowdy seconded/VOTE: In Favor: Unanimous

OLD BUSINESS: None.

BUSINESS MEETING/(1) Correspondence:

Town Planner Whitten referenced a document recently sent to individuals associated with properties at Main Street, (Warehouse Point section) regarding legal issues. She recalled the Commission previously entertained a proposal from an Applicant who wanted to go into the building previously occupied as a carpet showroom, but the Application was withdrawn because there was no legal right to drain from that property. That issue spurred many issues, which resulted in Town Planner Whitten doing a Title Search of the property. Originally the parcel was one lot; the intent of the then owner was to put in an industrial park – for which he put in the current cul-de-sac. The Town was never asked to accept the cul-de-sac as a Town road. The most recent owner, Dechton, intended to develop the area into industrial lots but never brought an application before the Commission for a subdivision, therefore, none of the lots are legal. The letter submitted to the Commission was sent to the individuals noted to advise them of the situation.

Various Commissioners questioned the lack of Title Insurance. Town Planner Whitten didn't know their situation, but she has received calls from all three owners noted on the letter.

BUSINESS MEETING/(2) Staff Reports:

- Town Planner Whitten noted with the amendments and POCD material approved tonight the Commission will be receiving several revised documents. She suggested the office can provide binders; the Commission welcomed her suggestion.
- Regarding the Applications received tonight Town Planner Whitten advised the Commission of the following:
 - **American Auto Wholesalers:** This Applicant made application before the B-3 Regulations were approved this evening; without a moratorium on such uses the Planning Office couldn't refuse the submission. They also have an

Application before the ZBA (Zoning Board of Appeals) regarding a dealer's license.

- **Armster Reclaimed Lumber:** This Applicant is constantly in violation. This submission is a request to bring storage of lumber up to Route 5 frontage.

BUSINESS MEETING/(3) Signing of Mylars/Plans, Motions:

Mylars/Plans:

1) Paul and Mary Szabo

Motions:

- 1) **Proposed Amendment to the Plan of Conservation and Development** (POCD) regarding Route 140 re-development.
- 2) **Proposed Rezone and associated Zoning Map Amendment** for approximately 288 acres along Route 140 from zones A-1, M-1, B-1 and B-2 to a new B-3 Zone
- 3) **Proposed Text Amendment to the Zoning Regulations**, Chapters 500, 700 and 805, regarding the creation of a new Business 3 (B-3) zone for a Route 140 Business Corridor.
- 4) **Gardner Chapman** – Text Amendment to Section 802 *Multi-Family Development District (MFDD)* – Sec. 802.4 *Applicability*; Section 802.6 *Types of Permits*; Sec. 802.10 *Minimum Floor Area, Unit Mix, Utilities and Miscellaneous Design Requirements*; and Sec. 802.22 *Change of Zone*
5. **Proposed Text Amendments to the East Windsor Zoning Regulations**, Sec. 203 *Definitions, Impervious Surface & Contractors Storage Yard*; Sec. 405 *Temporary Permits/Seasonal Events*; Sec. 502 *Permitted Uses in Business & Industrial Districts*; Sec. 900.3 *Site Plan Application*; Sec. 902.2 *Zoning Permit*; and Sec. 903.2 *Procedures [For ZBA]*.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:24 p.m.

Devanney moved/Gowdy seconded/VOTE: In Favor: Unanimous

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(5118)