

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

REGULAR Meeting #1779 – April 28, 2020

Meeting held via ZOOM Teleconference
Meeting ID: 332 683 3563
Town Hall closed to the Public by
Executive Order of First Selectman Bowsza
due to Coronavirus pandemic

MEETING MINUTES

********Minutes are not official until approved at a subsequent meeting********

The Regular Meeting #1779 of the Planning and Zoning Commission held on April 28, 2020 was called to order 6:31 P. M. by Chairman Ouellette. The Meeting is being held via teleconference due to closure of the Town Hall to the public as the result of the coronavirus epidemic.

PRESENT: **Regular Members:** Joe Ouellette (Chairman), Michael Kowalski, Dick Sullivan, and Jim Thurz.

Alternate Members: Anne Gobin, and Frank Gowdy.

ABSENT: **Regular Members:** Tim Moore.

Alternate Members: Marti Zhigailo.

First Selectman Bowsza hosted the meeting; Town Engineer Norton, and Operations Manager Joe Sauerhoefer offered staff support.

GUESTS: Selectman Alan Baker, Board of Selectman Liaison to the Planning and Zoning Commission; Jay Ussery, of J. R. Russo and Associates, LLC;

LADA, P.C., Land Planners: Terri Hahn.

Public: Two unidentified residents.

ESTABLISHMENT OF QUORUM:

A quorum was established as four Regular Members were present at the Call to Order. Following in accordance with the service rotation schedule Chairman Ouellette requested Alternate Member Gobin to join the Board regarding discussion and action on all Items of Business this evening as well.

LEGAL NOTICE: None.

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ADDED AGENDA ITEMS: None.

PUBLIC PARTICIPATION:

Chairman Ouellette queried the public signed into the meeting for comments regarding items/issues not posted on the Agenda. No one requested to speak.

APPROVAL OF MINUTES/April 14, 2020:

MOTION: To APPROVE the Minutes of Regular Meeting #1778 dated April 14, 2020 as written.

Sullivan moved/Gobin seconded/DISCUSSION: None.

VOTE by rollcall: In Favor: Ouellette/Kowalski/Sullivan/Thurz/Gobin)

RECEIPT OF APPLICATIONS:

Chairman Ouellette noted that in the past he has read the applications into the record as acknowledgement of their receipt; Town Planner Flores-Marzan interprets the Regulations differently and feels a motion should be made for acceptance. Chairman Ouellette suggested the Commission approve the applications via motions until the process is clarified.

- A. LaBrecque Autocraft, LLC (PZ-2020-05) - Site Plan Review** for construction of a new commercial building for automotive repair at 63 Newberry Road. MLB 093-17-024; Zone District: M-1:

MOTION: To RECEIVE the Application for LaBrecque Autocraft, LLC (PZ-2020-05) for Site Plan Review for construction of a new commercial building for automotive repair at 63 Newberry Road. Map 093, Block 17, Lot 024; Zone District: M-1.

Sullivan moved/Gobin seconded/DISCUSSION: None.

VOTE by rollcall:

**In Favor: Ouellette/Kowalski/Sullivan/Thurz/Gobin
(No one opposed/No abstentions)**

- B. Michael Fioretti (PZ-2020-06) – Zone Change Application for a parcel located at 202 Main Street** for a zone change from M-1 to R-2 (manufacturing to residential). Assessor parcel ID number (Map, Block, Lot number: 101-12-030:

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MOTION: To RECEIVE the Application of Michael Fioretti (PZ-2020-06) for a Zone Change Application for a parcel located at 202 Main Street for a zone change from M-1 to R-2 (manufacturing to residential). Assessor parcel ID number Map 101, Block 12, Lot 030.

Gobin moved/Thurz seconded/DISCUSSION: None.

VOTE by rollcall:

**In Favor: Ouellette/Kowalski/Sullivan/Thurz/Gobin
(No one opposed/No abstentions)**

- C. Michael Fioretti (PZ-2020-07) Resubdivision** Application to create two (2) residential lots around two (2) existing homes in the R-2 Zone and to create one (1) commercial lot for existing indoor soccer facility in the M-1 Zone, Assessor parcel ID number (Map, Block, Lot number): 101-12-030:

MOTION: To RECEIVE the Application of Michael Fioretti (PZ-2020-07) Resubdivision Application to create two (2) residential lots around two (2) existing homes in the R-2 Zone and to create one (1) commercial lot for existing indoor soccer facility in the M-1 Zone, Assessor parcel ID number Map 101, Block 12, Lot number 030.

Sullivan moved/Gobin seconded/DISCUSSION: None.

VOTE by rollcall:

**In Favor: Ouellette/Kowalski/Sullivan/Thurz/Gobin
(No one opposed/No abstentions)**

- D. Text Amendment Application from East Windsor Planning and Zoning Commission (PZ-2020-08) – for text amendments related to Alcohol Sales,** including amendments to section 203 (definition of Alcohol Sales), 502 (permitted uses in Business and Industrial Districts), 504.7 (Alcohol Sales in the HIZ) and 805 (general requirements for the sale of alcohol from other uses such as places of worship, charitable institutions, hospitals, convalescent homes, cemeteries, libraries, public playgrounds or municipal buildings:

MOTION: To ACCEPT the Text Amendment Application from East Windsor Planning and Zoning Commission (PZ-2020-08) – for text amendments related to Alcohol Sales, including amendments to section 203 (definition of Alcohol Sales), 502 (permitted uses in Business and Industrial Districts), 504.7

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(Alcohol Sales in the HIZ) and 805 (general requirements for the sale of alcohol from other uses such as places of worship, charitable institutions, hospitals, convalescent homes, cemeteries, libraries, public playgrounds or municipal buildings.

Sullivan moved/Gobin seconded/DISCUSSION: None.

VOTE by rollcall:

**In Favor: Ouellette/Kowalski/Sullivan/Thurz/Gobin
(No one opposed/No abstentions)**

Chairman Ouellette noted the applications received tonight will be on the Planning and Zoning Commission's May 12, 2020 Regular Meeting. He indicated that the Text Amendment for Alcohol sales, and the application for Michael Fioretti, will be Public Hearings. The Text Amendment for the Regulations related to Alcohol sales is being reheard as the document listed on the Town website was not the version the Commission reviewed.

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE:

Chairman Ouellette recalled that the Commission had recently called the remaining bonds held for Jason Ziegler, and that work has begun on the repairs of Acorn Drive, Field Circle, and Farms Road off of Depot Street. First Selectman Bowsza noted that the Public Works Department has been coordinating that work with Galasso; he understood the work was completed today. The work will be paid for mostly through the bonds the Commission pulled in March. Kudos to Town Engineer Norton and Operations Manager Sauerhoefer for their efforts.

CONTINUED PUBLIC HEARINGS: None.

NEW PUBLIC HEARINGS: None.

NEW BUSINESS: None.

OLD BUSINESS/A. Site Visits: No report this evening.

OLD BUSINESS/B. Continued discussion regarding Warehouse Point Planning Study to include Terri Hahn of LADA P.C. Land Planners:

Terri Hahn, of LADA PC, Land Planners, joined the meeting.

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Mrs. Hahn indicated this evening she is following up on the previous discussion regarding presentation options for the Commission's public workshop on the Warehouse Point Village Study. Under normal circumstances the Commission would hold a Public Hearing under a workshop environment and people would have considered the development options, then the Commission would have held a discussion with the residents. COVID-19 has changed the Commission's ability to make their traditional presentation; discussion tonight will give Mrs. Hahn direction for a new type of presentation.

Mrs. Hahn presented to the Commission a draft of an online survey which the public could participate in. The survey would be similar to Survey Monkey, but would include photos of the plan sketches, such as the South Water Street proposal for the elevated homes, and the architectural renderings of the proposed intersection improvements at Bridge Street and North and South Water Street. This survey would then ask questions related to those sketches, and the residents could respond. This survey would also include areas for open-ended comments if the resident wanted to offer suggestions.

Mrs. Hahn indicated the Commission had considered waiting to see if the public workshop could be held. She noted the Commission is already receiving applications which reflect their discussions for changes in the Warehouse Point Village. As an example, the Commission recently approved a Zone Change for Bridge Street, and has received tonight applications for 202 Main Street related to the Commission's discussions for commercial recreation zones.

Commissioner Gobin questioned the success rate for a survey such as Mrs. Hahn is proposing? Mrs. Hahn indicated the survey would be put on the Town website, and a mailing would be done, if 100 responses were received, 40% of which were Warehouse Point residents, she would consider that a good return rate. Commissioner Gobin noted there's a lot of chatter on the Town Facebook page; she felt if the survey could be advertised on that page it might increase the response rate. Commissioner Thurz felt people might respond better because everyone is home; Commissioner Gowdy was doubtful that people would respond if it didn't affect their properties.

Discussion followed regarding the format of Survey Monkey. Mrs. Hahn noted that sometimes if the explanation isn't clear enough the responses backfire. However, she's doing the survey as if it were a public presentation so people will have the ability to tie the sketches to their comments.

Chairman Ouellette favored an option for an electronic survey coupled with a virtual presentation, as he doesn't see the option for a traditional Public Hearing before late Spring or early Summer. Commissioner Kowalski noted the location of the digital sign

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in front of the Warehouse Point Fire Department; he questioned if they would be willing to advertise the survey for the Commission. Selectman Baker clarified that the digital sign is owned by the Warehouse Point Fire Department but he felt they might be open to a request.

Chairman Ouellette questioned if Mrs. Hahn would be making a presentation to the Planning and Zoning Commission (PZC) again; will she also make a presentation to the Board of Selectmen (BOS)? Mrs. Hahn indicated she'll be making presentations to both the PZC and the BOS. She'll also do a mailing to the residents of Warehouse Point advising them of the survey; the survey is time specific and would be available to the public for about 15 days. Commissioner Gobin was in favor of that proposal; she questioned if a PowerPoint presentation could be recorded and posted on the Town website? Chairman Ouellette suggested posting the PowerPoint presentation prior to the initiation of the survey so it would be available for residents to review at their convenience. Selectman Baker noted that the current ZOOM meetings are posted on YouTube; he suggested the presentation made to the PZC could be posted on YouTube, and the public could be alerted to its availability via the Town website. Commissioner Sullivan felt there is no substitute for a face to face presentation with poster boards of the sketches and public discussion, but he didn't see the Commission's ability to hold a conventional Public Hearing any time soon. Commissioner Gowdy agreed with Commissioner Sullivan but agreed it's what the Commission is dealing with.

Mrs. Hahn suggested she'd like to do a draft survey and preliminary presentation for the Commission's review before going public. The Commission discussed if the public presentation should be part of a Regular PZC meeting or a Special Meeting. Selectman Baker suggested hosting the Warehouse Point Study presentation as a Special Meeting prior to a Regular PZC Meeting.

Mrs. Hahn requested the Commission to review again the proposed Land Use and Zoning Map, the allowed uses, and the distance requirements, etc. as that information will be moved into the Bulk/Use Tables. The consensus of the Commission was that they favored Mrs. Hahn's current proposals for the information cited.

Chairman Ouellette noted that part of this study was the Stormwater Management Study; he didn't want the public to lose the purpose of that. He agreed it's difficult to translate that information into relatable data but that was the core of the study; it has to be part of the presentation. Mrs. Hahn reported she's currently taking the conclusions of that part of the study and converting it to a graphic to show the water levels on one of the plans; she felt the graphic makes the information less technical.

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Discussion continued regarding how many residents of Warehouse Point know of the Blue Ditch, or its effect on flooding within the area. Or how many residents are aware they may live within a flood zone, and the effect of that on their ability to rebuild. Commissioner Kowalski questioned if the various water levels could be shown on the sketch of South Water Street with the elevated houses. Mrs. Hahn felt that would be a good graphic.

Mrs. Hahn will attend the Commission's next meeting to present an update on her progress.

OTHER BUSINESS: None.

BUSINESS MEETING/A. General Zoning Issues:

➤ **Packet requests:**

Chairman Ouellette noted he understands several Commissioners would like to receive paper copies of the meeting packets. With the meetings being conducted on ZOOM he understands the Commissioners find it difficult to read through the documentation provided to them via e-mail, or use the documents posted to the Town website.

Discussion followed, with various Commissioners explaining their experiences. Several Commissioners noted the difficulty reading plans on small computer screens.

Town Engineer Norton noted he has been accepting plans and applications at DPW. If the Commissioners would advise him when they planned to arrive, he could provide plan copies through the DPW window. Commissioner Gobin indicated she would pick up paper copies of the other meeting material if they could be provided. First Selectman Bowsza agreed to mail paper copies of the packets as requested.

Discussion followed regarding staffing levels in the Planning Department. First Selectman Bowsza reported Mr. Norton is currently assisting with the Town Planner and Wetlands functions, and Mr. Sauerhoefer is assisting with the Zoning Enforcement issues. First Selectman Bowsza cited he has great confidence in both Mr. Norton and Mr. Sauerhoefer; to their credit both individuals volunteered their assistance.

➤ **Reconsideration of the Regulations regarding alcohol sales:**

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Commissioner Gowdy noted the Regulations regarding alcohol sales are being revisited to eliminate distance requirements. Commissioner Gowdy felt the public may have concerns; he questioned their ability to present their comments electronically.

Chairman Ouellette suggested the Text Amendment is being redone to present the material correctly, including the referral to CRCOG again, having the correct document to review, and having the discussion again.

Commissioner Gowdy felt the Commission needs to put some thought into this revision.

➤ **Status of Zoning Enforcement issues:**

Commissioner Thurz questioned the status of the outstanding zoning enforcement issues which Town Planner Flores-Marzan had been reviewing? First Selectman Bowsza indicated Mr. Norton and Mr. Sauerhoefer have been doing inspections; he deferred to them regarding the Commission's questions.

Chairman Ouellette indicated the Commission had six or seven reoccurring zoning issues which Town Planner Flores-Marzan has been working on for several months. He cited an alleged auto repair situation occurring on Harrington Road, and a junk car issue on Church Street, as well as several other properties. Chairman Ouellette noted those issues have dropped off the agenda; he questioned if Mr. Norton or Mr. Sauerhoefer had any information regarding the enforcement issues?

Mr. Norton reported he and Mr. Sauerhoefer have been working with residents on several issues. Some have been resolved by explaining what was needed to be done; those have come through as Wetlands or Zoning Permit requests. Mr. Sauerhoefer indicated he does inspections three or four times a week. He indicated he's working on several issues; he'll have more information for the Commission's next meeting.

BUSINESS MEETING/B. Signing of Mylars/Plans, Motions:

Nothing submitted for signature this evening.

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:41 p.m.

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Sullivan moved/Gobin seconded/VOTE: In Favor: Unanimous

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission