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**ESTABLISHMENT OF QUORUM:**

A quorum was established as four Regular Members were present at the Call to Order. Chairman Ouellette requested Alternate Member Gowdy to join the Board regarding continued discussion and action on all Items of Business this evening as well.

**ADDED AGENDA ITEMS:**

Interim Town Planner D'Amato requested the additional of an informal discussion of correspondence from J. R. Russo & associates under the **BUSINESS MEETING.**

**MOTION: To ADD under the BUSINESS MEETING, Correspondence from J. R. Russo & Associates.**

**Gobin moved/Thurz seconded/DISCUSSION: None.**

**VOTE (by show of hands): In Favor: Ouellette/Gobin/Gowdy/Kowalski/Thurz  
(No one opposed/No abstentions)**

**LEGAL NOTICE:**

The following Legal Notices were read by Chairman Ouellette:

**EAST WINDSOR PLANNING & ZONING COMMISSION**

The East Windsor Planning & Zoning Commission will hold a regular meeting on Tuesday, January 26, 2021 at 6:30 p.m. via the remote video conferencing platform, Zoom.

Join meeting: <https://zoom.us/j/3326833563>

Meeting ID: 332 683 3563

Dial by your location

+1 646 558 8656 US (New York)

+1 312 626 6799 US (Chicago)

+1 301 715 8592 US

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US

The following public hearing will be held:

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**PZ-2021-01** Zone Change Application, 111 South Main Street (Map 052, Block 20, Lot 061) requesting a zone change from R-3 to TZ-5. Applicant: United Ag & Turf Northeast, Owner: Lawrence Farm, LLC.

A full copy of the application is available on the Planning and Zoning Commission's and the Town Clerk's webpage of the Town website. All interested persons may attend the online meeting and public hearing to be heard on this topic.

Dated January 13, 2021, East Windsor, CT

This Appeared in the Journal Inquirer on 1/15/2021 and 1/21/2021.

**PUBLIC PARTICIPATION:**

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

**First Selectman Bowsza** requested to introduce the Commission to our new permanent Town Planner. Clark Chapin comes to us most recently from the U.S.D.A. Farm Agency, he has experience in Federal, State, and local government, and he has a Masters Degree in Community Planning from the University of Iowa. First Selectman Bowsza indicated Mr. Chapin joined us on Thursday of last week; they'll be a certain amount of time that Interim Town Planner Mike D'Amato is helping to onboard Clark into that new role, and as projects fall off that Mike has been working on there will be a transition, so Clark is fully installed. First Selectman Bowsza indicated he's very excited to welcome Clark to our team; with the addition of Clark and Ruthanne that we have some real firepower in that department. He indicated he wanted to take the opportunity to introduce Clark to the Commission, and give him an opportunity to say a few words.

**Town Planner Chapin** thanked First Selectman Bowsza for the kind words. He noted this is day four on the job. He's been traveling around town and it's amazing how many projects that he's already familiar with. Town Planner Chapin indicated he looks forward to continuing to get his feet wet – hopefully not in the deep end of the pool – and he looks forward to working with Interim Town Planner D'Amato as we try to provide some continuity to Planning and Zoning as well as the other agencies that we staff. As far as he's concerned, they'll take the transition nice and slow so no balls get dropped and business will be conducted in a professional manner and continue forward.

Chairman Ouellette thanked Town Planner Chapin for his comments; he noted he looked forward to working with him and staff.

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Chairman Ouellette called for additional comments for something not already on the agenda. Chairman Ouellette requested people wave their hand to indicate their preference to speak as he noted many people were signed in to the meeting. No one requested to speak at this time.

**APPROVAL OF MINUTES/January 12, 2021 Regular Meeting:**

Chairman Ouellette asked the Commissioners for comments regarding approval of the Meeting Minutes for January 12, 2021 Regular Meeting. Commissioner Gobin suggested they were a good job, and completely and adequately described the meeting. She had no suggested edits. Chairman Ouellette called for additional comments. Hearing none, he called for motion for approval.

**MOTION: To APPROVE the Meeting Minutes as presented of Regular Meeting #1794 dated January 12, 2021.**

**Gobin moved/Gowdy seconded/DISCUSSION: None.**

**VOTE (by show of hands): In Favor: Ouellette/Gobin/Gowdy/Kowalski/Thurz  
(No one opposed/No Abstentions)**

**RECEIPT OF APPLICATIONS:**

Chairman Ouellette acknowledged the receipt of the following new application:

1. **PZ-2021-02, 53 Prospect Hill Road** (Map 092, Block 14, Lot 012)  
General Development Plan modification. Zone HIFZ. Applicant: Tracy  
Becker for Sign Pro. Owner: Crossroads Community Cathedral.

Chairman Ouellette noted this item will be discussed at a meeting in February.

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

No requests presented under this Item of Business this evening.

**CONTINUED PUBLIC HEARINGS: A. PZ-2020-20, SJK Properties, LLC** Text  
Amendment Application to East Windsor Zoning Regulations Section 802 Multi Family  
Development District (MFDD).

**AND**

**B. PZ-2020-21, SJK Properties, LLC** Zone Change Application, zone change from R-3  
to MFDD.

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Map 100, Block 77, Lots: 006-01, 006-02, 006-03, 006-04, 006-05, 006-06, 006-07, Map 100, Block 77, Lots: 006-01, 006-02, 006-03, 006-04, 006-05, 006-06, 006-07, 006-08, 006-09, 006-10, 006-36, 006-37, 006-38, 006-39, 006-40, 006-41, 006-42, 006-43, 006-44, 006-45, 006-46, 006-47, 009-02B, 009, 009-11, 009-12, 009-13

Map 110, Block 77, Lots, 009-14, 009-15, 009-16, 009-17, 009-18, 009-19, 009-20, 009-21, 009-22, 009-23, 009-24, 009-25, 006-26, 006-27, 006-28, 006-29, 006-30, 006-31, 006-32, 006-33, 006-34, 006-35, 006-34A

Map 090, Block 77, Lots: 006-48, 006, 006A, 006B:

Chairman Ouellette read the description of the captioned items of business which are the subject of the continued Public Hearings. At the opening of the Public Hearing Attorney Christopher Smith requested that the Public Hearings for these two items would be heard simultaneously; the Commission will continue that process tonight.

Attorney Smith opened discussion by introducing himself as a land use attorney with the law firm of Alter & Pearson, who is representing the Applicant, SJK Properties, LLC. Attorney Smith respectfully requested to turn the presentation over to Marek Kement, who would like to make a statement to the Commission.

**Marek Kement, representing SJK Properties, LLC:** (Mr. Kement's statement follows):

I wanted to take some time to address concerns raised by the general public at the last Planning and Zoning Meeting. The Kement family has been part of this community for over 75 years and we're very sensitive to the Broad Brook area. Our family developed the Sullivan Farm Subdivision where I lived for several years, and as you know, my sister still lives in the neighborhood directly abutting the site.

I have a personal attachment and obligation to develop our property in consideration of the public health, safety, and welfare, as well as my own family, who lives right there.

It has been brought to his attention that the neighborhood might be feeling left in the dark, or something inappropriate is occurring. That can not be furthest from the truth. In fact, I have been very transparent with this proposal. The community is now protesting based on false information and making pre-determined conclusions without having all of the facts. Prior to this application

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we met with Town officials and informally with this Commission on a pre-application basis as provided by law to discuss this proposal. We put all of our cards on the table and left all of the meetings with a favorable consensus. We would not have proceeded with this application if we did not get a green light feeling, or if this proposal did not make sense.

I want the community to know that we notified all abutters as required in accordance with the East Windsor Planning and Zoning Regulations. Public Notice was also advertised in the newspaper. These are all statutory and regulatory requirements which we complied with; I did everything by the book.

I do understand the public's reaction, and I now understand I should have approached the community first. I apologize for not doing so. Regrettably, I can not go back in time. So, let me take this time to explain my family's vision for the property.

In order to determine if the site was capable of supporting this type of development we prepared a conceptual plan to support the feasibility. The plan that was published in the Journal Inquirer is only conceptual, but it does represent our intent and vision for developing the property. At this time there is no final design, but I would like to share some design element concepts that will be incorporated into the proposal.

The proposal is intended to be for a private, luxury, common-interest ownership community; it is not intended to be developed for low-income or affordable housing. With the current and upcoming trend we are looking to provide a private community for all persons, not age-restricted, and be geared for the work-at-home working family. We want to provide a community that is maintenance-free in regard to lawn care and snow removal, and to provide recreational-use amenities for the families living there. All buildings are to be detached homes; these houses are to be separate residences to fit better with the rural setting and the surrounding neighborhood. We want to provide for a village-type community. Each house will be two to three bedrooms, single family dwellings with attached garages, and with an expected value of north of \$300,000 per house. There will not be any duplex-type or multi-family buildings like the Mansions at Canyon Ridge. No one will be sharing a common wall. Houses will be offered with home office concepts to facilitate with the new ongoing trend of working from home. Landscape buffers and additional screening will be implemented into the design to better screen or conceal the development, which is already secluded.

And regarding access and traffic on Sullivan Farms Road and Eastwood Drive,

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261  
262 please know that as part of the Special Use Process a traffic analysis will be  
263 required to address any potential impacts. The entrance will be located off of  
264 Depot Street, in the exact location as the previously approved Quarry Meadows  
265 Subdivision. And a secondary means of egress will be provided off the cul-de-  
266 sac for a gated emergency access only. I would like to emphasis that through  
267 traffic on Sullivan Farm Road will not be allowed. And, again, for the record,  
268 the intent is to limit traffic on Sullivan Farm Road and therefore provide no  
269 traffic impact to that neighborhood by this development.

270  
271 Adversely, if we were to continue development of the previously approved  
272 Quarry Meadows Subdivision there then would be 48 more properties  
273 contributing to the traffic flow through Sullivan Farm Road. Not to mention  
274 opening the door to a cut-through to Depot Street and possible future  
275 development of properties sitting north and east, which also connect to Hemlock  
276 Court. This proposal eliminates these traffic and connectivity issues altogether,  
277 and by removing the traffic as previously approved from going through an  
278 established residential neighborhood, thus promoting the general objective of  
279 public health, safety, and welfare.

280  
281 During the design stage I'll be reaching out to the abutters and work with you to  
282 understand any concerns you may have and implement any design strategies to  
283 hopefully resolve those concerns. I am hopeful that we can work together.

284  
285 In my opinion, the previously approved Quarry Meadows Subdivision should  
286 also be considered a multi-family residential development that consisted of 48  
287 units on the one piece of property. The term multi-family is misleading for this  
288 application. Taken from Wikipedia, the definition for a multi-family residential  
289 development is, in part, "a classification of housing where multiple housing units  
290 are contained within one building, or, multiple housing units are contained within  
291 one complex." This proposal is not an apartment complex scenario with multiple  
292 units in one building like the Mansions, or Mill Pond. It is the complete  
293 opposite. We are proposing multiple houses on one property which are all  
294 single-family residences.

295  
296 This proposal could also be characterized as a PRD, which is a Planned  
297 Residential Development for single family housing with open space  
298 conservation. But as you are aware this PRD falls under this Multi-Family  
299 Development Regulation. A Zone Change for the MFDD for this path would  
300 also be needed.

301  
302 To the Commission, in your decision, please also consider the following:

- 303
- That we would have complete control over the income classification of

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- the housing, which would not impact the neighboring property values.
- That this proposal reduces Town maintenance acceptance for the roadway and storm drainage systems. This will be a private, common-ownership development and the Town will not be required to provide services for snow removal, or storm drainage maintenance; this will not be a Town road.
  - That this proposal will provide families opportunities to reside in a community that will be maintenance-free in regards to snow removal and lawn care upkeep, as well as allow for the use of numerous amenities for recreational uses.
  - That due to its location this development is remote, practically isolated and concealed from the rest of the community and keeps the rural character of the existing areas.
  - That this property will be developed maintaining a rural atmosphere. This is the reason for the single-family residential home model and village-type concept.
  - That this proposal is consistent with the POCD, which urges village-type developments.
  - That this proposal is also consistent with the POCD, which comments that increased residential density should be considered in the Broad Brook area.
  - That this development will provide housing diversity for the town, as also outlined in the POCD.
  - And finally, that this proposal minimizes any traffic impact on Sullivan Farm Road by eliminating the cut-through to Depot Street and by eliminating future development possibilities to the north and the east.

Again, we are eliminating the traffic on Sullivan Farm Road altogether. This, sensibly, should be considered vs. the alternative. We could construct the 48 additional homes as previously approved. This would provide additional public roads which would increase the Town's responsibility for maintenance of the roadway and drainage systems, which could also increase taxes. This would certainly eliminate the cul-de-sac that's out there. This would open connectivity for Depot Street and Hemlock Court to the Sullivan Farm roads, and most likely, there would be an impact to traffic for Sullivan Farm Road for the community. Motor vehicles will be traveling through that neighborhood.

Looking back at the public's remarks at the last PZC Meeting I surmise that this is not what the community actually wants. As stated earlier, I have a personal attachment to the Sullivan Farm community, and I want to develop the property in a way that will least impact that neighborhood. I believe that I am providing this. Weighing everything out, this proposal makes the most sense. Following



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the last Public Hearing I met with a few residents of the neighborhood to better understand the issues. The two concerns that repeatedly came up were: 1) We don't want more traffic, and 2) We don't want a Mill Pond in our back yard. Let me say, I don't either. That is not what we are proposing. I do understand the "not in my backyard" attitude, but this property has always been slated for development, as everyone knows. This proposal will not be a Mill Pond, or even considered for any type of apartment complex. These houses will all be individual, single family residences, and what we are proposing is an improvement to what was previously approved.

This proposal is nothing new to Broad Brook. We already have Millbrook Condominiums off of Church Street, which is located within a residential area and directly abuts a single-family residential subdivision. We have Hillside Farms off of Depot Street, housing located adjacent to and across from several homes. Meadows Farms community, also off of Depot Street, which directly abuts a rural subdivision known as Farms Road. Meadows Farms contains all detached houses similar to what we are proposing. The Mansions at Canyon Ridge – there are 220 luxury units built within a rural designated area. Scantic Glen Condominiums, off of Old Ellington Road, there are 220 units that were built within a rural designated area. And Norton Glen Condominiums, off of Norton Road, also built within a rural designated area.

If you recall, I met with this Commission last October on a preliminary basis to discuss the need to increase density to move forward with the development due to the high construction costs. The initial concept you saw was received well. Please keep in mind the rendering shown was only conceptual and was only to be used as a talking point, nothing more. After speaking with several residents, and seeing the public's voice, and who continued to voice their concerns my family would like to revisit the design and see if we can develop the land in a way that can accommodate our needs as well as address the community's concerns and reservations. Maybe we can reach a compromise.

At this time, we are withdrawing the request to increase the density portion of the text amendment. So instead of having four (4) units per acre as shown, we will be following the existing density limits outlined in the Zoning Regulations, which is only two (2) units per acre. Doing the math, this drops the density permitted by half. I want to produce an updated conceptual plan reflecting the decrease in housing and show the community what Quarry Meadows could be. But, I did not have time to do that for tonight's meeting. Therefore, I respectfully request that this Public Hearing remain open, and be continued to your next scheduled meeting so I can have the opportunity to provide this additional information to you and the community.

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I want to end this by saying this is not a multi-family development; it is a single-family development that unfortunately falls under the MFDD Regulation.

Thank you for your time and consideration, and I look forward to working with everyone as we proceed on this proposal.

Thank you.

(Mr. Kement concluded his statement).

Attorney Smith indicated he will formalize, in writing, Mr. Kement's request to withdraw that portion of the Text Amendment that provides for an increase in the density within the MFDD, as we proposed specifically Section 802.6(b)(1). Attorney Smith indicated they were also proposing a new sub-section "e", where the existing "e" would then become "f". Attorney Smith indicated they are withdrawing their proposal for the new sub-section "e" of the regulations. He'll modify the proposed regulation amendment, redline it, and send it to the Commission, and provide a clean copy which can be posted on the website, which anybody will be able to review.

Attorney Smith indicated the applicant is also respectfully requesting a continuance of the Public Hearing. although, as the Chair pointed out at the beginning of the hearing two weeks ago that a site-specific proposal is not before the commission regarding this location, Mr. Kement would like to prepare a new conceptual plan which would show a potential development proposal of the property, with the Text Amendment and the Zone Change to the citizens and the Commission. Attorney Smith indicated the new conceptual plan would be different than what was shown to the Commission on a preliminary basis back in October, 2020 and appeared in the Journal Inquirer. There is time for the continuance so this additional information can be provided; if we do get that conceptual drawing submitted it can be posted on the website, as well as the modified Text Amendment.

Attorney Smith indicated he understood a protest petition had been filed, which is being reviewed.

Attorney Smith indicated Mr. Kement and his family look forward to working with the Commission and the community to hopefully come up with something that works for everybody.

Chairman Ouellette noted this request is a game changer regarding the application the Commission has before them to consider. He noted there have

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433  
434 been numerous public comments, petitions have been submitted as part of the  
435 public record, letters have been submitted which the Commissioners have  
436 received. Chairman Ouellette indicated he would keep the Public Hearing open;  
437 that's not debatable. Chairman Ouellette questioned the Commissioners if there  
438 was any value to continue public comments tonight on something that might be  
439 vastly different as we move forward?

440  
441 Chairman Ouellette indicated his personal opinion would be to not take public  
442 comments tonight, realizing that members of the community would have ample  
443 opportunity to voice their opinions on something that will be vastly different than  
444 something they've already looked at. Chairman Ouellette requested comments  
445 from his fellow Commissioners.

446  
447 **Commissioner Thurz** agreed with Chairman Ouellette.

448  
449 **Commissioner Gobin** indicated she felt like the Commission has received a lot  
450 of comments from the public; they were good questions. The applicant is  
451 changing direction, but from what's been raised and from what she's been  
452 thinking about she had a few questions she'd like to ask. She acknowledged  
453 they might not get answered tonight, but they would be raised for part of the  
454 record, and maybe for the Town Planner to think about in formulating where we  
455 go from here. Commissioner Gobin indicated she'd like to raise her questions  
456 on the record if that would be acceptable.

457  
458 **Commissioner Gowdy** indicated that in his mind, first and foremost, it's a Zone  
459 Change from R-3 to multi-family; he felt that's the primary consideration. He  
460 cited Mr. Kement came up with great suggestions, which the Commission should  
461 look at in detail, but for him, the Commission are members of the Planning and  
462 Zoning. He wonders if the Commission does enough planning. Commissioner  
463 Gowdy questioned if the Commission wants to have an R-3 Zone change so that  
464 other districts in the community can be multi-family. His concern is the Zone  
465 Change.

466  
467 Chairman Ouellette suggested the question on the table is should the  
468 Commission entertain additional public comments tonight; he didn't want to  
469 rehash everything that's already on the public record; his preference was to hear  
470 anything new – if the Commission chose to go down that road. He suggested  
471 there would be even more questions before the Commission in two weeks.  
472 Commissioner Gowdy concurred, but suggested the Commission was spending a  
473 great deal of time on something that might not even be done if the Zone Change  
474 doesn't go through. He felt the focus should be more on if the Zone Change is  
475 appropriate, not specifically to the Sullivan Farm area, just anywhere in the town.

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Commissioner Kowalski concurred with Commissioner Gowdy, but felt the area of consideration was the Text Amendment, which can be applied anywhere in town. Commissioner Gowdy concurred with Commissioner Kowalski's clarification; the Text Amendment would apply to the whole town. Commissioner Kowalski questioned, procedurally, can we modify the application, or do they need to reapply because they're asking for something different than they originally proposed?

Regarding Chairman Ouellette's original question regarding public comments, Commissioner Kowalski felt there was no sense in taking public comments on something that we've been told will change. He cited no one on the Commission now knows what the new change will be and can comment appropriately.

Chairman Ouellette referred to Interim Town Planner D'Amato to discuss the procedural process going forward. He questioned if Interim Town Planner D'Amato was in agreement with the Commission not entertaining any additional public comments, keeping the Public Hearing open and moving forward with the submission of new material within the next two weeks which is the Commission's February 9<sup>th</sup> Meeting.

Interim Town Planner D'Amato felt keeping the Public Hearing open and doing nothing tonight is the cleanest. His concern is having any discussion amongst Commissioners or the applicant could potentially leave some comments or questions in purgatory because they may apply to the old application but not the modification. Because I want everyone to understand where we are, I'd rather wait to see what the modifications reflect, particularly because Mr. Kement has indicated he's going to try to be responsive to the concerns he's heard.

Regarding Commissioner Kowalski's comment, Interim Town Planner D'Amato noted that because the applicant's modification is more restrictive it can be modified while we're in progress; he can do that while the Public Hearing is open. If it were a modification less restrictive then we'd be back to square one.

Interim Town Planner D'Amato noted we also received a request from the Ellington Planning and Zoning Commission, who met last night. They respectfully requested that the Commission keep the Public Hearing open to submit a memo reflecting their comments.

Interim Town Planner D'Amato also noted we did receive a petition from residents in the area and, per Statutes, once we verify the numbers and the percentages are correct, it likely will trigger a super-majority vote. Staff will have more information regarding the petition for the next meeting.

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Interim Town Planner D'Amato reported the next meeting is the last date the Commission can have the Public Hearing open without an extension from the applicant. He would like a good faith confirmation from the applicant that if the Commission holds this Public Hearing open to hear their requests that they/the applicant would be willing to grant those extensions going forward so the Commission has time to consider the new information being proposed.

Attorney Smith, for the record, consents to whatever extensions are necessary. Attorney Smith indicated they will offer an extension until February 24<sup>th</sup>, which would be the day following the Commission's next meeting, in a written correspondence with Interim Town Planner D'Amato tomorrow. Attorney Smith clarified the extension was not necessary until after February 9<sup>th</sup>.

Chairman Ouellette reiterated the Commission's plan for proceeding with these Public Hearings. He noted the Commission has not taken a vote on either application. We will continue the Public Hearing until February 9<sup>th</sup>, at which time the applicant will be making another application similar to that which has already been heard. He understands it will be a revised design which is intended to address community concerns. They have withdrawn the Text Amendment because the density isn't changing. Even though the Hearing is being moved to February there will still be the full amount of time to talk about this. The Public Hearing is still open, but we won't take public comment tonight; if you want to submit a letter to the Planning and Development Office for the public record, please do so.

Chairman Ouellette requested a motion to continue both Public Hearings until February 9<sup>th</sup>.

Understanding that the requirement to close the Public Hearing is February 9<sup>th</sup> with an extension to the 23<sup>rd</sup> **Jason Bowza** questioned if the residents who have concerns will have sufficient time to review the revised plans even prior to the closing of the extended hearing? Chairman Ouellette indicated it was his understanding that they will, but if the Commission is forced to make a decision based on what we have now he doesn't see the Commission members approving this request because we won't have ample time to appropriately react to this.

Chairman Ouellette reiterated his request for a motion to continue the Public Hearings until February 9<sup>th</sup>.

**Commissioner Gobin** agreed to moving the motion, but questioned if she could put some questions on the record for the Town Planner? Chairman Ouellette cited Commissioner Gobin was allowed to have discussions administratively

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with Staff; it's your prerogative. Commissioner Gobin agreed to that suggestion. Interim Town Planner D'Amato suggested if Commissioner Gobin discussed her questions with he and Town Planner Chapin then they'll respond in writing for the record so the information will be available for everyone. Commissioner Gobin agreed.

Chairman Ouellette clarified he wasn't trying to be difficult, but he was trying to be consistent in giving everyone an opportunity to comment at the appropriate time. Commissioner Gobin indicated she had some questions that needed to be answered and she wanted to give Town staff time to do that.

Commissioner Gobin offered the following motion:

**MOTION: To CONTINUE THE PUBLIC HEARING on Application PZ 2020-20 SJK Properties, LLC Text Amendment Application to East Windsor Zoning Regulations Section 802 Multi Family Development District (MFDD) AND PZ-2020-21, SJK Properties, LLC Zone Change Application, zone change from R-3 to MFDD.**

**Map 100, Block 77, Lots: 006-01, 006-02, 006-03, 006-04, 006-05, 006-06, 006-07, Map 100, Block 77, Lots: 006-01, 006-02, 006-03, 006-04, 006-05, 006-06, 006-07, 006-08, 006-09, 006-10, 006-36, 006-37, 006-38, 006-39, 006-40, 006-41, 006-42, 006-43, 006-44, 006-45, 006-46, 006-47, 009-02B, 009, 009-11, 009-12, 009-13**

**Map 110, Block 77, Lots, 009-14, 009-15, 009-16, 009-17, 009-18, 009-19, 009-20, 009-21, 009-22, 009-23, 009-24, 009-25, 006-26, 006-27, 006-28, 006-29, 006-30, 006-31, 006-32, 006-33, 006-34, 006-35, 006-34A**

**Map 090, Block 77, Lots: 006-48, 006, 006A, 006B. Public Hearing continued until the Commission's regularly scheduled meeting on February 9, 2021 at 6:30 p.m. via ZOOM.**

**Gobin moved/Thurz seconded/DISCUSSION: None.**

**VOTE (by show of hands): In Favor: Ouellette/Gobin/Gowdy/Kowalski/Thurz  
(No one opposed/No Abstentions)**

**NEW PUBLIC HEARINGS/A. PZ-2021-01, 111 South Main Street (Map 052, Block 20, Lot 061) Zone Change Application, United Ag & Turf Northeast for a zone change from R-3 to TZ5:**

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Chairman Ouellette read the description of this item of business.

Tim Coon, of J. R. Russo & Associates, LLC, representing the applicant, United Ag & Turf Northeast, joined the meeting virtually.

Mr. Coon indicated the subject of the application is a 7-acre portion of the 88-acre parcel located at 111 South Main Street. The parcel is located on the east side of Route 5, across the street from Winton Road, and north of Phelps Road. Mr. Coon indicated the 7-acre portion of the parcel contains three zones, 250' at Route 5 is zoned TZ-5, to the rear of that the zone changes to R-3, and changes to A-1 beyond that. Mr. Coon indicated the TZ-5 Zone is a transitional zone, which currently allows for commercial and business uses, while the R-3 allows for high density residential development.

Mr. Coon noted that United Ag & Turf Northeast currently operates as Stanton Equipment at 105 South Main Street to the north of the subject parcel. They want to rezone a portion of 111 South Main Street to be able to relocate their current business to the new location; their intent is to build a new facility and expand the business at the 111 South Main Street location. The requested Zone Change would abut the remaining vacant land of the current owner, and the parking lot owned by Southern Auto Auction.

Mr. Coon indicated that the parcel at 111 South Main Street is currently served by public water, sewer, electric, and gas.

Mr. Coon suggested the requested Zone Change is in harmony with the surrounding area, and is also in harmony with the POCD, which speaks to transitioning the residential parcels to business uses along the Route 5 Corridor, while seeking to minimize impact to residential properties. Mr. Coon indicated the only real residential property nearby is the property to the rear, which is owned by Lawrence Farm, who also owns the subject parcel; they are aware of the proposal and support it. He noted the POCD suggests that area should be assessed in conjunction with the CRCOG Route 5 Corridor Study, which recommends more commercial and less residential development be proposed. Mr. Coon noted that at the previous PZC Meeting Mr. Ussery presented a similar Zone Change application for 87 South Main Street. During that presentation Mr. Ussery had also suggested more commercial development than the POCD recommended, and noted the CRCOG study referenced a conceptual development map (Site 5, Industrial Park) reflecting commercial development for the site of this parcel at 111 South Main Street. Mr. Coon suggested the current Zone Change proposal is consistent with that recommendation as it begins the commercial use at the front of the parcel.

Mr. Coon cited one of the concerns pointed out by Interim Town Planner D'Amato was development of the front of the parcel as a commercial use could limit access, and therefore development, to the rear. There is contiguous land of Lawrence Farms to this

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648  
649 parcel, so they would have frontage to Phelps Road, and the way they've configured the  
650 Zone Change it allows for access, and an access road, to Route 5 across from Winton  
651 Road. They believe opportunities for future development of the rear of the parcel,  
652 whether it's residential under the current zoning, or commercial resulting from the Route  
653 5 Corridor study, still exist; they don't believe it will impede the potential for  
654 development of the land to the rear.

655  
656 Mr. Coon suggested they feel this proposed Zone Change is in harmony with the POCD,  
657 as well as the Route 5 Corridor Study, and is in harmony with the surrounding  
658 neighborhood. He reiterated the infrastructure is there, and that this can be developed as  
659 TZ-5 with minimal impact to surrounding residential properties.

660  
661 Chairman Ouellette opened discussion to the Commission.

662  
663 **Commissioner Gobin:**

- 664 • **Location clarification/abutter transparency:** Commissioner Gobin  
665 questioned if the parcel she believes is Lot #63 residential? Mr. Coon  
666 indicated he believed there are two houses located to the rear of the current  
667 Stanton Equipment location. Commissioner Gobin questioned if the cul-de-  
668 sac shown on the map was South Road; Mr. Coon replied affirmatively,  
669 noting there are residential properties within 500 feet of the proposed Zone  
670 Change. Commissioner Gobin questioned if the residents at Lot #63, Lot #64,  
671 and the residents on South Road are aware of this proposal? Mr. Coon  
672 indicated notifications were sent out to abutters within 500 feet in accordance  
673 with the Town's requirements; proof of same was submitted to the Planning  
674 Office. Commissioner Gobin questioned if the red circle would be subject to  
675 the 500 feet? Mr. Coon replied affirmatively; he noted South Road fell  
676 outside the 500-foot notification area so those residents did not receive  
677 specific notification. Commissioner Gobin questioned if the residents in the  
678 condominium complex on Winton Road were notified? Mr. Coon replied  
679 affirmatively.

680  
681 **Commissioner Thurz:**

- 682 • **Access to Phelps Road:** Commissioner Thurz requested Mr. Coon show the  
683 access from Phelps Road to get to the back of the larger parcel. Mr. Coon  
684 indicated as you continue down Phelps Road past South Road there's an open  
685 field that fronts on Phelps Road where an old tobacco barn used to be located;  
686 there was a farm road that went to the tobacco barn that provided access off of  
687 Phelps Road. Mr. Coon also suggested the rear of the parcel is subject to  
688 wetlands. He recalled an application made through the Wetlands Commission  
689 in 2012 which proposed residential development/apartments for the entire  
690 parcel. Access was provided via a through road from South Main Street out



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to Phelps Road. The Wetlands Application was approved; the application never proceeded to the Planning and Zoning Commission level. There is the ability to provide access out to Phelps Road if necessary.

**Commissioner Gowdy** is fine with the proposal as submitted.

**Commissioner Kowalski:**

- **Southern Auto Parking lot clarification/buffer requirement:** Commissioner Kowalski questioned if the Southern Auto Parking lot would remain an R-3 Zone? Mr. Coon replied affirmatively. Commissioner Kowalski questioned if that would then require a 150-foot buffer from the TZ-5 Zone? Mr. Coon suggested the TZ-5 buffer is 100 feet, which can be reduced to up to 50 feet. Mr. Coon suggested they would likely request the reduction as the parcel is abutting a parking lot.
- **Location of commercial operations:** Commissioner Kowalski questioned if they plan to operate out of the existing building, or just the new building? Mr. Coon felt the operations would be concentrated at the new location. Commissioner Kowalski questioned if we anticipate equipment traffic between the two locations? Mr. Coon indicated he didn't know the intent of the use of the existing building. He apologized that the applicant was unable to attend this meeting to answer questions.

**Chairman Ouellette:**

- **Clarification of zone line designation:** Chairman Ouellette referenced the map with the red circle, which indicates "proposed zone line"; he questioned what's the strategy for drawing the zone line as you have in the R-3 Zone rather than keeping it going due north to bisect, or terminate somewhere between Lots #63 and #64 at the top of the page? Mr. Coon indicated the applicant/United Ag & Turf is looking to purchase 7 acres, and this configuration provides that amount of area. It would leave the remaining land as it is under the current/Lawrence Farms ownership. The current owner could decide to propose a similar Zone Change to commercial in the future, or pursue residential development as well.
- **Potential future development options:** Chairman Ouellette noted if this Zone Change were to be approved there's nothing restricting the owner actually pursuing a residential development out back? Mr. Coon concurred with Chairman Ouellette's assessment.

Chairman Ouellette requested comments from Interim Town Planner D'Amato.

Interim Town Planner D'Amato suggested the reason why the access to Phelps Road isn't

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jumping out to people is because it's contiguous acreage, but it's another parcel. So, when you select the parcel it's not all one piece but it's contiguous.

Interim Town Planner D'Amato also noted that although this has come through as a Zone Change application it's not really a zone change; TZ-5 already exists on the property. He suggested you have this weird discrepancy in what the POCD says, what the Route 5 Study says, what the existing zoning already has, and it doesn't all match. He also noted that the pre-existing zone line, which was pre-set on this parcel, when you take out the State right-of-way and the setbacks you probably couldn't construct a building there; it's not wide enough. While the applicant is increasing the TZ-5 Zone Interim Town Planner D'Amato questioned an applicant's ability to develop the area under the current bulk requirements for the zone. Mr. Coon concurred, noting the TZ-5 line goes back 250 feet so after taking out the front and rear setbacks you're limited as to what you can do with the piece. Chairman Ouellette suggested that gets back to his earlier question of the location of the TZ-5/R-3 zone line on Lot #61; if it makes sense or makes the property more marketable to move the line due north? Mr. Coon noted the TZ-5 opens up parcels for commercial development, but he questioned if it puts more limitations on residential development.

Chairman Ouellette noted this application is a Public Hearing; he opened discussion to the public.

**Jim Platt (?) and Amie Olschafskie, Lot #64/107A South Main Street:** Mr. Platt questioned where are they proposing the road? He got to the part where he was talking about the old barns, which are gone. Will they come in far from there, or will they be coming in next to the cul-de-sac area?

Mr. Coon indicated they aren't proposing to bring in a road at this time. The issue they were discussing would be a potential access road to provide future development in the back, and potentially the area that abuts your property. Mr. Coon indicated that's all future speculation; we don't know how that land will be developed. Mr. Coon referenced the area of the proposed Zone Change. Mr. Platt felt that wouldn't affect them; he requested clarification that they would still be coming in from the front on South Main Street? Mr. Coon replied affirmatively. Mr. Platt referenced Lot #62 and the TZ-5 Zone, noting that's actually the entrance in for Lot #64 and Lot #63; he requested clarification that nothing is going to change that? Mr. Coon indicated they aren't proposing any changes on Lot #62.

**Carla Dawson, (lives in the condominiums off of Winton Road):** Ms. Dawson cited the traffic in the area has always been a concern; will there be an increase in traffic due to this proposal? Will there be large trucks going in and out? Ms. Dawson noted trying to

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get in and out from Winton Road onto Route 5 without a traffic light has always been a big concern.

Mr. Coon noted this isn't a Site Plan application; they're just doing a Zone Change application. The area out front is currently zoned TZ-5; they're looking to expand it a little to accommodate the relocation of United Ag & Turf. Mr. Coon assumed the traffic at Stanton Equipment would be comparable to what you could expect for United Ag & Turf, Ms. Dawson questioned if they would be expanding the number of employees? Mr. Coon indicated he wouldn't know that until they get into the Site Plan approval process, which would come back before the Commission under a Special Use Permit application

Chairman Ouellette queried the public again; no one requested to speak.

Chairman Ouellette questioned the Commission if they have enough information to consider closing the Public Hearing this evening. The consensus of the Commission was they had the information they needed, and were ok with closing the Public Hearing.

**MOTION: To CLOSE THE PUBLIC HEARING on Application PZ-2021-01, 111 South Main Street (Map 052, Block 20, Lot 061) Zone Change Application, United Ag & Turf Northeast for a zone change from R-3 to TZ5.**

**Gobin moved/Thurz seconded/DISCUSSION:** None.

**VOTE (by show of hands): In Favor: Ouellette/Gobin/Gowdy/Kowalski/Thurz**  
**(No one opposed/No Abstentions)**

No action taken by the Commission this evening; motion for consideration to be prepared for the next meeting.

**NEW BUSINESS:** None.

**OLD BUSINESS/A. PZ-2020-22, 89 Bridge Street** (Map 111, Block 12, Lot 002) Site Plan Application for a 5,400 SF addition to the existing firehouse and parking lot. Zone B-1. Owner/Applicant: Warehouse Point Fire District.

Chairman Ouellette read the description of this item of business.

Joining the Commission virtually to discuss this application was Tim Coon, of J. R. Russo & Associates, LLC, representing the applicant, the Warehouse Point Fire District. Also joining the Commission was James Barton, Chief of the Warehouse Point Fire Department.

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Mr. Coon indicated he made his main presentation at the previous Commission meeting. He has made the following revisions to the Site Plan proposal:

- Added lighting locations for the building mounted fixtures; cuts of the fixtures have been provided to Interim Town Planner D'Amato.
- Updated the Architectural renderings to show the false window locations on the south and east side; a cupola has been added to the roof of the addition as well.
- A note has been added to the plan stating the existing landscape island around the sign, which includes shrubs and flowers, will be relocated along with the sign; the location of the sign and island is now shown on the plan. There will be low landscaping along the sign frontage to address the concerns for visibility of fire trucks exiting the station and vehicles approaching on Route 140.

Regarding the additional trees, which Town Planner D'Amato proposed as a condition of approval, Mr. Coon referenced Chief Barton's comment at the previous meeting; due to limited space and the concern for visibility for trucks along the frontage, they would prefer not to have to put those trees in. Mr. Coon recalled a couple of the Commissioners being ok with that; their preference would be to NOT install the additional trees.

Chairman Ouellette noted the Commission hasn't the flexibility to waive regulation requirements; he questioned how the Commission might address that request regarding the landscaping requirement moving forward?

Mr. Coon suggested this is a redevelopment project. The requirement is for trees every 50 feet around the parcel; they can't comply with that requirement. He noted there are currently a few trees existing along the eastern property line but there are none to the north or south or up against the bank; he questioned that they had the room to plant any additional trees. Mr. Coon suggested there may be an opportunity to plant a couple of trees along the frontage on the northeast corner but noted there are a couple there already. He questioned if those existing trees could be considered to meet the requirements of the regulations if this were to be considered a redevelopment project?

For the record, Chairman Ouellette suggested if the applicant were anyone different he felt Mr. Coon's argument would be a non-starter; it doesn't fly. Chairman Ouellette opened discussion to his colleagues.

**Commissioner Thurz** felt Mr. Coon didn't answer the question about the landscaping; he side-stepped it. For public safety Commissioner Thurz loves the expansion of the fire house but he questioned how the Commission could make that happen. He noted in the past the Commission could waive the landscaping requirements, and he would be fine with that, but he questioned how the Commission could make that happen legally.

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Commissioner Thurz indicated he's good with the expansion of the building and moving the sign.

**Commissioner Gowdy** felt it's a no-brainer. This is for the health, safety, and welfare of the community. Commissioner Gowdy reluctantly disagreed with Chairman Ouellette.

**Commissioner Gobin** indicated she likes the cupola on the roof, as it offers architectural details. Commissioner Gobin also liked the landscaping around the sign, but didn't see why two small, decorative trees which aren't tall couldn't be included in the landscaping. Commissioner Gobin felt the regulations require the trees; they should put them in. Commissioner Gobin indicated she had no other comments regarding the Site Plan design.

**Commissioner Kowalski** questioned how specific the regulations are regarding the size and diameter of the street trees? Chairman Ouellette deferred to Interim Town Planner D'Amato, who indicated he's pushing for the landscaping because he felt this is a really important site component. He recalled that with every site Mr. Coon has come in with he's pushed for landscaping. Interim Town Planner D'Amato suggested he didn't feel it needed to be street trees; that was his suggestion based on the fact that they're removing 2 trees from the property line. He's fine with them putting them in a spot where they feel they won't create a sightline hazard and sizing them so the type of tree won't become an issue. Commissioner Kowalski questioned if a pair of miniature Japanese Maples would satisfy the regulations; Interim Town Planner D'Amato concurred by shaking his head in agreement. He felt that would be an acceptable compromise as it would satisfy the regulations and maintain the public safety regarding the sightlines.

Chairman Ouellette asked Mr. Coon if there was any place to add the two trees, which the Commission doesn't have the ability to waive. Mr. Coon deferred to Chief Barton, noting they appreciate the offer of the ornamental trees which would be smaller and less intrusive.

Chief Barton questioned how many people have walked the site? He recalled the need to comply with the Wetlands regulations, and the installation of the retention basin; he felt there was no place to put in the additional trees every 50 feet at a 3-inch caliper. Chief Barton suggested perhaps they could add a little tree out by the sign, as long as its not above 6 feet. Chairman Ouellette felt there was some flexibility in the regulations to interpret the type and height and size of the landscaping; he suggested the Commission would never create an obstacle for the fire department, or create another hazard, just to satisfy a regulation. Chief Barton noted they would be doing the island around the relocated sign; that's intended to have annual flowers and trees and shrubbery around it. He noted putting anything along the Blue Ditch creates a problem because the State

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comes along to clean that out periodically; location is also a problem with the snow plowing. He noted they had to obtain variances to construct this addition.

Chairman Ouellette questioned Interim Town Planner D'Amato if the trees around the sign would constitute the landscaping requirement under Section 600? Interim Town Planner D'Amato indicated the language says it requires "properties developed in this zone to provide landscaping on the portions of the site that are not covered by impervious surfaces", it also requires "trees 3 inches in caliper be provided for each 50 feet. Interim Town Planner D'Amato felt the regulations require much more than is being requested. He noted in his suggested motion it says "the plan shall be revised to include two street trees"; he suggested that condition could be adjusted to say "the plans shall be revised to include additional landscaping as determined to be appropriate in consultation with Town staff." Interim Town Planner D'Amato indicated his intent was to establish a baseline that all sites should have to provide landscaping of some kind. If trees are going to be too high and maintenance is going to be a problem then they can provide landscaping of some other kind in between the proposed parking lot and the roadway. He felt that particularly in conjunction with the Warehouse Point Planning Study we need to be consistent with the regulations.

Chief Barton suggested if it would help he'd take the island from around the sign and he would continue the landscaping all along those parking spots, and put low landscaping in there – make it almost like the islands with the short bushes along the road at Geissler's. Mr. Coon suggested extending a bark mulch island between the parking and the street frontage; Commissioner Gobin suggested planting something like hydrangeas which stay low.

Chairman Ouellette noted condition #5 currently references street trees; he requested a revised condition. Interim Town Planner D'Amato felt the proposal was fine, realizing the regulations don't have a caveat for fire apparatus leaving a site; this is a unique circumstance. His revision for condition #5 should be something along the lines that "the plans shall be revised to expand the landscape island along the sign along the parking area adjacent to Bridge Street to the satisfaction of Town staff."

Interim Town Planner D'Amato also noted the Commission talked about reviewing the proposal with Terri Hahn. She has provided 10 recommendations for the Commission's consideration. Interim Town Planner D'Amato noted this is a Site Plan modification, which limits what the Commission can ask for, but Mrs. Hahn's recommendations show us what we should consider when developing Warehouse Point under the finalized Planning Study. Interim Town Planner D'Amato shared Mrs. Hahn's comments:

1. 2 street trees should be provided in the northeast corner of the site to act as street trees

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- 946        2.    Provide a sidewalk along the Bridge Street Frontage.  
947        3.    CONNDOT application should include definition of sidewalk across open drive  
948                pavement ( typically flush concrete with truck loading psi)  
949        4.    New parking area should be pervious pavement.  
950        5.    Suggest a berm along the southeast corner and along the church property to rear  
951                of new building so that overflow of basin during highwater conditions of the Blue  
952                Ditch can not contribute to flooding on Church property.  
953        6.    Highly recommend Access and Maintenance Easement along Blue Ditch (eastern  
954                property line) in favor of Town.  
955        7.    Provide sidewalk from street to front door  
956        8.    Recommend providing better definition of front door( plaza, etc.) on ground plane  
957                and as visible form street.  
958        9.    Existing accessible parking does not meet 2010 ADA Requirements with respect  
959                to access aisle/accessible path. there is no van accessible space defined which is  
960                required.  
961        10. Suggest planting along the back of the building to define property line.

962    Chief Barton noted their handicapped access is on the west side of the building near the  
963    Bank building.

964

965    Commissioner Thurz suggested the comments are good, but he noted the limited space  
966    for this addition. Commissioner Gobin concurred that the comments are good, but this  
967    application came in prior to the adoption of the Warehouse Point Planning Study. She  
968    agreed with Interim Town Planner D'Amato that for future development we need to  
969    make it clear up front. Chairman Ouellette suggested it would have been helpful to have  
970    a pre-application discussion prior to submission of this proposal. He noted he had no  
971    idea this project was in the works prior to the application appearing under the receipt of  
972    applications. He cited the benefit of discussing some of the opportunities for the site with  
973    the Commission, recognizing its limitations. The consensus of the Commission  
974    concurred with Chairman Ouellette.

975

976    Chairman Ouellette queried the Commission for additional comments. Commissioner  
977    Kowalski requested Interim Town Planner D'Amato repeat his revision for condition #5.  
978    Interim Town Planner D'Amato read the following: "The plans shall be revised to  
979    include the landscape island along the sign along the parking area adjacent to Bridge  
980    Street to the satisfaction of Town staff."

981

982    Chairman Ouellette called for a motion.

983

984    **MOTION TO APPROVE:**

985

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PZ Application #PZ 2020-22 for Site Plan Approval. Map 111, Block 12, Lot 5, known as 89 Bridge St. Applicant/Owner: Warehouse Point Fire Department. B-1 Zone.

This approval is granted subject to the conformance with referenced plans (as may be modified by the Commission and this approval) and the following conditions/modifications.

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**Referenced Plans**

1. “Warehouse Point Fire Department Building Addition” 89 Bridge St. Prepared by J.R. Russo & Assoc. Sheets 1-5. Dated:11-2-20. Rev: 12-3-20 B-1 Zone
2. “Addition to Warehouse Point Fire Department” Exterior Elevations, Jager Associates LLC, Dated 12-10-20.

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

1. A copy of this approval motion has been incorporated into the plans
2. A copy of the final approved plans with any necessary revisions shall be submitted to the Planning & Development Office for review and comment.
3. All final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans.
4. The conditions of this approval shall be binding upon the applicant, landowners, and their successors and assigns.
5. The plans shall be revised to include an expanded landscaping island along the front parking lot to the satisfaction of Town Staff.

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

1. One set of final mylars, with all necessary revisions shall be provided to the Planning and Development Office. A copy of this approval motion shall be incorporated.
2. A single, PDF copy of the final plans, with all necessary revisions shall be provided to the Planning and Development Office.
3. A zoning permit has been obtained from the Planning and Development Office for the project.
4. An Erosion Control Bond has been provided, such estimate shall be reviewed and approved by the Town Engineer.

**Conditions which must be met prior to the issuance of a Certificate of Compliance:**



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1. Final grading, stabilization and seeding shall be in place or adequate bond filed with the Town for the unfinished work.
2. One electronic PDF and paper copy of the final as-built survey showing structures, pins, driveways, final floor elevations and spot grades shall be submitted.

**General Conditions:**

1. In accordance with Section 900.3(h) of the Zoning Regulations, the construction of any buildings associated with this approval shall commence within one year of this approval date and all improvements shall be completed within five years. Such approval shall otherwise be null and void unless an extension has been granted by the Commission.
2. This project shall be constructed and maintained in accordance with the final plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
3. Any modifications to the proposed drainage or grading as depicted on the site plan are subject to review and approval by the Town Engineer.
4. Additional erosion control measures may be required by Town staff if field conditions necessitate.
5. By acceptance of this approval and its 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.
6. The approval granted by the East Windsor Inland Wetland and Watercourses Agency is hereby incorporated into this approval. Any deviations from plans approved by the IWWA shall be subject to the requirements of the Inland Wetlands and Watercourses Agency Regulations.

**Gobin moved/Thurz seconded/DISCUSSION: None.**

**VOTE (by show of hands): In Favor: Ouellette/Gobin/Gowdy/Kowalski/Thurz  
(No one opposed/No Abstentions)**

**OLD BUSINESS/B. PZ-2020-19, 198 South Main Street** (Map 022, Block 05, Lot 079) Site Plan Application for the demolition of an existing house and construction of a 9,600 SF building and parking lot for an automobile workshop. Zone B-2. (*continued to February 9*):

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Chairman Ouellette read the description of this item of business. He noted that although this item has appeared on the agenda this evening the applicant has requested discussion be continued to the next meeting. Interim Town Planner D'Amato indicated the applicant has requested the additional time to address the questions raised by the Commission at the previous meeting.

**MOTION:** To CONTINUE Application PZ 2020-19 198 South Main Street (Map 022, Block 05, Lot 079) Site Plan Application for the demolition of an existing house and construction of a 9,600 SF building and parking lot for an automobile workshop. Zone B-2. Application is continued until the Commission's next regularly scheduled meeting on February 9, 2021 at 6:30 p.m. via ZOOM.

**Gobin moved/Gowdy seconded/DISCUSSION:** None.

**VOTE (by show of hands):** In Favor: Ouellette/Gobin/Gowdy/Kowalski/Thurz  
(No one opposed/No Abstentions)

**OLD BUSINESS/C. PZ-2020-18, 87 South Main Street** (Map 052, Block 20, Lots 029, 069) Zone Change Application, TZ6, R-3, and A-1 to TZ5 and A-1. Owner/Applicant: David Mason:

Chairman Ouellette read the description of this item of business, noting the reference to zone TZ6 in the agenda was a topo.

Chairman Ouellette recalled that the Commission had closed the Public Hearing at the previous meeting. They continued the application as they wanted time to consider the comments and information presented, and to give Interim Town Planner D'Amato time to prepare a Staff memo.

Chairman Ouellette queried the Commissioners for comments or questions to be addressed by Staff? No one requested an opportunity to speak.

**MOTION TO APPROVE:**

Application #PZ 2020-18 Zone Change Application, A-1 and R-3 to TZ5. 87 South Main St. Applicant, Dave Mason.

This approval is granted subject to the conformance with referenced plans (as may be modified by the Commission and this approval) and the following conditions/modifications.

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**Referenced Plans:**

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1. Zone Change Map, 87 South Main Street: Prepared by J.R. Russo & Associates for Dave Mason. sheet 1 of 1. Dated November 23, 2020.

**Conditions:**

1. This approval does not constitute approval of a site development plan or permit for any construction on the property. No future use or occupancy is expressed or implied by the granting of this application.
2. A copy of this approval shall be incorporated into the plan and a PDF copy shall be provided to the Planning and Development Office for review and comment.
3. Following a review by the Planning and Development Office, a single mylar plan shall be prepared for endorsement by the Chairman and Secretary of the Planning and Zoning Commission. Following endorsement of the plans, the mylar shall be filed in the Town Clerk's Office.

**Gobin moved/Kowalski seconded/DISCUSSION:** Chairman Ouellette noted the Zone Change is consistent with the Plan of Conservation and Development.

**VOTE (by show of hands): In Favor: Ouellette/Gobin/Gowdy/Kowalski/Thurz**  
**(No one opposed/No Abstentions)**

**OLD BUSINESS/D. Warehouse Point Planning Study to include Terri Hahn of LADA P.C. Land Planners:**

Terri Hahn, of LADA P.C. Land Planners, joined the Board virtually. She noted the final report has been completed; paper copies and digital copies have been provided to the Planning Office.

Mrs. Hahn reported that as a result of the discussions at the last meeting, she has added a couple of items to the final report that she'd like to review with the Commissioners.

- **Discussion checklist:** Mrs. Hahn suggested this checklist will facilitate discussions with an applicant regarding their proposed project. The focus is that anything that can be done during an application process to facilitate components of the Warehouse Point Study should be considered. The checklist briefly raises questions about proximity to the Blue Ditch, is it located on Main Street or Bridge Street (the commercial district), consideration for sidewalks or street trees, is there room for a bike lane, and other discussion items. Mrs. Hahn suggested the idea of creating a village center is you will have more people walking around the area than you might think – people walking to work, to services, from one location to the next. Mrs. Hahn noted she's included a recommendation for 2 street trees for every 50 feet of frontage, which is different than the perimeter

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plantings. She noted she chose 50 feet of frontage because most of the Warehouse Point properties only have 50 feet of frontage.

Commissioner Kowalski questioned if, when considering the placement of the street trees, should the Commission consider which side of the street the power lines are located on? He foresaw problems in the future if the street trees interfered with the power lines. Mrs. Hahn clarified that the intent wasn't to require street/lawn/sidewalk tree; in some cases your street tree might be back towards the building. The location doesn't have to be within the road right-of-way. The intent isn't to provide quantity, but rather to provide enough green to provide differentiation. Commissioner Kowalski questioned if the term "street tree" was a misnomer? Mrs. Hahn indicated that in her vocabulary street tree is a kind of tree, not necessarily the location. It's a tree designed to have a canopy, or be a flowering tree, or be smaller, or be a shrub.

Discussion continued regarding location vs. function. Mrs. Hahn indicated she wasn't wedded to the trees being planted next to the sidewalk, her intention is that they be planted in the front yard. Commissioner Kowalski questioned if rephrasing the language to "deciduous trees" would be better; Mrs. Hahn replied affirmatively. Chairman Ouellette cited that distinction is excellent information; he suggested that evergreen trees wouldn't meet the requirement. Mrs. Hahn reported that evergreen trees aren't deciduous but were used historically during the Civil War and beyond. She noted she doesn't have a problem with using evergreens, but street trees are usually salt-tolerant, evergreens are not. Chairman Ouellette clarified that in Mrs. Hahn's mind street trees are another way of saying front yard trees; Mrs. Hahn agreed.

- **Build-to line Map:** Mrs. Hahn suggested she began to think what the Commission would need to implement these regulations. Another point of clarification is the "build-to" line is the historic placement of the buildings relative to the street. The new regulations will specify that there will be no parking in front of the buildings. For ease of identification, Mrs. Hahn has created a map reflecting the build-to line within the village area. Mrs. Hahn referenced the Fire District application. If the Fire District application come through after adoption of the new regulations, the Commission would have considered that additions are generally set back from the original build-to line.
- **Streetscape examples:** Mrs. Hahn has provided examples of various streetscape designs, showing the placement of street lights, front yard trees, and other components, such as benches, street flags, etc. Mrs. Hahn indicated she prepared seven sheets of potential streetscapes showing the relationship of potential bike lanes to pedestrian access, potential sidewalk locations, and other street features.

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1208 Commissioner Gobin questioned if locating the street trees too close to the  
1209 sidewalk sometimes causes buckling of the sidewalk as the trees mature and  
1210 become a hazard? Mrs. Hahn suggested that wouldn't occur if you picked the  
1211 right type of tree and if you had enough room to place the trees; she also noted the  
1212 need to replace street trees every 3 generations. Commissioner Gobin questioned  
1213 who would be responsible for the replacement? Mrs. Hahn indicated often  
1214 replacement of street trees are part of a DOT funded project working with the  
1215 Town; such projects occur on a repetitive basis. The responsibility could fall to  
1216 the property owner if there was a site plan on file indicating the location of street  
1217 trees. Mrs. Hahn noted some towns require the services of a landscape architect  
1218 to assist with some of the design components.  
1219

1220 Chairman Ouellette clarified that the documents presented this evening are already part of  
1221 the final plan that was available to the public; these are just additional tools to understand  
1222 what the plan says? Mrs. Hahn replied affirmatively, noting she was looking for a  
1223 mechanism to facilitate the use of the information contained in the study. She noted the  
1224 Commission must still consider the proposed regulations and approve the zone maps, all  
1225 of which will require additional public input.  
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1227 Discussion continued regarding funding opportunities to complete the remaining tasks.  
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1229 Chairman Ouellette questioned if Mrs. Hahn has satisfied the State's requirement for  
1230 publishing the report? Mrs. Hahn indicated she revised the report by assigning  
1231 implementation tasks to the Planning and Zoning Commission, or the Board of  
1232 Selectmen, or the Town Engineer after appearing before the Board of Selectmen last  
1233 week. Mrs. Hahn suggested the Commission should accept the report officially; the State  
1234 wants to know that the report has been received and the study is over. Commissioner  
1235 Gobin questioned if the Commission's acceptance of the report commits the Board of  
1236 Selectman take on a work plan? Mrs. Hahn replied negatively, noting the tasks are a  
1237 recommendation. Chairman Ouellette suggested this is no different than accepting the  
1238 POCD. Interim Town Planner D'Amato concurred with Mrs. Hahn's suggestion to  
1239 formally accept the report.  
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1241 Chairman Ouellette called for additional questions from the Commission.  
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1243 Commissioner Gobin thanked Mrs. Hahn for doing an exceptional job on this report; she  
1244 cited how much she's learned working with Mrs. Hahn. Chairman Ouellette concurred  
1245 with Commissioner Gobin, noting Mrs. Hahn has been a pleasure to work with. Mrs.  
1246 Hahn indicated it's been her pleasure as well.  
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**MOTION: To DEEM the Warehouse Point Planning Study presented by Terri Hahn of LADA P.C. Land Planners as complete and to ACCEPT the report received by the Commission.**

**Gobin moved/Thurz seconded/DISCUSSION: None.**

**VOTE (by show of hands): In Favor: Ouellette/Gobin/Gowdy/Kowalski/Thurz  
(No one opposed/No Abstentions)**

**OTHER BUSINESS;**

Interim Town Planner D'Amato advised the Connecticut Bar Association has scheduled their annual training via ZOOM; the training will be held in March. He requested Commission members advise him within the next two weeks if they would like to register for the training.

**CORRESPONDENCE: None.**

**BUSINESS MEETING/A. Correspondence from J. R. Russo & Associates:**

Tim Coon, of J. R. Russo & Associate, LLC., rejoined the Commission. Mr. Coon noted the Charbonneau gravel pit is run by Apothecaries Hall Enterprises, LLC. Their one-year permit for excavation expired November 28, 2020. Due to COVID, and one of Governor Lamont's Executive Orders, the permit was automatically extended to February 9, 2021.

Mr. Coon reported this property is subject to a solar project which is currently before the Connecticut Siting Council. A Public Hearing was held in December, 2020; a decision is due either this month or next month.

Mr. Coon indicated the questions for Apothecaries Hall Enterprises, LLC is if the Connecticut Siting Council will make a decision before the Executive Order expires on February 9<sup>th</sup>, or will the Executive Order be extended to April. If the Siting Council doesn't approve the solar request and the Executive Order isn't extended then Apothecaries Hall Enterprises, LLC would like to continue the gravel operation for another year. That would require submission of a full application for a Special Use Permit to the Commission. Mr. Coon indicated he is submitting a letter on behalf of Apothecaries Hall Enterprises, LLC asking if the Commission would consider approving an abbreviated permit for a limited amount of time which would allow them to continue to do business until the issue is resolved with the Siting Council, or a decision is made regarding an extension of the Executive Order. The limited permit would relieve them of the expense of fulfilling the requirements of a full application. If Apothecaries Hall Enterprises, LLC submits the full permit application for February 9<sup>th</sup> they could receive a

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favorable ruling from the Siting Council on February 10<sup>th</sup>, and the expense and work would have been unnecessary.

Chairman Ouellette took comments from the Commissioners.

Commissioner Thurz felt it was a legal question; Commissioner Gobin concurred, as she felt it opens the Commission to how they do business, and how they treat everyone. Mr. Coon felt the question to be considered was is the full-blown application necessary, or can they file an abbreviated application? Chairman Ouellette noted even if the solar project is approved the property won't change hands overnight; Apothecaries Hall Enterprises, LLC would still be subject to ceasing the current operation and closing out the existing operation and restoring the property to specified conditions. There will be a period of time that activity will be occurring on the site; it can't be left in its current condition.

Interim Town Planner D'Amato offered the Commission the option of considering if there is some option that doesn't provide for the full extension of the permit with a full plan set and Public Hearing, or does the Commission feel the appropriate action is to renew? If you consider there is some merit to not granting a full-blown gravel permit an option might be if he submitted an application on February 9<sup>th</sup> the Commission would have 65 days to open the Public Hearing, you also have 65 days worth of extensions, and 90 days because of COVID, which would get you to about the middle of June. Interim Town Planner D'Amato wants to focus on compliance and closure if these folks are thinking about leaving at some point; he felt getting rid of a gravel operation and getting a green energy source is moving the property in the right direction and is something the POCD supports.

Commissioner Thurz suggested he has 65 days with the application and another 90 days with COVID; if he gets approved tomorrow then he can work on reclaiming the land. Chairman Ouellette noted he must submit the application with the documents required under the current regulations, and what he's asking for is relief from what those documents look like. Commissioner Gobin indicated she agrees with Interim Town Planner D'Amato regarding getting to compliance. She noted the Commission knows there are a lot of open phases, there's big piles of waste back there, and he may continue operating; we don't know that the Siting Council will approve the solar project. Commissioner Gobin felt giving him an extension without solving the problem doesn't send the right signal to the public.

Interim Town Planner D'Amato indicated he's had these discussions with land use attorneys as to what constitutes an application; the attorney's comments were if you have a document that says what they want to do and where and they've paid you you ought to put it on the agenda. If the Commission decides they don't have enough information,

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1336 then that's on the applicant to provide that. To decide an application is not complete and  
1337 not put it on the agenda is probably not a good idea. Interim Town Planner D'Amato  
1338 suggested he envisions an application submitted with any and every piece of material that  
1339 the applicant has to date and he's requesting a permit as he would any other year. If the  
1340 application doesn't have the information that the Commission needs then he'll have to  
1341 provide it, and if that takes him 65 days or 125 days, he has to provide it by the  
1342 timeframes outlined in the Statutes, or the application has to be denied. And if he waits  
1343 to submit that application to you until the very last day and the Siting Council denies the  
1344 solar project then he has a fire drill on his hands. Interim Town Planner D'Amato  
1345 indicated he agrees with the Commission, we can't give him a permit without the  
1346 documents for compliance; the only we can do is push out your date to make that  
1347 decision.

1348  
1349 Commissioner Kowalski noted the Commission has used the permit period as an  
1350 enforcement tool and that's what we've told the public. At time of renewal is when we  
1351 judge if an applicant is in compliance and if they follow the rules. We've rewarded good  
1352 applicants with longer periods, and we've tried to help bad applicants seek compliance.  
1353 Commissioner Kowalski felt anything we do to skirt that process, or the Public Hearing  
1354 process is wrong. He didn't feel the Commission should go down that road.  
1355 Commissioner Thurz suggested it's bad timing for this applicant. Commissioner Gowdy  
1356 agreed with Commissioner Kowalski.

1357  
1358 Chairman Ouellette questioned Mr. Coon if he had enough information to take back to  
1359 his client to assist him to make a decision? Mr. Coon clarified that at a minimum we  
1360 need to submit an application on February 9th to be received, if the as-built is completed  
1361 by then that's a positive thing, if not then we'd have to wait for a decision from the Siting  
1362 Council. Chairman Ouellette questioned if the as-built is the critical item; would an  
1363 aerial photograph provide the same information? Mr. Coon indicated the as-built is  
1364 expensive; they don't have time to do the aerial photo and that's costly as well.

1365  
1366 Interim Town Planner D'Amato requested clarification of the Commission's perspective  
1367 on one issue. Let's assume the Siting Council approves the solar project and  
1368 Charbonneau/Apothecaries Hall Enterprises, LLC doesn't need the excavation permit;  
1369 what's the Commission's perspective on closing out the site? Interim Town Planner  
1370 D'Amato suggested he doesn't feel a permit is necessary to close out the pit; an  
1371 application shouldn't be required to complete close out activities. Discussion continued  
1372 regarding the intent of the permit as it relates to closure activity, the significance of the  
1373 final grading plan as it relates to the closure, discussion of closure vs. restoration, and the  
1374 significance grading plan to the closure operation. The Commission felt the permit sets  
1375 the requirements for the closure and once the permit has expired the Commission no  
1376 longer has any leverage over the applicant. Interim Town Planner D'Amato cited the  
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Town is holding a bond. Commissioner Kowalski sees the permit as the contract under which the applicant is operating ; if there's no longer a permit then there's nothing to hold the applicant to the agreement. Mr. Coon felt the expectation is that the applicant will restore the site, and the bond makes sure he does that.

Chairman Ouellette suggested Interim Town Planner D'Amato has outlined some options. He suggested Apothecaries Hall Enterprises, LLC needs to submit something by February 9<sup>th</sup>. Mr. Coon questioned if they need to submit a permit to close out the site if the Siting Council approves the solar project tomorrow? Commissioner Thurz felt a permit is necessary; he noted the permit also covers restoration as well as the gravel operation. Commissioner Kowalski felt allowing activity without a permit sets a bad precedent; he noted the Town has several other gravel excavation projects who would expect the same treatment. Commissioners Thurz and Gowdy agreed with Commission Kowalski. Discussion continued regarding the permitted closing plan vs. the grading plan applicable to the solar project.

Interim Town Planner D'Amato offered as an option that prior to the expiration of the existing permit Mr. Coon submit a modification using the proposed grading plan for the solar project. That would buy you some time and keep the permit valid, and if the solar project plan dies then you come back and modify that plan to continue moving forward with another phase.

Mr. Coon thanked the Commission, and Interim Town Planner D'Amato for their time.

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 9:10 p.m.**

**Gowdy moved/Kowalski seconded/VOTE: In Favor: Unanimous**

Respectfully submitted,

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