

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

**REGULAR Meeting #1802  
May 11, 2021**

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\*\*\*\*\****

**TIME AND PLACE OF MEETING:**

Chairman Ouellette called Regular Meeting#1802 of the East Windsor Planning and Zoning Commission dated May 11,2021 to Order at 6:32 p.m. The Meeting is being held via teleconference due to closure of the Town Hall to the public as the result of the coronavirus pandemic.

**PRESENT:**    **Regular Members:** Joe Ouellette (Chairman), Anne Gobin, Michael Kowalski, and Jim Thurz  
                  **Alternate Members:** There are presently three vacancies for Alternate members.

**ABSENT:**     Regular Member Frank Gowdy is out of state this evening.

Also present was Planning Consultant Michael D'Amato.

**GUESTS/SPEAKERS:**     First Selectman Bowsza co-hosted the meeting with Planning Consultant D'Amato. Also present were: Mr. Ussery and Tim Coon, of J. R. Russo & Associates, LLC, Mike Frisbie, David Grigely, and Betsy Grigely Leborious.

**Public (as identified in the Meeting participation list):** Craig, Paul Daigle, Elena and George Dieck, jpm, Marek Kement, Brooke Massie, Debbie & Steve Thompson.

**ESTABLISHMENT OF QUORUM:**

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A quorum was established as four Regular Members were present at the Call to Order. Chairman Ouellette noted Commissioner Gowdy was absent. He noted all members would participate in discussions and actions on all Items of Business this evening as well.

**ADDED AGENDA ITEMS:** None.

**LEGAL NOTICE:**

The following Legal Notices were read by Chairman Ouellette:

**LEGAL NOTICE**

**EAST WINDSOR PLANNING & ZONING COMMISSION**

The East Windsor Planning & Zoning Commission will hold a regular meeting on Tuesday, May 11, 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)  
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+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 hearings will be held:

- PZ-2021-15 Wells Road, Resubdivision Application**, 5-lot Resubdivision. (Map 125 Block 24 Lot 025) Zone A-1. Applicant: Anthony A. Della Ripa, Owner: Anthony A. Della Ripa and TMC LLC.
- PZ-2021-16 Wells Road, Special Use Permit Application**, to allow the creation of a rear lot. (Map 125 Block 24 Lot 025) Zone A-1. Applicant: Anthony A. Della Ripa, Owner: Anthony A. Della Ripa and TMC LLC.
- PZ-2021-17 8 Church Street, Resubdivision Application**, 1-lot Resubdivision. (Map 097 Block 30 Lot 052) Zone R-2. Applicant/Owner: Mae A. Grigely Trust.
- PZ-2021-18 76 and 84 North Road and 7 Winkler Road, Special Use Permit Application**, for construction of an automatic car wash accessory to an existing automotive filling station. (Map 113

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Block 24 Lots 002, 002-1, 003) Zone B-3. Applicant/Owner:  
Noble Energy Real Estate

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

Dated April 27, 2021, East Windsor, CT

Joseph Ouellette, Chairman  
East Windsor Planning & Zoning Commission

**Journal Inquirer editions: April 29 and May 6, 2021**

cc:	Tim Coon, J. R. Russo	Helen Totz, Assessor
	Jason Bowsza, First Selectman	Rand Stanley, Building Official
	Amy Lam, Town Clerk	

**PUBLIC PARTICIPATION:**

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

**APPROVAL OF MINUTES/April 13, 2021:**

**MOTION:** To APPROVE the Minutes of Regular Meeting #1800 dated April 13, 2021, with the following amendment:  
Page 24, **NEW PUBLIC HEARING: PZ 2021-11, 24 Rockville Road, Resubdivision Application, Motion to Approve Application: line 1009, "...Owner: James Daniel TOM CROCKETT, ET AL, Applicant: Tom Crockett, et al JAMES DANIEL"**

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

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

**APPROVAL OF MINUTES/April 27, 2021:**

**MOTION:** To APPROVE the Meeting Minutes from Regular Meeting #1801 dated April 27, 2021 as written.

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

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

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**RECEIPT OF APPLICATIONS:**

Chairman Ouellette acknowledged receipt of the following new application:

- A. PZ-2021-19, Text Amendment Application** to East Windsor Zoning Regulations Section 802.4 Multi Family Development District (MFDD).  
(*Proposed Public Hearing Date: 6/8/21*)

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

No requests presented under this Item of Business this evening.

**CONTINUED PUBLIC HEARINGS:**      None.

**NEW PUBLIC HEARINGS/A. PZ-2021-15, Wells Road, Resubdivision**  
**Application**, 5-lot Resubdivision. (Map 125 Block 24 Lot 025) Zone A-1. Applicant: Anthony A. Della Ripa. Owner: Anthony A. Della Ripa & TMC LLC, **AND, B. PZ-2021-16, Wells Road, Special Use Permit Application**, to allow the creation of a rear lot. (Map 125 Block 24 Lot 025) Zone A-1. Applicant: Anthony A. Della Ripa. Owner: Anthony A. Della Ripa & TMC LLC

Jay Ussery, of J. R. Russo & Associates, joined the Commission to present the applications for the Wells Road Resubdivision, and associated Special Use Permit. Chairman Ouellette noted the applications are related; he questioned if Mr. Ussery would be making separate presentations, or if the applications would be presented together? Mr. Ussery indicated he would discuss both applications under one presentation.

Chairman Ouellette then read the description of both Public Hearings.

Mr. Ussery opened discussion by noting he is representing Anthony Della Ripa, and TMC, LLC for a proposed resubdivision of land located on the west side of Wells Road, north of Syklark Airport. The parcel contains 47 acres; the back property line abuts property owned by Walter Bass, which was part of the Bass farm. The property was sold to Mr. Della Ripa in the 80s.

Mr. Ussery noted the Resubdivision Application was originally submitted as a **5-lot proposal** but has been scaled back to 4-lots to conform with lot size requirements for developable area, which is 43,560+/- square feet. Lots 1 and 2 have been combined into a single lot to meet the regulation requirements. Mr. Ussery shared the revised plans, which will be submitted to the Planning Office tomorrow, with the Commission.

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Mr. Ussery noted they appeared before the Wetlands Commission last week, and have received their approval for this revised plan for 3 frontage lots and 1 rear lot.

Mr. Ussery described the lots as follows:

**Lot 1 – containing 6.3 acres:** This is a frontage lot located immediately off of Wells Road. The lot is totally flat, and heavily wooded; the wetlands area is to the back of the lot. They are proposing a lot containing 44,455 square feet of buildable area. The plan shows a new home located in the front with a clearing line; a well will be located to the rear of the proposed dwelling. Sewer is available in Wells Road almost to the airport.

Planning Consultant D’Amato has suggested two street trees should be added to the lot. Mr. Ussery indicated they are showing the two street trees because they will be clearing the frontage. He noted this is the only lot for which he is showing the addition of street trees, as all of the lots are currently heavily wooded.

Mr. Ussery advised the Commission the plans being submitted are conceptual plans. He believes when the lots are sold the homeowners will return to the Planning Office with plot plans for the actual homes being constructed. Additional street trees could be discussed with Staff at that time.

**Lot 2 – containing 5 ½ acres:** This is also considered a frontage lot, with a driveway coming in off of Wells Road. The amount of buildable area, which he believed to be over 2 acres, will be added to the revised plans being submitted to the Planning Office. A well will be installed to the rear. The lot is also served by the sewer in Wells Road, with a grinder pump and force-main out to the street. The driveway comes in to an upland review area rather than the wetlands.

**Lot 3 – containing just under 4 acres:** This lot contains a fairly substantial upland or buildable area about 2 acres in size; the lot will be served by sanitary sewer with grinder pump and force-main out to the road.

**Lot 4 – containing 32 ½ acre:** This is the rear lot, which is the Special Permit lot. The front of the lot is fairly level, while in the rear there is a little hill, so the house sits higher. They are proposing a dwelling with full basement and footing drains, a grinder pump, and a forced main out to the street. The driveway is 30 feet of frontage going into the rear lot.

Mr. Ussery reported Planning Consultant D’Amato has noted the regulations require screening along the driveway, and at the rear property line. Mr. Ussery indicated the lot is currently extensively wooded, and they’re showing vegetation between the driveways; he suggested Staff consider the clearing and screening at the time the homeowners return

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for the plot plan review. He suggested the lot may need some screening at the driveway after construction of the home.

Mr. Ussery noted Planning Consultant D'Amato had indicated in his Staff memo that approximately 2 acres of Lot 3 is designated as a flood hazard area by FEMA, while the proposed plans don't reference the FEMA identification. Mr. Ussery suggested there is not any of the 100-year flood hazard area located on this property. There is a small area in the wetlands of what is defined on the flood hazard map as "other flood areas". It's not a special flood hazard area, or an area that you couldn't build on, nor does it require flood insurance.

Mr. Ussery felt he had addressed the remainder of Planning Consultant D'Amato's comments.

Mr. Ussery advised the Commissioners the applicant is requesting the following waivers:

- Sidewalks – the intention is to offer a Fee-In-Lieu of sidewalk installation as there are none in the area
- Streetlights – there is not any new road construction.
- Street trees – see discussion above.

Chairman Ouellette opened discussion to the Commissioners

**Commissioner Thurz:**

- **Lot #4-rear lot/driveway:** questioned if the driveway on Lot 3 follows the old trail in the area? Mr. Ussery noted a 1934 aerial of the area showed tobacco barns and buildings in the area of the rear lot; the road referenced by Commissioner Thurz went back to those buildings. Mr. Ussery indicated it's still passable, but he didn't think anyone used it any longer. Commissioner Thurz indicated they used to use that road to get to Bassdale Plaza when they were kids.
- **Waivers:** Commissioner Thurz indicated he's ok with all of the waiver requests.

**Commissioner Kowalski:**

- **Clearing area:** questioned if the area in light green on the Site Plan is the proposed clearing area? Could a person clear any additional area for a larger lawn; what are the potential uses for the properties? Mr. Ussery noted the area shown in light green is the clearing area for the proposed lawn area, which could be changed or enlarged. He noted there was significant discussion during the Wetlands application regarding maintaining a wetlands buffer. He reiterated his comment that he felt the house locations will change as people buy them, which will require reapplication to the Wetlands Commission for subsequent review, and

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- individual permits on each lot. Mr. Ussery suggested the lawn area is tight for Lot 1; perhaps rear Lot #3 could have horses, and a barn and be a mini-farm.
- **Waivers:** Commissioner Kowalski indicated he would have comments regarding the waivers later.

**Commissioner Gobin:**

- **Lot clearing:** indicated she doesn't like having large trees near her house because of the fear of them falling on the home; is there anything to prevent a buyer from clear cutting the lot? Mr. Ussery noted that the lots are located within the upland review area which extends 150 feet from the delineated wetlands; any clearing or construction requires a Wetlands Permit which will indicate what can be done within that area. Mr. Ussery felt the Wetlands Commission may be ok with clearing up to 20 to 25 feet of the wetlands line as a buffer. Mr. Ussery suggested there's enough area on Lots 2, 3, and 4 to clear more area than he's shown on the plan; he reiterated that the rear lot #4 could be a farm.
- **Waivers:** Commissioner Gobin questioned if this Commission waives the street tree requirement, and the buyer doesn't like trees, what happens if they go to Wetlands and say they want more of a field? Would Wetlands be ok with that, or would there be an issue? Mr. Ussery indicated the Wetlands Commission wants the lots to have as many trees as possible, but we're talking about street trees that may be a different issue out by the road. He questioned Planning Consultant D'Amato for comments.

Planning Consultant D'Amato suggested if the homeowner asked us could they cut the street trees down Staff would tell them no, but he felt both Commissions lose control after the Certificate of Occupancy is issued. Commissioner Kowalski indicated if the Commission is interested in keeping the existing vegetation, he felt some notation needs to be made on the plans regarding retaining street trees. Mr. Ussery suggested adding a notation to the plans regarding keeping the street trees on the frontage to meet the regulation requirements

**Chairman Ouellette:**

- **Lot #1/roadway configuration:** Chairman Ouellette suggested there's a vertical curve in the road at the driveway location; he questioned if the sight distance would be limited at the driveway looking to the north. Mr. Ussery indicated he would have to measure the distance, but standing at the driveway you can see up to Rolocut Road. Chairman Ouellette questioned if that was an element that Staff would review when the individual plot plans come in? Planning Consultant D'Amato suggested review of the driveway location would be referred to Town Engineer Norton.

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- **Lot #4/rear lot:** Chairman Ouellette questioned how long, and how wide, is the driveway; does it fall within the regulations? Mr. Ussery indicated the driveway as proposed is 900+/- feet; the width is 18 feet passable – 12 feet plus 3 feet on each side for emergency vehicles to pass and enough room at the end for the vehicle to turn around. He felt Town Engineer Norton would comment about that during review of the individual plot plan.
- **Open Space:** Chairman Ouellette suggested Planning Consultant D'Amato had offered comments in his Staff memo; Chairman Ouellette questioned how is that applicable here in this resubdivision application? Mr. Ussery agreed, the application does require an Open Space dedication, whether it's a Fee-In-Lieu of or actual land. Any land dedication wouldn't abut other Town owned land, or other Open Space, so the question is what could done with it? He felt the Fee-In-Lieu would be more applicable in this situation.

Chairman Ouellette questioned Planning Consultant D'Amato if he had comments before opening discussion to the public. Planning Consultant D'Amato indicated he had nothing to add to what he offered in his memo. Mr. Ussery had mentioned the submission of revised plans but Planning Consultant D'Amato indicated the plans he reviewed for the PZC were for the 5-lot subdivision sent to the Commission originally. Planning Consultant D'Amato indicated he had reviewed the 4-lot subdivision revised plans submitted for the Wetlands Commission, so some of the issues raised in his Staff memo for PZC may have been addressed by Mr. Ussery under the revised plan set.

Chairman Ouellette opened discussion to the public; no one requested to speak.

Chairman Ouellette indicated he was considering closing the Public Hearing and continuing the application to a future meeting to give Staff time to review the revised plans, and to give Mr. Ussery time to make the notations requested during this meeting. Mr. Ussery and Planning Consultant D'Amato were both comfortable that any modifications made after today would be acceptable between Staff and Mr. Ussery.

Chairman Ouellette noted he received an **e-mail addressed to the PZC from James T. Glista**, of 19 Post Office Road, Enfield regarding the Public Hearing. Mr. Glista indicated he had no objection to the resubdivision proposal but he noted he's a pilot who often uses Skylark Airport. Mr. Glista suggested notations should be made on the deeds acknowledging the proximity of Skylark Airport, which is an active airport. Chairman Ouellette recalled similar notations made on the deeds for Newberry Village regarding Skylark as an active airport as well. Mr. Ussery recalled the plan or deed notations; he'll research what was done for Newberry Village and propose similar language for this application. Chairman Ouellette indicated he would support adding the language to the mylars.



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Chairman Ouellette suggested the Commission offer comments on the waiver requests.

- **Waive installation of sidewalks but offer a Fee-In-Lieu of the installation along the frontage:** Commissioners Thurz, Kowalski, and Gobin and Chairman Ouellette supported the Fee-In-Lieu of sidewalk installation.
- **Waive the installation of streetlights:** Commissioners Thurz and Kowalski and Chairman Ouellette supported the waiver for streetlights. Commissioner Gobin questioned if there were any streetlights along Wells Road in the vicinity of these driveways; Commissioner Thurz suggested there are some streetlights on Wells Road but the locations are scattered. Commissioner Gobin questioned that more streetlights might be needed; Commissioner Thurz felt it wasn't necessary. Commissioner Gobin then agreed to the waiver of the streetlights.
- **Open Space – Fee-In-Lieu proposed rather than land dedication:** The consensus of the Commission was a Fee-In-Lieu of Open Space was more appropriate with regard to this application.
- **Street trees:** Chairman Ouellette suggested discussion seems to have determined that notations should be added to the plans regarding street trees which should be preserved to avoid clear cutting and meet the intent of the regulations. Commissioners Thurz, Kowalski, Gobin, and Chairman Ouellette felt the notations were appropriate additions.

Chairman Ouellette queried the public for comments a second time; no one requested to speak.

Chairman Ouellette questioned if Mr. Ussery and Planning Consultant D'Amato were comfortable with closing the Public Hearing. Mr. Ussery indicated he was comfortable based on discussions held this evening; Planning Consultant D'Amato was comfortable with closing the Public Hearing as well.

Chairman Ouellette called for separate motions to close each application.

**MOTION: To CLOSE the Public Hearing for Resubdivision Application PZ-2021-15, Wells Road, Resubdivision Application**, for what was noticed as a 5-lot Resubdivision. (Map 125 Block 24 Lot 025) Zone A-1. Applicant: Anthony A. Della Ripa. Owner: Anthony A. Della Ripa & TMC LLC.

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

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

**MOTION: To CLOSE the Public Hearing on PZ-2021-16, Wells Road, Special Use Permit Application**, to allow the creation of a rear lot. (Map 125

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Block 24 Lot 025) Zone A-1. Applicant: Anthony A. Della Ripa. Owner:  
Anthony A. Della Ripa & TMC LLC

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

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

**NEW PUBLIC HEARINGS/C. PZ-2021-17, 8 Church Street, Resubdivision  
Application, 1-lot Resubdivision. (Map 097 Block 30 Lot 052) Zone R-2.  
Applicant/Owner: Mae A. Grigely Trust:**

Chairman Ouellette read the application description. Appearing to represent the Grigely family was Jay Ussery, of J. R. Russo & Associates. Also present virtually were Dave Grigely, and Betsy Grigely Leborious, 2 of the applicants.

Mr. Ussery shared the Resubdivision Plan with the Commission, noting the parcel, 8 Church Street, is bordered on the north and east, and part of the west side, by the East Windsor Intermediate (Middle) School. There is a mowed field at the location of the resubdivision, and an access strip to the Middle School to the east; part of the rear land will be conveyed to the Leborious family. The lot, which is located in an R-2 Zone, will be served by public water and sewer. The proposal is to cut out a 26,000 square foot lot with 150 feet of frontage to be known as 12 Church Street. There is a large tree at the street, and an existing row of shrubs separating the new lot and 8 Church Street.

Mr. Ussery indicated the existing home, located at 8 Church Street, has enough land for the resubdivision, and meets the required set-backs. 8 Church Street also contains an existing garage which doesn't meet the rear set back line, nor does the existing home meet the front yard set-back requirements; those are pre-existing conditions.

Mr. Ussery reported Town Engineer Norton has recommended installation of a drywell to handle the roof water, and to grade the proposed driveway and tilt it slightly to shed water into the lawn; both revisions has been added to the plans. Mr. Ussery questioned if an updated memo from Town Engineer Norton noting that his comments had been addressed had been received by the Commission?

Mr. Ussery reported they are requesting the following waivers:

- **Sidewalks** – none currently exist on Church Street
- **Streetlights** – present within vicinity of the new lot

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- **Open Space** – 8 acres of the Grigely Farm was gifted to the Town for the Intermediate School by Dave Grigely's grandfather in 1965. Mr. Ussery shared documentation indicating that Wendell and Anna Grigely's parcel is the property being considered for resubdivision. He has shared the deed and Assessor's Card with Planning Consultant D'Amato as well.

Chairman Ouellette opened discussion to the Commissioners.

**Commissioner Gobin** indicated she didn't have any questions.

- **Sidewalks:** As much as she would like sidewalks near the school, she is ok with no sidewalks. Commissioner Gobin referred to a similar proposal for sidewalk installation for a new lot on Rye Street which would have provided sidewalks on the subject lot, which doesn't make sense.
- **Streetlights:** Commissioner Gobin isn't familiar with the conditions on this street at night; she would like input from fellow Commissioners regarding the streetlights.
- **Open Space:** She thinks the concept of having donated the 8 acres to the Town is a reasonable concept, unless the Commission hasn't accepted similar situations in the past. Commissioner Gobin felt that premise was a good argument.

**Commissioner Kowalski:**

- **Streetlights:** There are streetlights on Church Street, and may be a pole at the location of the proposed lot; Mr. Ussery indicated Commissioner Kowalski was correct. Commissioner Kowalski is ok with the waiver request for the streetlights.
- **Open Space:** Commissioner Kowalski indicated he's lived on Church for 20 years and has always thought of this lot as an open building lot; it makes sense to see it developed. He felt the family has been more than generous already donating all the land for the school.
- **Sidewalks:** Unless we did sidewalks on the entire street sidewalks on this lot would have no value at all.

**Commissioner Thurz** agreed with Mr. Ussery; the parcel is a beautiful parcel for development.

- **Sidewalks:** He doesn't feel sidewalks are necessary.
- **Open Space:** If the family donated land in 1965 for the school there wouldn't be a soccer field there. The least the Commission can do to pay them back is waive the Fee-In-Lieu of Open Space, if we have the power to do so.

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Chairman Ouellette indicated he had no comments regarding this proposal.

Chairman Ouellette asked Planning Consultant D'Amato for comments regarding the waiver of the Fee-In-Lieu of Open Space. He cited the evidence that the land had been donated by the grandfather; he questioned the Commission's ability to waive the Fee? Planning Consultant D'Amato indicated he was reviewing the regulations during the discussion.

Chairman Ouellette opened discussion to the public.

**Dave Grigely:** Mr. Grigely indicated he has a copy of the deed that's related to the map which he can provide if necessary.

**Betsy Grigely Leborious:** Mrs. Leborious referenced the Commissioners' acknowledgement of the family's donation to the Town; she thanked them for the comment.

Chairman Ouellette queried Mr. Ussery for final comments. Mr. Ussery indicated he had nothing additional, although he reiterated his comments regarding the deed and Assessor's records related to the land donation.

**Commissioner Kowalski:**

- **Open Space** – Commissioner Kowalski suggested the Commission is basically dealing with a parcel that the same family lineage is subdividing, the family has donated Open Space – just in a reverse order. He suggested the Regulation requirement has been followed, the same entities are subdividing and have made the land donation, just in reverse order.

Chairman Ouellette Questioned Planning Consultant D'Amato if he needed time to research if this approach is legally binding by the Commission? Planning Consultant D'Amato indicated there's no question that giving this parcel to the Town meets the intent of the Regulation, but when you start talking about exemptions – they've already given the Open Space so the Commission can't waive that requirement. Planning Consultant D'Amato suggested the Commission would have to make a finding that they were in agreement that the Open Space donation had already occurred, and add a notation to the plan that the family had/ provided 8 acres of Open Space to the Town. Mr. Ussery suggested adding a key plan showing the donation. Chairman Ouellette indicated the Commission is unanimous in their opinion to go with that direction. Commissioner Gobin suggested that Condition #17 under General Conditions of

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the draft approval motion provided in the Staff memo might be rewritten to address this situation, which is a first for this Commission. Chairman Ouellette requested Planning Consultant D'Amato work with Mr. Ussery to find a way to memorialize the Commission's intent. David Grigely and Betsy Grigely Leborious indicated they were in agreement with the process discussed by Mr. Ussery and Planning Consultant D'Amato.

Chairman Ouellette called for a motion to continue this Public Hearing.

**MOTION:** To CONTINUE the Public Hearing on Application PZ-2021-17, 8 Church Street, Resubdivision Application, 1-lot Resubdivision. (Map 097 Block 30 Lot 052) Zone R-2. Applicant/Owner: Mae A. Grigely Trust. *Public Hearing is continued to the Commission's regularly scheduled meeting on May 25, 2021 at 6:30 p.m. via ZOOM.*

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

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

**NEW PUBLIC HEARINGS/D.** PZ-2021-18, 76 and 84 North Road and 7 Winkler Road, Special Use Permit Application, for construction of an automatic car wash accessory to an existing automotive filling station. (Map 113 Block 24 Lots 002, 002-1, 003) Zone B-3. Applicant/Owner: Noble Energy Real Estate:

Chairman Ouellette read the description of this Public Hearing application.

Joining the Commission to introduce the presentation was Tim Coon, of J. R. Russo & Associates, LLC. Also signed in to the meeting was Mike Frisbie, owner of Noble Energy Real Estate.

Mr. Coon began his presentation by noting the applicant had previously appeared before this Commission for a Text Amendment which allowed the car wash as an accessory use to the gas station. As that Text Amendment was approved, Mr. Coon indicated they're here this evening with a Special Use Permit Application to construct the car wash, driveways, and associated equipment. The application involves 3 parcels:

- 76 North Road – the existing Noble Gas Station and convenience store
- 84 North Road – separate parcel currently containing an existing unoccupied home
- 7 Winkler Road – containing a small storage building and existing pond.

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Mr. Coon indicated that the 3 parcels, when combined, will contain approximately 4.8 acres; all parcels are located within a B-3 Zone. There are residential properties abutting the gas station, a single-family home to the east on North Road, and a single family home to the southeast on Winkler Road. The property directly across Winkler Road is undeveloped frontage property owned by the Warehouse Point Fire District.

The proposal is to merge the 3 lots to construct a 2,771 square foot automated car wash as an accessory to the gas station. The car wash will recycle approximately 65% of the water for re-use. An impervious area will be constructed for vacuums associated with the car wash; this area will also include 3 electric charging stations for electric vehicles. There will be a curb cut on North Road to the car wash, and an inter-connection within the gas station to access the car wash. There will be a parking lot to the west of the building for employee parking.

Mr. Coon indicated the site will include a stormwater management system which will include catch basins in the area of the parking lot to collect the runoff and convey it to a new stormwater basin to be constructed at 7 Winkler Road; the new basin will discharge to the catch basin at Winkler Road. The existing dumpster pad will be expanded and will be contained in a wooden enclosure. They will extend the existing sidewalk in front of the gas station to an area in front of the car wash. Mr. Coon suggested they will be installing 2 new pole mounted lights to the north and south end of the parking lot. Mr. Coon indicated they have provided lighting cut-off sheets of the fixtures and a Photometric Plan to the Planning Department demonstrating there is no light spillage over the property lines.

Mr. Coon noted they are showing a sign at the entrance of the car wash on North Road.

Mr. Coon noted this proposal, and the existing use, are commercial uses abutting residential uses. The Landscape Plan shows a solid vinyl fence and row of evergreen trees, and a double row of evergreens planted on a 4-foot-high berm next to the residential uses. They are also proposing to install a row of evergreen trees at the south end of the queueing lane. Mr. Coon has noted Planning Consultant D'Amato has indicated the need to provide street trees at the front of the site, and flowering trees around the site, and planting beds around the building.

The properties are currently served by sewer gas, and public water.

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Mr. Coon advised the Commission the Architectural Drawings have been revised. The building will match the gas station. There's a stone section at the bottom and flatboard siding. The building will have a metal roof, and windows along its length.

Mr. Coon indicated they have received the following administrative approvals or confirmations:

- Appeared before the Wetlands Commission last week; Wetlands Permit approved.
- Response memo from Town Engineer Norton indicated his earlier comments have been addressed.
- Letter from the WPCA confirming there is adequate sewer capacity.

Mr. Coon indicated they were not able to provide the revised plans, or Town Engineer Norton's response memo, prior to this meeting.

Mr. Coon reviewed Planning Consultant D'Amato's recommendations:

- **Landscaping:** 100 foot buffer required between commercial and residential uses. Planning Consultant D'Amato suggested that additional plantings or screening should be added to the south of the vehicle queueing lanes parallel to the former property line at 84 North Road.
- **Lighting:** Location and specifications of new light poles to be shown on plans.
- **Site Circulation:** Modify the 4 existing parking spaces near the drive-thru window to angled spaces to encourage proper site circulation.
- **Signage/Stripping/Site Circulation:** Install appropriate directional signage and add striping adjacent to the drive-thru window to further encourage proper site circulation.
- **Outdoor patio:** In lieu of entirely removing outdoor patio applicant should consider retaining a smaller patio for customer convenience.
- **Noise from operation of car wash and vacuum stations:** Mr. Coon indicated that Planning Consultant D'Amato had recommended a condition of approval that the car wash should be equipped with automatic doors so the doors would remain closed while the car wash was in operation.

Regarding the vacuum stations, Mr. Coon indicated they had originally proposed a single "turbine enclosure" to power all the vacuums, but it runs continuously. Mr. Frisbie will be replacing the vacuum station with individual vacuums which will be quieter because they'll only run when in operation. Mr. Coon indicated that East Windsor noise standards

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require the decibel level not exceed 55 at or near a property line. He reviewed the decibel levels at various distances. The closest vacuum is 90 feet away so it will be less than the 55 decibels at the property line. Mr. Coon suggested the building will also provide buffering as the vacuums are on the other side of the building. They are also proposing a solid fence and evergreens at the property line, as well as the berm with the evergreens; they're confident they won't exceed the Town's decibel requirements at the property line.

Regarding the recommendation to that the doors should be closed during the operation of the car wash, Mr. Coon suggested that because this is a high-speed car wash operation it wouldn't be feasible for the doors to close every time a car enters and exits the car wash. They don't feel that stipulation is necessary as the noise generated by the car wash is within the building. Mr. Coon also noted the doors are oriented north and south, so any noise generated would be projected north and south. Mr. Coon reiterated the proposed screening at the property line, and the berm with additional evergreens. They feel that with the proposed screening, and the orientation of the doors, that eliminates the need to have the doors open and close every time a car enters and exits the car wash.

Mr. Frisbie indicated he hoped the Commissioners were taking into consideration the modifications and changes they've made with regard to the neighbors. The turbine is probably a better system because it will last longer and be more efficient, but, the changes we made to the vacuums on the poles are better individualized and they only operate when someone comes up and pushes the button, where the turbine system runs continuously. At the less than peak times the vacuums won't be running at all.

Regarding the car wash doors, Mr. Frisbie indicated because it's an express unit where the cars come through on a conveyor system and are continuously coming out, the doors would be flapping open and closed at the busiest times. Mr. Frisbie would prefer not to have the doors there and slow down production.

Mr. Frisbie suggested if this proposal is approved he'll take good care of the property and will have attractive landscaping, as they do now.

**Chairman Ouellette:**



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- **Hours of Operation:** Chairman Ouellette questioned if this is a 24 hour operation, or just when someone is manning the car wash? Mr. Frisbie indicated he won't be open 24 hours; he anticipates hours of operation will be 7:00 or 8:00 a.m. to 8:00 p.m. There will be an attendant at the car wash at all times.
- **Duration of wash cycle:** Chairman Ouellette questioned how long will it take to go through the wash/dry cycle from entering to exiting the car wash? Mr. Frisbie indicated the cycle can be completed in just over a minute – depending on the services purchased - during busy times; the cycle can be slowed down if there are less cars coming through.
- **Route 140 Driveway:** Chairman Ouellette questioned what's the value of the new driveway at Route 140; why is that a critical component to this design? Mr. Frisbie felt it was important to safely get emergency vehicles in and out. Mr. Frisbie felt if he could redesign where the diesel tank/dispenser is located he felt there would be a better flow of the traffic from the gas station to the car wash site. Mr. Frisbie suggested if he designed the site today- before he built the gas station - it would have a totally different design. He felt they've done a good job of enabling the people from the gas station who want to use the car wash to transition to the car wash without having to going out onto Route 140. Mr. Coon also noted they've met with the Fire Marshal to review the Site Plan; he was in agreement that the curb cut onto Route 140 is a "must" to allow for emergency vehicle access.
- **Route 140 width:** Chairman Ouellette questioned at the new driveway what's the width from the center line of Route 140 to the curb cut? Chairman Ouellette indicated that when DOT reviews this plan they will require a width on Route 140 of 20 feet to the right curb, similar to what they did on the other driveways on a 45 mile per hour road; you must have a minimum of 20 feet or they will request that you widen the road. Mr. Coon felt the width may be 18 feet from the center line. Chairman Ouellette suggested when you apply for you Encroachment Permit the DOT may require that you widen the area by the 2 feet. Mr. Frisbie indicated they'll work with the DOT as is necessary.
- **Route 140/Winkler Road cut-through:** Chairman Ouellette noted he has noticed people traveling east on Route 140 sometimes use the gas station as a cut through to Winkler Road, he questioned if Mr. Frisbie had noticed that as well? Mr. Frisbie suggested he didn't know why people do that; they do see it sometimes. Mr. Frisbie suggested there doesn't seem to be a problem.

- **Car wash/vehicle accommodation:** Chairman Ouellette questioned what's the largest sized vehicle that can fit in the car wash? Mr. Frisbie indicated that going away from the chain system to the conveyer system allows the system to pull the vehicles through. They're going to this system to accommodate low-profile vehicles that can come through and not get damaged by the rail system, to the larger trucks with dual wheels, and the automated Tesla's or other electric vehicles.
- **Vacuum system:** Regarding the number of vacuums, Chairman Ouellette questioned if it takes approximately a minute for a vehicle to cycle through and they decide to use the vacuums, is it a requirement to use the vacuums after going through the car wash? Mr. Frisbie suggested that one of the things they're considering for this location is a membership program, which may allow free vacuuming for members. What that would mean is license plate recognition would be part of the program so the members would get to use the vacuums vs. people coming in off the street who use the vacuums and leave their trash without using the car wash. As it stands now, anyone can drive up and use the vacuums.

Chairman Ouellette wanted to applaud Mr. Frisbie for his forward-thinking as a businessman, and his use of technology. Chairman Ouellette suggested it amazed him how pro-active Mr. Frisbie is in this market; Chairman Ouellette suggested he wished more people would think like Mr. Frisbie. Mr. Frisbie thanked Chairman Ouellette for his comments.

**Commissioner Thurz:**

- **Photometric Plan:** Commissioner Thurz suggested that after reviewing the Photometric Plan he felt they will need wall packs on the building by the vacuum side; he didn't feel the lighting in the parking lot will reach the vacuum area. Mr. Frisbie suggested he'll work with the architect to find something decorative.
- **User access to car wash:** Commissioner Thurz questioned when someone pulls up to the attendant's booth how does someone know which lane goes first? Mr. Frisbie indicated they'll be a bar/gate that will go up and down; the gate will open when it's your turn to go through. Mr. Frisbie felt in this market they may be able to have an express lane for the members.

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- **Viewing window:** Commissioner Thurz asked if there will be a viewing window so people can watch vehicles being washed? Mr. Frisbie noted people will stay in their cars and the vehicles will be pulled through the car wash. There won't be a viewing window but there will be an area/office where people can buy gift cards for the car wash, or the membership cards.
- **Vending Machines:** Commissioner Thurz asked if there will be vending machines where people can buy ArmorAll and similar products? Mr. Frisbie indicated people will be able to buy those products at a vending machine in the office area during operating hours. People will also have the ability to clean the vehicle mats as a free service to the members.

**Commissioner Kowalski:**

- **Customer confusion:** Commissioner Kowalski questioned what happens if a customer pulls into the line and changes their mind, or finds out they don't have their wallet with them; there doesn't seem a place for them to bail out once they're in que. How will you address that? Mr. Frisbie suggested it's one of the operating flaws when you're trying to limit pavement. But if it was the situation of the customer forgetting their wallet we'd just give them a free car wash; maybe they'll come back and pay later.
- **Over-sized vehicles:** Commissioner Kowalski questioned what about over-sized vehicles? Mr. Frisbie noted before a vehicle gets into the major que there'll be a height bar, like the Dunkin Donut drive-thru; it will be out near the sidewalk and we'll be able to back them out if we have to.
- **Pre-treatment opportunity:** Commissioner Kowalski questioned where would a customer pre-treat their vehicle? Mr. Frisbie indicated inside the building.
- **High-speed doors:** Commissioner Kowalski noted his company owns several high-speed car washes and we've installed high speed doors on all of them, mostly for the ability to keep them from freezing. Sometimes it's difficult to keep those places warm enough with the doors open, so you may want to consider having a provision to add them in the future, especially during the Winter months.

Commissioner Gobin suggested this is an impressive plan. She's thrilled to see the car chargers; the Town desperately needs them and the location is close enough to the highway that people who will need a charge to keep going will have that ability.

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- **Screening for property further to the west on North Road:** Referencing locations on the Site Plan Commissioner Gobin suggested Mr. Coon and Mr. Frisbie did a good job of explaining the noise implications to the neighbor on the left hand of her screen, but at the top of the screen it looks like there's another neighbor; Commissioner Gobin requested they discuss noise implications for that property.

Mr. Coon indicated that was a rental property which includes a small pond and wetlands and trees which are a natural buffer; it's also further away from the subject property. Commissioner Gobin questioned if the natural trees are deciduous trees? Mr. Coon couldn't recall but thought it might be a mixture; he also noted they'll be installing the berm with evergreen plantings near that property line.

- **Decibel level:** Commissioner Gobin questioned if they meet the decibel level at that location; does the sound carry better across the pond? Mr. Coon noted the decibel level he referenced seemed to drop 6 or 7 decibels every 10 feet; the house in question is hundreds of feet distant so there shouldn't be any noise.
- **Route 140 exit ability:** Commissioner Gobin questioned if she drove in and went through the car wash and wanted to go back out to Winkler could she, or would she be forced back onto Route 140 and make a left and come around? Mr. Coon felt it would be to her benefit to go out onto Route 140 because of the one-way circulation at the gas station, although you could come into the gas station and go around the convenience store. Commissioner Gobin noted it's sometimes hard to turn left onto Route 140 exiting the gas station. It appears it can be done passing through the gas station.

**Chairman Ouellette:**

- **Facility lighting:** Chairman Ouellette asked if the lights in the vicinity of the car wash will be illuminated after hours, or will they be just security lighting? If the car wash is fully illuminated it may give people the appearance the facility is open. Is dimming the lights part of the plan? Mr. Frisbie suggested the attendants would turn off the lights on the building and the doors would be closed at that point so people should understand it isn't open. Mr. Frisbie suggested they can turn the main identifying sign off as well. Chairman Ouellette noted many other facilities are open longer hours; people may be confused.
- **Alternate layout:** Chairman Ouellette questioned if they considered any alternate layouts or orientations of the building and the drive-thru to see what would fit on the remaining land and to see if it would meet your business needs? Mr. Frisbie indicated they considered several

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reiterations, moving the car wash closer or further back. This layout seems to be the best version of the proposal. Mr. Coon suggested this layout provides the most protection for the abutter to the east.

Chairman Ouellette requested input from Planning Consultant D'Amato. Planning Consultant D'Amato reviewed the following comments:

- **Route 140 curb cuts:** Planning Consultant D'Amato suggested that realizing that it will be up to DOT regarding the curb cuts, he seemed to recall some discussion of a right-turn only exiting the car wash on Route 140 to prevent having 3 points potentially within such a short distance where people are trying to cross Route 140 and head towards the highway. Planning Consultant D'Amato questioned Mr. Coon if you have a truck at the high-speed diesel location is the back end of that truck going to stack up beyond that exit point, because if it would then it's going to solve the problem of us being able to say let's do "right turn only" because then you'll have cars that will be forced to go back to that other part of the site, only to be staring at the back end of a semi-truck. Mr. Coon believed the back end of the tractor trailer will end at the end of the "stop" bar, so that someone coming out has the ability to get around, to some degree. Mr. Coon also questioned how to limit the exit to "right turn only" because they wanted that access to be the entrance as well. Planning Consultant D'Amato suggested ultimately DOT will make this decision but his concern is having 3 curb cuts – in and out – in such close proximity and knowing the speeds on Route 140. Mr. Coon felt it's better to send people back out onto Route 140 at the car wash than to send them back through the gas station. Mr. Frisbie felt many people would be using the car wash on their way home so they would be heading east leaving the site.
- **Equipment/noise:** Planning Consultant D'Amato suggested that regarding the discussion of the mechanical equipment and whether they'll be the on-site vacuum or existing turbine, he felt whichever will be quieter should be the way to go.
- **Confirmation the parcels will be merged:** To be completed.
- **Striping/Outdoor patio/internal circulation:** See previous discussion.
- **Landscape Bond:** Planning Consultant D'Amato indicated he is recommending the Town acquire a Landscaping Bond to insure the landscape berms and other screening will survive the growing season.
- **Trash from car wash:** Planning Consultant D'Amato questioned how will the trash from people cleaning out their cars be managed? Mr. Frisbie will have receptacles available with covers so the trash won't blow onto abutting properties.

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**Chairman Ouellette:**

- **Employee parking:** Chairman Ouellette questioned the location of employee parking. Mr. Coon indicated 2 of the spaces at the vacuum area which will not have vacuums associated with them will be assigned to employee parking.
- **Site circulation:** Chairman Ouellette questioned what if someone who wants to make a left-turn into the site at the car wash driveway and they want to use the vacuums first, who will have the right of way, someone exiting the car wash or someone entering from the street? Is there a critical point for the vehicles exiting the car wash? Mr. Frisbie felt they've planned for that with the exit que; they feel there should be space for cars coming from the gas station or exiting the site. Chairman Ouellette noted that at different times of the day it's difficult exiting the site to go left; hopefully there's enough room to, if you have several cars stacking up it's blocking that internal intersection.

Chairman Ouellette announced discussion was open to the public: no one requested to speak.

Chairman Ouellette noted the Commission will be continuing the Public Hearing to the next meeting; he offered Mr. Coon an opportunity to make final comments. Mr. Coon indicated he had nothing further to add; he'll make revisions to the plans and get them out to everyone.

Chairman Ouellette requested Planning Consultant D'Amato to coordinate with Mr. Coon moving forward. Planning Consultant D'Amato questioned Mr. Coon if any modifications contemplated today or suggested in his review would put Mr. Coon in a position where he would have to return to the Wetlands Commission. Mr. Coon didn't feel anything being modified will affect the disturbed area or will be of any significance that would require a return to the Wetlands Commission; nothing they're doing is near the wetlands. Planning Consultant D'Amato questioned Mr. Coon if the plans sent today are reflective of all of that or will you be sending me another revision prior to the next meeting. Mr. Coon suggested that all of Planning Consultant D'Amato's comments were on the plans approved by the Wetlands Commission.

Chairman Ouellette asked if Mr. Coon if he had reached out to the DOT for feedback? Mr. Coon indicated his experience is that DOT wants to see local approval before looking at plans. He can submit something to DOT if that was the Commission's preference but doubted that he would receive comments to the Commission's next meeting.

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**Commissioner Kowalski:**

- **Snow removal/curbing installation:** Commissioner Kowalski indicated he noticed the installation of bituminous curbing around the new access drive aisles on the plan; Mr. Coon replied affirmatively. Commissioner Kowalski questioned how snow removal would occur without tearing up that curbing? Mr. Coon suggested in most cases they put in the curbing to direct the stormwater to the collection points; they can review the plans further for other options.

**Chairman Ouellette:**

- **Sale of diesel fuel:** Chairman Ouellette asked Mr. Frisbie how successful the sale of diesel fuel was to the gas station operation? M. Frisbie replied it's good; it serves its purpose in this market. Prices are higher elsewhere. Is there a demand for more – probably. Chairman Ouellette suggested maybe the layout could be different if the diesel island wasn't in its present location. Mr. Frisbie explained his plan for an expanded area for charging stations in the future.

Chairman Ouellette called for final comments; no one requested an opportunity to speak.

Chairman Ouellette called for a motion to continue the Public Hearing until the Commission's next meeting.

**MOTION: To CONTINUE the Public Hearing on Application PZ-2021-18, 76 and 84 North Road and 7 Winkler Road, Special Use Permit Application, for construction of an automatic car wash accessory to an existing automotive filling station. (Map 113 Block 24 Lots 002, 002-1, 003) Zone B-3. Applicant/Owner: Noble Energy Real Estate: *Public Hearing is continued to the Commission's regularly scheduled meeting on May 25, 2021 at 6:30 p.m. via ZOOM.***

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

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

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**OTHER BUSINESS:** None.

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**CORRESPONDENCE:**

Chairman Ouellette noted the receipt of an e-mail from Planning Director Clark Chapin regarding his resignation from his position in East Windsor. First Selectman Bowsza indicated this is a great opportunity for Mr. Chapin and his family; he wished him the best.

Chairman Ouellette noted he ran into former Assistant Town Planner Tyksinski through a DOT meeting; Mr. Tyksinski is now working for DOT.

**BUSINESS MEETING/A. Zoning Officer Report:**

Planning Consultant D'Amato noted the inclusion of the Zoning Officer's Report in the Commission's packet. He requested Commissioners contact him if they have questions and he'll provide a response.

**General Discussion:**

Discussion followed regarding office coordination until new staff is in place. Chairman Ouellette and the Commissioners expressed their appreciation to Planning Consultant D'Amato for his assistance over the past year; they're happy he'll be continuing in the interim.

Commissioner Thurz reported the Town Budget passed on the first vote. This is a good opportunity to move forward.

Commissioner Kowalski questioned the plans for returning to in-person meetings at Town Hall? First Selectman Bowsza reported the Town Hall will open to the public on Monday. The Governor has extended Executive Orders regarding virtual meetings until July. First Selectman Bowsza suggested that moving forward he will probably continue the ZOOM component of public meetings and public hearings for some time as it allows public access to individuals who might not be able to, or have the opportunity to, attend in-person meetings. Discussion followed regarding possible legislative action to address public meeting requirements. Commissioner Kowalski reiterated his contention that he feels the in-person meetings are better.

**EXECUTIVE SESSION:** None.

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 9:05 p.m.**



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

Respectfully submitted,

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