

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

**REGULAR Meeting #1762 – July 9, 2019**

***MEETING MINUTES***

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

The Meeting was called to order in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. at 6:40 P. M. by Vice Chairman Sullivan.

**PRESENT:**    **Regular Members:**    Dick Sullivan, Vice Chairman; Michael Kowalski, Tim Moore (arrived at 6:45 p.m.), and Jim Thurz.  
                  **Alternate Members:** Frank Gowdy, and Marti Zhigailo.

**ABSENT:**    **Regular Members:**    Joe Ouellette.  
                  **Alternate Members:** Anne Gobin.

Also present was Town Planner Ruben Flores-Marzan.

**GUESTS:**     Ms. Miranda Hamidovic, Mr. Hamidovic, Dick Pippin, and Kathy Pippin.

**ESTABLISHMENT OF QUORUM:**

A quorum was established as three Regular Members and two Alternate members were present at the Call to Order. Vice Chairman Sullivan noted all Regular Members, and both Alternate Members, would sit in, and vote, on all Items of Business this evening.

LET THE RECORD SHOW, Regular Commissioner Moore arrived at 6:45 p.m. Alternate Member Gowdy relinquished his voting capacity in favor of Regular Commissioner Moore.

**LEGAL NOTICE:**    None.

**ADDED AGENDA ITEMS:**            None.

**PUBLIC PARTICIPATION:**

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

**APPROVAL OF MINUTES/June 25, 2019:**

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1762 - July 9, 2019  
MEETING MINUTES**

2

**MOTION:** To APPROVE the Minutes of Regular Meeting #1671 dated June 25, 2019 as written.

Gowdy moved/Zhigailo seconded/DISCUSSION:None.

**VOTE:** In Favor: Unanimous (Kowalski/Sullivan/Thurz/Gowdy/Zhigailo)

**RECEIPT OF APPLICATIONS:** None.

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

No requests presented under this Item of Business this evening.

**CONTINUED PUBLIC HEARINGS:** None.

**NEW PUBLIC HEARINGS:** None.

**NEW BUSINESS:** None.

**OLD BUSINESS/A.** Application from M. Hamidovic/New England Auto & Truck for Site Plan Review for auto sales and repair at 8 South Main Street. (Map 081, Block 11, Lot 005) (*deadline for decision 7/18/2019*):

Ms. Hamidovic reported she has received all pending comments, including information regarding the septic system. Ms. Hamidovic had no additional comments to make at this time.

Vice Chairman Sullivan noted the Commission had received several items of additional information this evening. He queried the Commission if they were comfortable proceeding with reviewing the application this evening, or would they prefer postponing their decision? Commission members indicated they had questions regarding the additional information received this evening; they preferred to discuss the application this evening prior to consideration of rendering a decision.

**Commissioner Gowdy:**

Commissioner Gowdy reported he's been a member of the Commission for 25 years, and he takes his position as a Commissioner seriously. Commissioner Gowdy noted information regarding applications is usually included in packets provided for Commissioners ahead of the meeting, which gives the Commissioners time to review the material, ask questions if they have any, and visit the application sites to familiarize themselves with the application. Commissioner Gowdy noted he arrived tonight and received additional information which the Commission paused for 10 minutes to review. Commissioner Gowdy requested the packets include as much information as possible

**TOWN OF EAST WINDSOR**  
**PLANNING AND ZONING COMMISSION**  
**Regular Meeting #1762 - July 9, 2019**  
**MEETING MINUTES**

3

when provided to the members. Ms. Hamidovic suggested the revised maps were provided to the Planning office for 3 to 4 weeks ago.

**Commissioner Gowdy** raised the following questions:

**Town Engineer comments:** Commissioner Gowdy questioned if the memo before the Commission is Town Engineer Norton's most recent comments? Ms. Hamidovic reported Town Engineer Norton's comments (dated May 9<sup>th</sup> regarding plans dated 4/25/2019) were sent to the Planning Office today; Ms. Hamidovic felt the Planning Office didn't have the information prior to today. Ms. Hamidovic reported she spoke with Town Engineer Norton today; he had no additional comments.

**Commissioner Zhigailo:**

**Existing Perc Test:** Commissioner Zhigailo questioned if any changes been noted to the existing perc test? Ms. Hamidovic replied – no.

LET THE RECORD SHOW, Regular Commissioner Moore arrived at 6:45 p.m. Alternate Member Gowdy relinquished his voting capacity in favor of Regular Commissioner Moore but indicated he would like to continue to participate in the application discussion.

**Commissioner Kowalski:**

**Site lighting:** Commissioner Kowalski noted it appears Ms. Hamidovic is not proposing any additional site lighting. Referencing the revised plans before the Commission this evening he noted only one building light is shown on the back of the building. Ms. Hamidovic reported there are 3 lights on the building at present; they are not proposing any additional lighting.

**Photometric Plan:** Commissioner Kowalski questioned if the regulations required submission of a Photometric Plan with the application. Town Planner Flores-Marzan replied a Photometric Plan is not a requirement. Ms. Hamidovic reiterated there's plenty light on the building presently.

**Light spillage:** Commissioner Thurz cited concern for light spilling off of this site blinding people driving down the road. Speaking to Commissioner Thurz's comments Commissioner Kowalski suggested the fact that nothing is shown on the plan puts the Commission in a difficult position as they don't know how much, if any, lights spills off to other locations. Ms. Hamidovic suggested the current lighting doesn't blind anyone.

**Location of storage container:** Commissioner Kowalski noted the storage container was originally located at the front of the property; the applicant has now moved the container. Ms. Hamidovic reported the container was blocking the entrance to the three work bays.

**Concrete pad for storage container:** Commissioner Kowalski questioned if the regulations require a concrete pad for the container. Town Planner Flores-Marzan felt there was no requirement; the container previously existed on the site. Commissioner Thurz suggested moving the container would now require the container to conform to

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1762 - July 9, 2019  
MEETING MINUTES**

4

existing standards. Ms. Hamidovic reported the container is within the confines of the property; Mr. Hamidovic reported the container is mostly sitting on pavement, with the rear of the container on a grassy area. Town Planner Flores-Marzan suggested adding requirements for the dumpster as an additional condition.

**Oil container:** Commissioner Kowalski questioned what this container is used for? Ms. Hamidovic suggested it collects waste oil from vehicles.

**Commissioner Thurz:**

**Septic system:** Commissioner Thurz questioned if the septic system is the original septic system for this location? Ms. Hamidovic replied affirmatively.

**WPCA Waiver:** Commissioner Thurz noted Ms. Hamidovic applied for this waiver today; this is the first time the Commission has dealt with a waiver of connection to the sewer system. Ms. Hamidovic noted she discussed the waiver in detail with Mike Caronna (of the North Central District Health Department) today. Commissioner Thurz noted the waiver indicates it's good for 2 years; Commissioner Gowdy clarified the waiver is good for 2 years unless the system fails. Ms. Hamidovic concurred.

**Line striping of parking spaces:** Commissioner Thurz questioned how the applicant would be able to stripe on millings? Ms. Hamidovic suggested the surface is tar; Mr. Hamidovic interjected the area is just being restriped. Commissioner Kowalski clarified that usually when plans are submitted to the Commission depicting parking in this manner it represents new parking spaces. Commissioner Thurz suggested adding the striping as an additional condition of approval.

**Billboard ownership:** Commissioner Thurz questioned who owns the billboards located on the property? Ms. Hamidovic suggested they are rented by the present owner to other parties.

**Commissioner Gowdy:**

**Lighting for vehicle parking area:** Commissioner Gowdy suggested Ms. Hamidovic might want to consider additional lighting of the display vehicles to discourage theft. Ms. Hamidovic and Mr. Hamidovic both suggested there is a street light that shines down on the display area. Commissioner Kowalski, referencing Google Earth, suggested there's one street light at the subject property. Ms. Hamidovic suggested there's lighting coming down on this property from all angles.

**Security camera:** Commissioner Moore suggested the applicant could install security cameras for protection as well. Ms. Hamidovic suggested she has cameras at the Suffield location; she anticipates installing them here as well.

**Commissioner Zhigailo:**

**Hours of operation:** Commissioner Zhigailo questioned the anticipated hours of operation for this business? Ms. Hamidovic suggested 9:00 a.m. to 5:00 p.m. Monday through Friday, and 10:00 a.m. to 2:00 p.m. Saturday.

**Commissioner Kowalski:**

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1762 - July 9, 2019  
MEETING MINUTES**

5

**Handicapped parking:** Commissioner Kowalski questioned the ratio of handicapped to regular parking spaces? Town Planner Flores-Marzan noted the regulations stipulate that the number of handicapped spaces comply with the Federal American with Disabilities Act (ADA). Commissioner Kowalski suggested the revised plan indicates 7 total customer parking spaces, one of which is a handicapped space.

**Vice Chairman Sullivan:**

**Waste oil tank – location and access:** Vice Chairman Sullivan noted the location of the waste oil tank is in the rear of the building; he questioned if it's located on a concrete pad? Ms. Hamidovic replied affirmatively, noting it also has a concrete wall around the tank. The waste oil is collected by a collection company known as Safety Clean as needed. Vice Chairman Sullivan questioned how the tank is accessed? Mr. Hamidovic reported the dumpster is moved with a Bobcat to access the waste oil tank.

**Septic System:** Vice Chairman Sullivan questioned if, when testing the septic system, did they test the ability of the leach field to absorb all the waste? Ms. Hamidovic suggested a copy of the report should be attached to the (WPCA) waiver.

**Commissioner Thurz:**

**Contain display parking to approved location:** Commissioner Thurz cited the Commission constantly battles with applicants who over-populate their sites with display vehicles. Commissioner Thurz gave various examples along Route 5. He requested the applicants maintain the parking as approved, and not park additional vehicles on the grassed areas. Ms. Hamidovic suggested that would be a DMV issue.

**Vice Chairman Sullivan:**

**Dumpster screening/Waste oil tank – location and access:** Vice Chairman Sullivan questioned where the screening for the dumpster would go? Ms. Hamidovic indicated the screening would go in front of the dumpster. Vice Chairman Sullivan questioned how the collection company would be able to access the waste oil tank? Ms. Hamidovic suggested she could install collapsible screening. Commissioner Kowalski questioned the distance to the waste oil tank? Ms. Hamidovic indicated 100+/- feet. Commissioner Kowalski suggested the collection company might be able to access the waste oil tank with a hose to empty it. Commissioner Moore questioned that the regulations call for screening on all 4 sides; could the applicant screen on 1 or 2 sides to be able to provide access to the waste oil tank?

**Commissioner Thurz:**

**Landscaping:** Commissioner Thurz questioned what was being done for landscaping? Ms. Hamidovic indicated they will just clean up the island at this time.

**Commissioner Gowdy:**

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1762 - July 9, 2019  
MEETING MINUTES**

6

Commissioner Gowdy acknowledged he wouldn't be voting on this application but he did have some questions he would like to ask. Vice Chairman Sullivan allowed Commissioner Gowdy to speak.

**Septic system:** Commissioner Gowdy noted the septic system tank is 42 years old; he questioned that the average life of a septic system under normal conditions would be less than 42 years. Commissioner Gowdy suggested the size of the system, and the size of the leach field, is unknown. Commissioner Kowalski questioned how many bathrooms will the business have? Ms. Hamidovic indicated one toilet and one sink. Commissioner Gowdy requested Mr. Pippin (owner of a septic system installation and service company) to offer information. Mr. Pippin, speaking from the audience, suggested the code requires a 1,000 gallon tank; he estimated approximately 60 square feet would be needed for one bathroom.

**Commissioner Thurz:**

**Signage:** Commissioner Thurz indicated nothing is shown on the plans for signage. Ms. Hamidovic questioned if they could provide signage to identify an entrance and exit point? Commissioner Thurz indicated Ms. Hamidovic could install directional signage regarding the entrance and exit points; he noted Noble Gas on North Road as an example of similar signage. Commissioner Kowalski suggested stenciling arrows on the pavement.

**Vice Chairman Sullivan:**

**Proximity of traffic light at Newberry Road and Route 5 to the subject location:**

Vice Chairman Sullivan questioned the location of the existing traffic light? Commissioner Kowalski, referencing Google Earth, noted the traffic light is in line with the entrance to the subject property.

Vice Chairman Sullivan queried the Commissioners for additional comments or questions. Commissioner Kowalski noted he would propose the following additional conditions:

**18. Screening for dumpster will be installed per regulations.**

**19. All spaces for parking and display are to be striped.**

**20. Entrance and Exit are to be identified with signs and/or arrows.**

Commissioner Zhigailo questioned the decision regarding the number of handicapped customer parking spaces? Commissioner Kowalski felt Zoning Regulations call for the number to relate to the State regulations; he felt a ratio of 1:6 was pretty good.

Vice Chairman Sullivan questioned if the Commission was comfortable considering an approval motion in light of the amount of additional information received tonight? The consensus of the Commission was agreeable to moving forward.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1762 - July 9, 2019  
MEETING MINUTES**

7

**MOTION TO APPROVE the Application Ms. Miranda Hamidovic/A New England Auto & Truck Superstore LLC, requesting Site Plan Approval to develop an Automotive-Used Truck Sales and Repair establishment at 8 South Main Street, East Windsor, CT 06088. Map 081, Block 11, Lot 005 in a B-1 Zone. (As may be modified by the conditions).**

**Referenced Plans:**

S-1 Site Plan Prepared for Miranda Hamidovic/A New England Auto & Truck Superstore LLC at 8 South Main Street, East Windsor, CT 06088 dated May 10<sup>th</sup>, 2019 as prepared by Gary B. LeClair, LLC Licensed Land Surveyors, located at 57 Acorn Drive, Windsor Locks, CT 06096 office number (860) 627-8200. (Scale: 1" = 10')

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

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

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

4. One set of final mylars, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Set shall be filed in the Planning and Zoning Department.
5. A cash (escrow) or passbook bond (made out to the applicant AND the Town of East Windsor) shall be submitted for sedimentation and erosion control maintenance and site restoration during the **construction of the project**. Any funds that may be withdrawn by the Town for such maintenance or restoration shall be replaced within five (5) days or this permit shall be rendered null and void. The applicant's engineer shall submit an estimated cost of the E & S controls to the Town Engineer. The amount of said bond shall be determined by the Town Engineer.
6. A zoning permit as issued by the Town Planner shall be obtained by the applicant prior to the commencement of any site work.

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

7. Final grading and seeding shall be in place or a bond for the unfinished work submitted.
8. Final as-built survey showing all structures, pins, driveways and final floor elevations as well as spot grades shall be submitted.
9. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all of these components have not been completed, the Zoning Official may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

**General Conditions:**

10. In accordance with Ch 900.3h of the Zoning Regulations, any approval of a site plan application shall commence the construction of buildings within **one year from the date of approval** and **complete all improvements within five years of the date of approval**, otherwise the approval shall become null and void, unless an extension is granted by the Commission.
11. This project shall be constructed and maintained in accordance with the filed plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
12. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
13. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
14. By acceptance of this approval and conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval
15. All landscaping shall be maintained.
16. Applicant must abide by conditions of approval as determined by Michael Caronna, MPH, RS, Sanitarian, North Central District Health Department, concerning the continued use of the onsite septic system to serve the proposed use. Copy of such approval sits with the hardcopy files of this site plan review application at the East Windsor Planning & Development Department office in Town Hall.



**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1762 - July 9, 2019  
MEETING MINUTES**

9

17. Applicant must abide by the conditions of approval as determined by Erwin A. Enderle III, WPCF Superintendent, concerning the Sanitary Sewer Connection Waiver requested by the applicant and granted by the WPCA for a period of two (2) years from the date the application for a waiver is approved by the East Windsor Water Pollution Control Authority (WPCA). The sewer connection waiver request was approved on July 9<sup>th</sup>, 2019 by Mr. Enderle. Copy of such approval sits with the hardcopy files of this site plan review application at the East Windsor Planning & Development Department office in Town Hall.

**Additional Conditions:**

18. *Screening for dumpster will be installed per regulations.*
19. *All spaces for parking and display are to be striped.*
20. *Entrance and Exit are to be identified with signs and/or arrows.*

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

**VOTE: In Favor: Unanimous (Kowalski/Moore/Sullivan/Thurz/Zhigailo)**

**OLD BUSINESS/B. Unfinished work at Meadow Farms:**

Vice Chairman Sullivan questioned the status of this Agenda item? Town Planner Flores-Marzan reported the Planning Office continues to wait for information from the Town Engineer. Mr. Ziegler, the developer of the Meadow Farms community, has not responded to e-mail and phone requests. Vice Chairman Sullivan questioned if this issue has any timeframe for completion? Town Planner Flores-Marzan replied negatively.

**OTHER BUSINESS:** None.

**CORRESPONDENCE:** None.

**BUSINESS MEETING/A. General Zoning Issues:**

The consensus of the Commission was that it's difficult to fairly and consistently perform their duty when they receive information at Commissions meetings. The recording secretary suggested she will provide full available application information in each consecutive meeting packet throughout the duration of the application process.

Vice Chairman Sullivan questioned if staff is preparing any regulation review or workshop issues for the Commission's consideration? Town Planner Flores-Marzan indicated he is working on material to discuss with the Commission; some issues may require discussion or input with other boards, such as the Economic Development Commission.

**TOWN OF EAST WINDSOR  
PLANNING AND ZONING COMMISSION  
Regular Meeting #1762 - July 9, 2019  
MEETING MINUTES**

10

Vice Chairman Sullivan questioned the status of resolution on outstanding zoning violations? Town Planner Flores-Marzan reported he and Administrative Assistant Judi Mosso have done inspections on approximately 8 violations; they are presently drafting letters to be sent out. Town Planner Flores-Marzan discussed the violation process. He suggested those individuals in violation will have 30 days to fix the violation.

Commissioner Thurz requested Town Planner Flores-Marzan follow up on the violations at 47 Church Street and 34 Harrington Road. Commissioner Gowdy reported the property owner at 34 Harrington Road is doing auto repair out of his home. He has now moved the vehicles being repaired from the front yard to the rear. Commissioner Gowdy reported there were 14 vehicles at the property recently, 3 in front and the remaining in the rear of the property. Commissioner Thurz noted the home at 34 Harrington Road is located in a residential zone not permitted for auto repairs.

Commissioner Kowalski questioned the status of a replacement for the Assistant Town Planner? Town Planner Flores-Marzan noted Human Resources is working on it.

Town Planner Flores-Marzan reported the Office is receiving many FOI requests, which require investigation and research; a response must be made within a reasonable timeframe.

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

Nothing presented for signature this evening.

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 7:30 p.m.**

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

Respectfully submitted,

---

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