

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

**REGULAR Meeting #1838
November 8, 2022
6:30 p.m.
Scout Hall
28 Abbe Road, East Windsor, CT. 06088
(In-person)**

AND

*via ZOOM Teleconference
Meeting ID: 714 897 1799*

MEETING MINUTES

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

I. TIME AND PHYSICAL PLACE OF MEETING:

Chairman Kowalski called Regular Meeting #1838 of the East Windsor Planning and Zoning Commission dated November 8, 2022 to Order at 6:30 p.m. Due to use of the Town Hall for the current elections the Meeting is being held in-person at Scout Hall, 28 Abbe Road, East Windsor, CT., 06088, and via telconference as well.

PRESENT: Regular Members: Anne Gobin, Michael Kowalski (Chairman), David Leason (Secretary), and Jim Thurz (Vice Chairman).

Alternate Members: Frank Gowdy. There are presently two vacancies for Alternate members.

ABSENT: No one; all Regular and Alternate Members present.

GUESTS/SPEAKERS present in person: Director of Planning and Development/Town Planner Calabrese hosted the meeting. Also present in person were Planning Consultant Michael D'Amato, Jay Ussery, of J. R. Russo & Associates, LLC; Marek Kement, Stanley (Skip) Kement, Attorney Peter Sterling, Scott Atkins, of Barton and Loguidice; Director of Public Works/Town Engineer Len Norton.

GUESTS/SPEAKERS present remotely identified as they sign in:
gasturbinedave (PCZ Commissioner David Leason), Mike Ceppetelli, iphone, Lynn Stanley (Rand), Planning Consultant

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Keith Yagaloff, Peg (Margaret) Hoffman, Recording Secretary.

II. ESTABLISH QUORUM:

A quorum was established as four Regular Members and one Alternate Member were present at the Call to Order. Chairman Kowalski noted all members will participate in discussion and votes this evening.

III. ADDED AGENDA ITEMS: None.

IV. LEGAL NOTICE:

A. PZ-2022-24 – 100 Wapping Rd- Special Use Permi for a Site Plan Review for the construction and future use of a farm workers housing building. Applicant: Dana Groszyk:

The following Legal Notices were read by Chairman Kowalski:

LEGAL NOTICE

EAST WINDSOR PLANNING AND ZONING COMMISSION

The East Windsor Planning & Zoning Commission will hold the following Public Hearing on Tuesday, November 8, 2022, at 6:30 p.m. Details on how to attend will be published on the Commission's Agenda, and will be made available on the Town's website.

PZ-2022-24 Applicant: Dana Groszyk - 100 Wapping Road is requesting a Special Use Permit and Site Plan Approval for the construction and future use of a 50 x 100-foot farm workers housing building. Map 27, Block 65, Lot 33, Zone A-1.

A full copy of the application is available on the Planning and Zoning Commission webpage of the Town website. All interested parties may attend this meeting and provide verbal or written comments regarding this application.

This Legal Notice appeared in the Journal Inquirer on October 28, 2022 and November 1, 2022.

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V. PUBLIC PARTICIPATION (For items Not Listed on the Agenda):

Chairman Kowalski queried the audience for comments regarding items/issues not posted on the Agenda. No one requested to comment. Chairman Kowalski then queried the remote audience for comments.

Rand Stanley, 87 Rye Street: Mr. Stanley joined the Commission remotely, he indicated he felt holding a Planning and Zoning Commission Meeting on Election Day was inappropriate as it shows disregard for the voters of the Town.

Mr. Stanley also indicated he felt some of the applications being proposed need to be looked at. He suggested that as you record this for the record there are members who need to think long and hard about recusing themselves from some of these applications. He suggested some of these individuals know who they are, he felt some of the situations which have arisen in the past and are about to arise in the future create the appearance of a conflict of interest and he feels it could be detrimental to some of the applications that have been approved in the past and that may, or may not, be approved in the future. Mr. Stanley indicated he didn't understand why we can't speak to a specific agenda item tonight. That makes no sense to me; maybe as Chair you can explain that to me.

Chairman Kowalski indicated that when the Commission holds a Public Hearing on a specific application the public can speak regarding that item on the agenda at the time it's being discussed. Mr. Stanley requested clarification that as a member of the general public you're not allowed to speak until such time as that Public Hearing comes up? Mr. Stanley questioned if that was determined by State law, or Robert's Rules, or is that just a general rule that came down from somewhere in the Heavens? Chairman Kowalski indicated he didn't have the answer to Mr. Stanley's question. Mr. Stanley questioned how we can find that answer? Commissioner Gowdy questioned if the Commission's consultant might have any information on that? Commissioner Gobin suggested the Commission's bylaws lay out how the items on the Agenda are written.

Mr. Stanley indicated he was ending his public participation, and he finds it extremely arrogant when an item on your agenda has been on the referendum of today and there are no results; Mr. Stanley felt that was very presumptive and highly political and doesn't serve the taxpayers of the Town very well. Mr. Stanley felt it presents a foregone conclusion that regardless of what the voters say damn the torpedoes, all speed ahead. Mr. Stanley thanked the Commission

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for allowing him to participate. Chairman Kowalski thanked Mr. Stanley for his comments.

Chairman Kowalski asked if anyone else in the in-person audience would like to comment.

Noreen Farmer, 247 South Water Street: (*DIFFICULT TO HEAR MS. FARMER'S COMMENTS AS SHE WAS WEARING A MASK*) Ms. Farmer explained that she doesn't often come to the in-person meetings, but she listens online and watches the videos. Ms. Farmer felt it was sad that a person who absolutely had the ability to serve on this particular Board is no longer serving. Ms. Farmer indicated there has never been a sign that you, as the Planning and Zoning Commission, have not followed the rules, or the regulations, or the State regulations. Ms. Farmer suggested there are times I don't agree with what you did because it didn't necessarily serve what I wanted, but you always rule with the regulations, the Statutes, and the benefit of the Town. Ms. Farmer wanted the Commission to know she appreciates what the Commission does, and she hopes you continue to do it in the manner in which you're doing it.

Chairman Kowalski thanked Ms. Farmer for her comments.

Chairman Kowalski queried the in-person audience for others who may want to comment; no one requested to speak. Chairman Kowalski then offered the opportunity to comment to the online participants; no one requested to be acknowledged.

VI. APPROVAL OF MINUTES:

A. October 25, 2022 – Regular Meeting of PZC:

Chairman Kowalski noted the availability of the Commission's Minutes for Regular Meeting #1837 held on October 25, 2022, he questioned if the Commissioners had any comments or revisions prior to approval? No one requested any revisions. Chairman Kowalski requested a motion of approval.

MOTION: To APPROVE the Minutes of Regular Meeting #1837 held on October 25, 2022 as presented in the Commission's meeting packet.

Gobin moved/Thurz seconded/DISCUSSION: None.

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**VOTE: In Favor: Gobin/Gowdy/Kowalski/Leason/Thurz
(No one opposed/No Abstentions)**

VII. RECEIPT OF APPLICATIONS:

Chairman Kowalski noted there were no new applications to be received this evening.

VIII. PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE:

A. Road Acceptance – Farms Road:

Planning Director Calabrese advised the Commission that the Bond on Farms Road had been called. She noted Director of Public Works/Town Engineer Len Norton, requested that the Commission approve accepting Farms Road as a Town Road, and send it to the Board of Selectmen for approval and referral to Town Meeting. Planning Director Calabrese noted Town Engineer Norton has received recent As-Built Plans, which are consistent with Section 6.1 of the Zoning Regulations regarding Street Criteria. Planning Director Calabrese noted that the documentation is being reviewed by the Town Attorney.

Commissioner Gobin requested clarification that the Commission is being asked to accept Farms Road by Town Engineer Norton and to move the acceptance forward to the next step? Planning Director Calabrese replied affirmatively

Motion to Approve:

Farms Road Acceptance as presented on as-built plans entitled: As-Built Plans Farms Road Prepared for Town of East Windsor Public Works 6 Woolam Road, East Windsor, Connecticut; prepared by J. R. Russo & Associates, LLC sheets 1-2; dated 10-20-22.

Finding the road to be in conformance with Street Design Criteria of Section 6.1 of the East Windsor Subdivision Regulations.

Gobin moved/Gowdy seconded/DISCUSSION: None

**VOTE: Gobin/Gowdy/Kowalski/Leason/Thurz
(No one opposed/No abstentions)**

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IX. CONTINUED PUBLIC HEARINGS:

A. PZ-20220-19 – 297 North Rd – Special Use Permit Renewal for Soil Management Facility. Applicant: North Road Materials LLC.:

Chairman Kowalski read the description of the continued Public Hearing. He asked the applicant and their representatives to join the Commission.

Attorney Peter Sterling stepped forward, noting he is a member of the Legal Firm of Nair and Levin; he is present this evening representing the applicant. Joining him were the applicants, Marek and Stanley (Skip) Kement, Jr., Jay Ussery, of J. R. Russo & Associates, and Scott Atkins, of Barton & Loguidice..

Attorney Sterling noted the applicant had received a Cease & Desist Order from Planning Director Calabrese. The issues raised related to the soils deposited from the dredged material from New Haven Harbor, and also the soils deposited from the MDC project. Attorney Sterling indicated he received a letter yesterday from Scott Atkins, the LEP (Licensed Environmental Professional) for this project/application, regarding 300 pages of information on the dredged materials and, today, they received over 1,000 pages of information regarding the MDC project. Attorney Sterling asked Mr. Atkins to address the Commission.

Mr. Scott Atkins introduced himself as a member of Barton & Loguidice located in Glastonbury. Mr. Atkins submitted the documentation for both the dredged materials and the MDC project to the Commission. Mr. Atkins suggested the material which was brought in is material when New Haven Harbor was recently dredged. Mr. Atkins reviewed the testing results with the Commission, he compared the results with remediation standards, referencing acceptable levels of various materials and/or chemicals. Mr. Atkins gave extensive testimony regarding his findings. He suggested the results of the testing indicated the materials are appropriate for use at the site.

Mr. Atkins then discussed the data reviewed regarding the material brought in from the MDC project, noting he reviewed 28 sets of data which had been prepared by Fuss & O'Neill. Mr. Atkins explained the MDC process for testing materials, which includes depositing material in various bins to test specific loads of materials. Mr. Atkins suggested

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between the Summer of 2020 and the Summer of 2022 there were 28 bins tested which represented over 18,000 tons of soil which basically meets background material, and they consider the soils to be clean. Mr. Atkins submitted the documentation to the Commission.

Commissioner Gowdy cited the extensive amount of material submitted, he questioned that Mr. Atkins expected the Commission's ability to review the material and render a decision. Chairman Kowalski clarified that the purpose of the Public Hearing isn't to determine compliance with the Cease & Desist Order, the purpose of this meeting is for the renewal of a Special Use Permit. Chairman Kowalski suggested the information being provided should be addressing the Cease & Desist Order, not this application. Attorney Sterling joined the discussion, noting one of the reasons the applicant is in the situation they're in is the Cease & Desist Order should have been appealed when it was received, that was not done. Chairman Kowalski clarified it was his understanding that it was communicated to the applicant that he should file a separate application with a new plan in order to satisfy the Cease & Desist Order. None of that has occurred up to this point.

Planning Director Calabrese advised the Commission that when the Planning Office issued the Cease & Desist Order we advised the applicant to withdraw and we would hold the Public Hearing open until the appeal period passed whether the appeal was taken or not, then that information could come back to inform the Public Hearing.

Planning Director Calabrese noted when the Planning Office issued the Cease & Desist Order the Town Attorney advised them to hold the Public Hearing and put a stay on it until the appeal passed, the applicant chose to continue the Public Hearing. Planning Consultant Calabrese indicated she felt they were trying to bring the site into compliance, however, based on Planning and Zoning Regulations this Commission can't renew or extend an application if the operation is found to be in non-compliance. She suggested filling an area of 3+ acres beyond what was approved is out of compliance. Planning Director Calabrese reported a letter was sent to the applicant to withdraw the application to give them time to assess the situation to handle the Cease & Desist Order, that opens the door to reapply. Planning Director Calabrese suggested those options are 2 different tracks – one being the renewal of the Special Use Permit, which is out of compliance, and the second is finding the material which is down the bank out of compliance to be clean and drawing a new line. Planning

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Director Calabrese reported she has been advising the Commission to deny without prejudice, which gives them the opportunity to address the Cease & Desist Order. Planning Director Calabrese concurred that the information being submitted tonight addresses the Cease & Desist Order, not this Special Use Permit renewal application.

Attorney Sterling cited his recent involvement regarding this client and this application. He suggested what they really need is time, he requested clarification that the Public Hearing can't be continued? Chairman Kowalski concurred, noting the Commission can't approve an application which isn't in compliance at the time of the vote. Attorney Sterling reviewed the available options as stated by Planning Director Calabrese, with an additional option of granting the applicant a 6-month extension to return with a better game plan going forward. Chairman Kowalski reiterated the Commission's inability to renew an application which isn't in compliance based on the Zoning Regulations.

Mr. Ussery joined the discussion, echoing Attorney Sterling's request for a short-term extension to return with a better plan which includes a reconfiguration of Phase I which includes the slope and addresses the Cease & Desist Order. Mr. Ussery cited Mr. Atkins findings that the material doesn't need to be removed, it's clean material. Mr. Ussery suggested they would request a 6-month extension, with the conditions of the reconfiguration of the slope area, and that no work would commence during that 6-month period. Mr. Ussery suggested denying the application, or withdrawing it leaves the applicant with the compliance with the Cease & Desist Order, which would call for removal of the material and the timing of that work, which they feel is unnecessary. Chairman Kowalski read Zoning Regulations Section 814.4(h), noting the lack of compliance prohibits the Commission the ability to approve the permit extension request. Chairman Kowalski noted the applicant went outside the parameters of the permit and were issued a Cease & Desist Order. Planning Director Calabrese clarified that the non-compliance issue was associated with what was approved in 2019, which was an extension of the 2018 approval. The application came in with 2018 maps with the contention that no activity occurred on the site. She noted the Planning Office requested a map of the current conditions, which indicated there was a significant amount of fill outside the area. Planning Director Calabrese didn't feel redrawing the line made the site compliant.

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Mr. Ussery requested a short recess to confer with the Kements and Attorney Sterling.

MOTION: To RECESS the Public Hearing on application #PZ-2022-19 at 7:15 p.m.

Gobin moved/Gowdy seconded/DISCUSSION: None

**VOTE: In Favor: Gobin/Gowdy/Kowalski/Leason/Thurz
(No one opposed/No abstentions)**

Chairman Kowalski RECONVENED the Public Hearing on Application #PZ-2022-19 at 7:19 p.m.

Attorney Sterling advised the Commission the applicant had decided to withdraw this application, they will meet with Town Staff to develop a resolution.

Chairman Kowalski suggested the Commission close this Public Hearing.

MOTION: To CLOSE THE PUBLIC HEARING on Application #PZ-2022-19 - for 297 North Road for a Special Use Permit Renewal for a Soil Management Facility – Applicant: North Road Materials LLC.

Gobin moved/Gowdy seconded/DISCUSSION: None

**VOTE: Gobin/Gowdy/Kowalski/Leason/Thurz
(No one opposed/No abstentions)**

Chairman Kowalski a motion to accept the applicant's withdrawal of the application.

MOTION: To ACCEPT THE WITHDRAWAL of application PZ-2022-19 - for 297 North Road for a Special Use Permit Renewal for a Soil Management Facility – Applicant: North Road Materials LLC.

Gobin moved/Gowdy seconded/DISCUSSION: None

**VOTE: Gobin/Gowdy/Kowalski/Leason/Thurz
(No one opposed/No abstentions)**

X. NEW PUBLIC HEARINGS:

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A. **PZ-2022-24 – 100 Wapping Rd – Special Use Permit for Site Plan Review for the construction and future use of a farm workers housing building. Applicant: Dana Groszyk:**

Chairman Kowalski reported he understands the applicant has requested discussion of this application be tabled until the Commission's next meeting; he requested a motion to continue the Public Hearing as requested.

MOTION: To CONTINUE the Public Hearing on application PZ-2022-24- 100 Wapping Rd – Special Use Permit for Site Plan Review for the construction and future use of a farm workers housing building. Applicant: Dana Groszyk, Public Hearing is CONTINUED to the Commission's next meeting scheduled for November 24, 2022.

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

VOTE: Gobin/Gowdy/Kowalski/Leason/Thurz
(No one opposed/No abstentions)

XI. **OLD BUSINESS:** None

XII. **NEW BUSINESS:**

A. **PZ-2022-25 – Abbe Rd – Town of East Windsor (Community Center) - for a Site Plan Modification for a Construction of a building addition for renovation to the Senior Center/Community Building:**

Chairman Kowalski read the description of this item of **NEW BUSINESS.**

Director of Public Works/Town Engineer Norton joined the Commission, noting he is presenting a Site Plan for the proposed Community Center located at 28 Abbe Road. Referencing page 3 of the Site Plan he noted the shaded area indicates the proposed addition and portico which would turn this building into a Community/Senior Center and move some of the offices around. Town Engineer Norton indicated they're getting rid of some impervious area while adding new impervious area for parking spaces for staff on the westside of the building and a patio on the east side

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of the building. The number of parking spaces are adequate based on the square footage of the building; 65 to 70 spaces are required while approximately 100, including handicapped spaces, are currently available. They will maintain the existing floor area within the building. They will be adding a foundation under a portion of the building to use for storage. Outside they will need to do some grading to make the grassy area around the building a mowable slope. Town Engineer Norton indicated Erosion and Sedimentation Controls will be maintained during renovations. He noted that there is no current formal drainage system associated with the building, everything sheet flows away to the south and east. The Scout Hall property also includes the adjacent acreage so the existing runoff doesn't impact any neighbors.

Commissioner Thurz questioned if any additional lighting will be added to the building? Town Engineer Norton indicated nothing new is proposed, whatever is there will be maintained.

Chairman Kowalski referenced the exterior staircase, he questioned how drainage will be addressed? Town Engineer Norton indicated they will add a sump pump

Chairman Kowalski noted the plans show a generator switch box. Town Engineer Norton indicated that's the existing switch box, the generator switch box is for the pump station within the building. Chairman Kowalski questioned if the building was used as an emergency shelter would a new generator be installed because of the shelter use? Town Engineer Norton suggested the installation of a generator for the shelter use would require additional money, and a Site Plan modification. Should a new generator be installed he would recommend that it be located near the switch box for the pump station. Chairman Kowalski questioned if any screening would be installed? Town Engineer Norton noted there is no screening around the generator outside Town Hall, they hadn't proposed any screening at this location.

Chairman Kowalski called for additional questions from the Commission. The consensus of the Commissioners was they were ok with the Site Plan as proposed.

Motion to Approve:

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**Application #PZ 2022-25: 28 Abbe Rd. Town of East Windsor
Community Center. Site Plan Modification for construction of a
building addition. Applicant/Owner: Town of East Windsor.**

**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.**

Referenced Plans:

1. East Windsor Community Center. 28 Abbe Rd, East Windsor CT.
Prepared for: Town of East Windsor Public Works by J. R. Russo &
Associates, LLC. Sheets 1-4, dated 10/03/22.

Conditions which must be met prior to signing of final plans:

1. A paper copy of the final approved plans with all necessary revisions shall be submitted to the Planning & Development Office for review and comment.
2. 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.
3. The conditions of this approval shall be binding upon the applicant, landowners, and their successors and assigns.
4. The plans shall be revised to include the following:
 - a. A copy of this approval.
 - b. A copy of the Inland Wetlands & Watercourses approval
 - c. The proposed locations for the pumpstation and building generators shall be added to the site plan.

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

5. One set of final mylars, with all necessary revisions shall be provided to the Planning and Development Office.
6. A single, PDF copy of the final plans, with all necessary revisions shall be provided to the Planning and Development Office.

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

7. Final grading, stabilization and seeding shall be in place or appropriate E&S controls installed.

8. 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:

9. This project shall be constructed and maintained in accordance with the final plans and this approval. Minor modifications that result in lesser impacts may be allowed subject to staff review and approval.

10. Any modifications to the proposed drainage or grading as depicted on the site plan are subject to review and approval by the Town Engineer.

11. Additional erosion control measures may be required by Town staff if field conditions necessitate.

12. 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.

Gobin moved/Gowdy seconded/DISCUSSION: Commissioner Gobin referred to earlier public comment made by Rand Stanley that a vote on this application was inappropriate because it's being made prior to approval of the referendum question, she wanted to go on record that she felt the vote shows the Commission is being pro-active regarding the project.

VOTE: **In Favor: Gobin/Gowdy/Kowalski/Leason/Thurz**
 (No one opposed/No abstentions)

XIII. OTHER BUSINESS: None

XIV. CORRESPONDENCE:

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Planning Director Calabrese noted that the Planning Office had received an e-mail regarding the Site Plan review for the farm workers housing, which will be made part of the record on November 22nd.

XV. BUSINESS MEETING: None

XVI. EXECUTIVE SESSION: None

XVII. ADJOURNMENT:

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

Gowdy moved/Gobin seconded/DISCUSSION: None.

VOTE: In Favor: Gobin/Gowdy/Kowalski/Leason/Thurz
(No one opposed/No abstentions)

Respectfully submitted,

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