

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

**REGULAR Meeting #1851
Tuesday, May 23, 2023
AMENDED AGENDA**

***THIS MEETING IS BEING HELD IN-PERSON
In Scout Hall,
28 Abbe Road, East Windsor, CT. 06088***

AND

***VIA REMOTE ACCESS
via ZOOM Teleconference
Meeting ID: 714 897 1799***

DRAFT MEETING MINUTES

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

I. TIME AND PHYSICAL PLACE OF MEETING:

Chairman Kowalski called the Regular Meeting #1851 of the East Windsor Planning and Zoning Commission to Order at 6:30 p.m. The Meeting is being held in-person in the Meeting Room at Scout Hall, 28 Abbe Road, East Windsor, CT and via telconference as well

PRESENT: **Regular Members:** Michael Kowalski (Chairman), David Leason (Secretary), Stacey McKenna, and Jim Thurz (Vice Chairman) were present at the in-person meeting.

Alternate Members: Frank Gowdy joined his colleagues at the in-person meeting as well.

ABSENT: Regular Member Anne Gobin was unable to join the Commission this evening.

GUESTS/SPEAKERS present in-person: Director of Planning and Development/Planning Director Ruth Calabrese hosted the meeting. Also present in person were: Planning Consultant Michael D'Amato; Selectman Alan Baker, Board of Selectman Liaison to the Planning and Zoning Commission.
Application PZ-2022-14 – Applicant: Town of East Windsor, Text Amendment to Zoning Regulations Section 602.3 Number of Parking Spaces and Section 900.3 Site Plan Modification;

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INFORMAL DISCUSSION: James Giorgio, Fee-In-Lieu of Sidewalks versus installation of sidewalks.

GUESTS/SPEAKERS present remotely identified as they sign in:

Application PZ 2023-16 for 10 Prospect Hill Terrace/True Storage. Applicant: Josh Sullivan/True Storage; Jason Quimet, BETA Group; I-Phone 6; Peg (Margaret) Hoffman, Recording Secretary.

II. ESTABLISHMENT OF QUORUM:

Chairman Kowalski noted a quorum was established as four Regular Members and one Alternate Member were present at the Call to Order. Chairman Kowalski requested Alternate Member Gowdy to join the Commission regarding discussion and action on all Items of Business this evening.

III. ADDED AGENDA ITEMS:

Chairman Kowalski noted a request has been made to ADD under **OTHER BUSINESS** Informal discussion regarding a Fee-In-Lieu-of Sidewalks at 137 Scantic Road.

IV. LEGAL NOTICE:

The following Legal Notice was read by Chairman Kowalski:

LEGAL NOTICE:

The East Windsor Planning and Zoning Commission will hold a Public Hearing on Tuesday, May 23rd, 2023 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-2023-14 – The Applicant is the Town of East Windsor is requesting a Text Amendment to Zoning Regulations Sections 601.2 and 900.3. A full copy of the application is available on the Planning and Zoning Commission's Webpage on the Town's Website. All interested persons may attend this meeting and provide verbal or written comments regarding this application.

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This was published in the Journal Inquirer on May 12, 2023 and May 19, 2023.

V. PUBLIC PARTICIPATION (FOR ITEMS NOT LISTED ON THE AGENDA):

Chairman Kowalski queried the in-person audience for comments regarding items/issues not posted on the Agenda. No one requested to speak. Chairman Kowalski then offered the opportunity to speak to the remote participants; no one requested to be acknowledged.

VI. APPROVAL OF MINUTES:

A. May 9, 2023 – Regular Meeting of PZC:

Chairman Kowalski noted the Minutes for the Commission's May 9, 2023 Meeting are available for approval, he asked if the Commissioners had any changes, comments, alterations, or amendments; no one requested any changes. Chairman Kowalski called for a motion of approval.

MOTION: To APPROVE the Minutes of Meeting #1850 dated May 9, 2023 as presented.

Thurz moved/Leason seconded/DISCUSSION: None.

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

VII. RECEIPT OF APPLICATIONS:

Chairman Kowalski acknowledged receipt of the following applications, which will be heard at a future meeting:

PZ-2023-17 – Text Amendment – proposed Text change to Zoning Regulations Section 502 – Permitted Accessory Uses, Use Table B-1, B-2, M-1, HIZ, and Regulations Sections TZ5 Zoning. Applicant: Car-Mil Realty, LLC/Frank Giordano.

PZ-2023-18 – Town of East Windsor - Text Amendment - Text change to Zoning Regulations Section 405 – Temporary Events. Applicant: Town of East Windsor.

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

No requests presented under this Item of Business this evening.

IX. **CONTINUED PUBLIC HEARINGS:** None

X. **NEW PUBLIC HEARINGS:**

A. **PZ-2023-14 Town of East Windsor Text Amendment – for a Text change to Zoning Regulations Section 601.2 – Number of Parking Spaces & Section 900.3 Site Plan Modification. Applicant: Town of East Windsor:**

Planning Director Calabrese advised the Commission that these changes are being recommended in response to a request for clarification on the use of asphalt millings versus bituminous concrete. Planning Director Calabrese referenced a hand-out provided for the Commission this evening, which includes additional comments. She suggested the following language change has been included to avoid misinterpretation: ***“All parking spaces, loading facilities and access roadways shall be paved by bituminous asphalt or bituminous concrete to provide an adequate all-weather surface.”*** Planning Director Calabrese suggested this proposal allows for the use of a pervious pavement, such as millings, by way of a Special Permit”, with conditions as outlined under (subsection) “I” items 1 through 5, which she read for the Commission. Planning Director Calabrese also noted the addition of a statement on the plans that should the use change the applicant may be required to return for a reassessment as to whether the movements are appropriate.

Planning Director Calabrese advised the Commission she received feedback from Building Official Rich that the warehouse and distribution uses may not lend themselves to millings.

Chairman Kowalski opened discussion to the Commission.

Commissioner Thurz felt this opens a loophole for applicants regarding some of the proposed uses. He questioned if “farms/agriculture” should be excluded? Planning Consultant D’Amato felt the farm/agriculture use had been included because of the recent farm project approval.

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Chairman Kowalski questioned if the proposal includes the ability for anyone to petition for this use under the Special Permit process if they feel they have the right situation for the change? Staff considered the following options: Planning Director Calabrese suggested adding condition #7, ***“other uses not included in #6 above may petition to the Commission under a Special Use Permit”***. Planning Consultant D’Amato suggested this proposal is effectively a waiver; Planning Director Calabrese suggested striking ***“by way of a Special Use Permit”***, ***condition #7 would then read: “other uses not included in #6 may be petitioned to the Commission.”*** Planning Consultant D’Amato suggested taking the list of permitted uses out of the regulation, and say instead that ***“an applicant can make a request via a Special Use Permit demonstrating the following criteria.”*** Planning Consultant D’Amato indicated the reasons the uses had been included was to avoid an applicant requesting the use of millings because paving was more expensive. Ultimately, the Commission agreed to strike new condition #7, and remove the warehousing use based on Building Official Rich’s comment. Chairman Kowalski agreed regarding the elimination of the warehouse use, noting the use involves heavy equipment and heavier loads with repeated turning movements which may not be conducive to the use of millings. Commissioner Leason felt the millings may be more appropriate for companies handling heavy boxes of merchandise, discussion continued regarding the applicability of condition #7 regarding various uses.

Chairman Kowalski noted this application is a Public Hearing, he offered the opportunity to comment to the in-person audience, no one requested to speak. Chairman Kowalski then offered the remote participants the opportunity to comment; no one requested to be acknowledged.

MOTION: To CLOSE THE PUBLIC HEARING on application PZ-2023-14 PZ-2023-14 Town of East Windsor Text Amendment – for a Text change to Zoning Regulations Section 601.2 – Number of Parking Spaces & Section 900.3 Site Plan Modification. Applicant: Town of East Windsor.

Thurz moved/Leason seconded/DISCUSSION: None
**VOTE: In Favor: Gowdy/Kowalski/Leason/
McKenna/Thurz**
(No one opposed/No Abstentions)

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MOTION: To APPROVE the Text Amendment to Sections 601.2 Parking Lot Design, and 900.3 Site Plan Application of the East Windsor Zoning Regulations as detailed in application PZ 2023-14 for the Town of East Windsor, last revised on May 22, 2023. Finding: The change recommended provides clarity and requirements for parking lot designs and requirements.

Thurz moved/Leason seconded/DISCUSSION: None

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

XI. OLD BUSINESS: None

XII. NEW BUSINESS:

A. PZ-2023-16 for 10 Prospect Hill Terrace/True Storage-Site Plan Modification proposing 24 hour drive-up storage units (24,000 SF) within the existing parking lot and site improvements. Applicant: True Storage/Josh Sullivan:

Chairman Kowalski read the description of this Item of Business.

Joining the Commission remotely representing the applicant, True Storage was Josh Sullivan, and Jason Quimet, of the BETA Group, Inc.

Mr. Quimet recalled that a year ago they came before the Commission with a Site Plan to convert the former Burlington Coat Factory at 10 Prospect Hill Terrace to an indoor climate-controlled facility. That application was approved, ownership was conveyed from Burlington Coat Factory to True Storage in late, 2022. Construction within the building began earlier this year.

Mr. Quimet advised the Commission the application before them this evening is a Site Plan Modification. Sharing a Google image of the site location Mr. Quimet noted the parcel straddles the Town line of Enfield and East Windsor, and is located between I-91 and Route 5 north of Route 140. The total site contains 10 acres, while the portion located in East Windsor is 5.7 acres. He noted minor modifications, which include

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milling overlay of existing pavement and parking lot striping to identify ADA improvements to the parking lot, a new water line was also installed at the rear of the building to satisfy the Fire Marshal's comments.

Mr. Quimet indicated the application before the Commission is what they consider Phase II for drive up storage units within the existing parking lot on the acreage located within East Windsor. Mr. Quimet then shared the Title Sheet of the plan submitted to the Planning Department. The storage facility will contain 116 to 118 storage units, all single-story drive-up units, which are not climate-controlled. Each unit will have an exterior roll-up door, lighting is proposed for the exterior of the building. Phase II will involve 24,000 square feet of improvements.

Mr. Quimet then referenced the Site Plan, noting they are proposing 112 units sized 10 foot by 20 foot units, and 4 smaller units sized 10 feet by 15 feet. All the proposed units are located within the East Windsor side of the parcel. Most of the units are proposed on the west side of the building, no improvements are being proposed at the rear or the side of the building. Mr. Quimet indicated no improvements are being proposed on the Enfield side of the parcel. All storage units are proposed within the existing impervious areas of the parking lot, which has been modified to accommodate several rows of storage units, with drive aisles between the rows of units. They're also proposing an additional 15 units at the west side of the building.

Mr. Quimet noted the plan modification required revisions to the drainage pipes, which were located under some of the proposed buildings. The drainage structures will be relocated within the drive aisles. The modifications result in a reduction of 8,000+/- square feet of impervious area on the site which will be either landscaped or vegetated. Mr. Quimet noted there are 2 water line easements extending from Prospect Hill Terrace to the southeast and eastern side of the site, they are not proposing any deep-rooted vegetation which would impact the water lines.

Mr. Quimet reported the proposed Site Plan Modification was submitted to the Planning Office on May 2nd. Revised copies of the application have been submitted to the Planning Office today. Comments offered by the Planning Department are the following:

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- The Inland Wetlands Commission didn't have any comments regarding the application as none of the improvements have been proposed within the 150 upland review area.
- Regarding the front yard setback from Prospect Hill Terrace, the original proposal was a 20 foot set yard from the cul-de-sac. In response to Staff comments that set-back has been revised to 60 feet, which resulted in a reduction of approximately 6 units, the proposed improvements are now at 22,400 square feet of impervious coverage.
- Mr. Quimet indicated he understands the Photometric plan is currently being worked on. Mr. Sullivan concurred, noting that they are proposing to use the existing on-site lighting, while including LED downward facing wall pack lighting.
- Regarding architectural features, Mr. Sullivan indicated the doors have been included on the ends so people can see this is a storage facility. Mr. Quimet noted the Staff comment regarding changing the roof color from black to grey or white to reduce the temperature of stormwater generated by the proposed facility.
- Mr. Quimet also noted they have been asked to provide a landscaping plan for areas not covered by impervious areas, which include spaces in between buildings 5, 6, and 7. They are avoiding including evergreens, shrubs, or other trees which a hard root system which could impact the water lines. To address that concern they are proposing the use of turf in those areas as well as the area to the north. They are proposing landscaping in front of the first aisle and the southeast corner of the parcel where bituminous paving is being removed, and the eastern part of the site as well where they're proposing the 15 storage units mentioned previously.

Commissioner Gowdy questioned their response to the comment regarding the turning radius? Mr. Quimet suggested when they originally submitted the application they were proposing a turning radii of 22 feet, the Fire Marshal requested to increase the radii to 26 feet.

Commissioner Thurz raised the following comments:

- ***Facility access:*** Commissioner Thurz questioned if there would be a gate at the entry as this facility will be open to the public? Mr.

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Sullivan noted the facility won't be open 24 hours, for that reason they are not proposing a gate. He noted they have interior and exterior security cameras on the site, and the units would be accessible to the customers of each unit. Commissioner Thurz suggested most storage facilities have a gate at the access drive to be able to monitor who enters, he cited a recent example of locks being damaged at other facilities and items stolen. Mr. Sullivan indicated they have provided gates at other facilities where it's a requirement, if the Commission would prefer the installation of a gate they can make that revision. Chairman Kowalski suggested if there isn't a physical barrier to entry what's going to prevent anyone from entering the site at any hour of the night, Mr. Sullivan indicated they could revise the plans to include a gate at the entrance.

- ***Color of facility and/or units:*** Commissioner Thurz also questioned the color of the units. Mr. Quimet suggested the roof color is proposed to be grey, and the exterior of the building is proposed to be white.

Commissioner Thurz reported he toured the facility and complimented the applicant for the work that's been done. Mr. Sullivan thanked Commissioner Thurz for his comments.

Commissioners Gowdy and Leason had no comments.

Chairman Kowalski raised the following questions:

- ***Access between buildings:*** Chairman Kowalski referenced the grass areas between the buildings, he questioned if the curb area proposed will be adequate to prevent customers from parking on top of it. Mr. Quimet noted there is an area on the south corner of the building for people to park, as well as parking spaces provided on the east side of the units and in front of the building. Mr. Quimet indicated he was told there is minimal traffic per hour at these facilities, he believes there's enough parking availability to prevent people from parking on the grass. He noted they're providing 24-foot wide drive aisles between the units which should be enough for someone to pass another customer unloading. Mr. Sullivan concurred, noting they converted a Stop & Shop facility in Massachusetts with a large parking lot with the same curbing, and the access wasn't an issue.
- ***Location of snow removed during storms:*** Chairman Kowalski questioned where the snow would be pushed to? Mr. Quimet suggested approximately three-quarters of the site is currently impervious area, and the site drains from east to west into Boweysns

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Brook, his assumption is that any snow accumulation would be pushed to the rear of the building. Mr. Sullivan concurred, noting they would continue that process going forward.

- ***Access to current units during Phase II:*** Chairman Kowalski suggested the inside storage appears to be active presently, would you continue to provide access to those interior storage units for customers? Mr. Sullivan replied they would be continuing to provide access for existing customers while continuing with the building revisions.

Chairman Kowalski asked for comments from Staff. Planning Director Calabrese noted the Planning Department is waiting for the revised Photometric plan. She also noted she spoke with the Enfield Town Planner, who has indicated she would not be commenting on this project.

Chairman Kowalski noted that in the absence of the updated Photometric Plan the application would have to be continued to the Commission's next meeting, he called for a motion.

MOTION: To CONTINUE Application PZ-2023-16 - 10 Prospect Hill Terrace/True Storage-Site Plan Modification proposing 24-hour drive-up storage units (24,000 SF) within the existing parking lot and site improvements. Applicant: True Storage/Josh Sullivan, application continued until the Commission's next meeting.

Thurz moved/Leason seconded/DISCUSSION: None

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

XIII. OTHER BUSINESS:

Chairman Kowalski suggested the Commission take the Added Agenda Item B first, which is the request for an informal discussion regarding a Fee-In-Lieu of Sidewalks to include Jim Giorgio.

James Giorgio, 40 Barber Hill Road, Broad Brook, joined the Commission.

B. Informal discussion regarding a Fee-In-Lieu-of Sidewalks at 137 Scantic Road:

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Mr. Giorgio provided the Commission with a copy of his e-mail request for discussion, and copies of the associated photos.

Mr. Giorgio advised the Commission he isn't appearing to discuss the definition of a Fee-In-Lieu of sidewalk installation as he a builder for over 25 years he understands the concept.

Mr. Giorgio suggested he uses the Fee-In-Lieu of Sidewalks as an option while considering does it make sense to put in the sidewalks or is the fee a better option. He indicated the calculation is linear feet times four feet wide times \$17.00 per square foot. Mr. Giorgio indicated in this instance the distance is 954 linear feet. He noted the existence of a swale at the location of a residence, noting the location of two houses, a hayfield, and then another house on his location plan. Mr. Giorgio suggested the water comes down and hits the farm road and backs up. Commissioner Thurz suggested he thought the farmer put in a pipe under the swale; Mr. Giorgio referenced the photos provided for the Commission, noting the water backs up into wetlands. Mr. Giorgio suggested they could put in a pipe under the farm road but the problem with that is the flow line of the swale is about 3 feet down, from the location of the farm road on the topography stays the same, the water sits and is absorbed over a week or two. Previous discussions with Town Staff suggested the installation of a pipe and numerous storm drains at a cost Mr. Giorgio estimated to be thousands of dollars, Mr. Giorgio suggested the storm drain pipes would be lower than where the water needs to go. Without doing any wetlands remediation, like creating a retention pond, the water is going nowhere, other than being absorbed. Mr. Giorgio reiterated the option of a Fee-In-Lieu of installation of sidewalks is to pay a fee, but Mr. Giorgio contends he doesn't have the option of building sidewalks because the crown of the road dumps into the edge of the road for another 5 to 10 feet. If that distance is closed in the water from Woolam Road will end up at the residence Mr. Giorgio referenced on his plan. Mr. Giorgio suggested he can't build a sidewalk to Town standards.

Mr. Giorgio suggested another option was to build the sidewalk further in, but then it becomes a walking path rather than a Town sidewalk.

Mr. Giorgio suggested the cost of the sidewalk would be \$60,000.00. Mr. Giorgio noted there are no other sidewalks on Scantic Road, nor is there a plan for sidewalks on Scantic Road so there would be no connectivity. Taking that into consideration and the safety issues of building the

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sidewalks which would be below water most of the time, and Mr. Giorgio's contention that the mathematical calculation doesn't make sense. Mr. Giorgio is requesting that the Commission waive the requirement for sidewalks and the fee for the 3 lots.

Commissioner Thurz cited his long service on the Planning Commission, and recalled that the Commission has never waived the requirement for the installation of the sidewalks, the Commission had felt Mr. Giorgio had intended to pay the fee.

Mr. Giorgio indicated he's appearing before the Commission as he is seeking a Certificate of Occupancy for one of the homes. When he discussed options with the Planning Office it was suggested he come before the Commission for consideration. Commissioner Thurz felt any fee reduction would have to be approved by Town Engineer Norton. Planning Director Calabrese referenced the condition of approval, which read: ***"A Fee-In-Lieu of installation of sidewalks shall be provided. The final amount shall be in accordance with Section 6.35 and approved by the Town Engineer."*** Planning Director Calabrese then referenced Section 6.35, which reads: ***"Fee-In-Lieu of installation: Alternatively the applicant may propose, and the Commission may accept, that some or all of this requirement be met by making a payment of a Fee-In-Lieu of installing sidewalks or trails to a Town Sidewalk and Trail Fund, provided that such payment is at least 40% of the estimated cost of installing sidewalks in the development."***

Commissioner Thurz suggested the Commission is considering a process which would apply to all applicants, not just Mr. Giorgio. Chairman Kowalski suggested the next step was a discussion with Town Engineer Norton, to validate Mr. Giorgio's opinion that under normal construction circumstances that the cost of construction should be this amount of money and then the Commission could apply the 40% rule to that number.

Mr. Giorgio questioned if he had to return to the Commission for approval; Planning Director Calabrese felt it could be an administrative decision.

A. ZEO Report:

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Planning Director Calabrese referenced the report submitted by Zoning Enforcement Officer Boudreau. She also noted the Blight Ordinance is coming up for a Town Meeting on June 15th, the focus of the ordinance has shifted to public safety and accommodating emergency response. She also reported that Angelo Severino has been appointed as the Zoning Citation Hearing Officer to assist enforcement.

Planning Director Calabrese reported that ZEO Boudreau has been getting good results seeking compliance from the auto dealerships.

XIV. CORRESPONDENCE:

A. Robinson & Cole – East Windsor Solar Two, LLC and VCP d/b/a Verogy Solar:

Planning Director Calabrese reported the receipt of a letter of an intent to file for a solar farm at 31 Thrall Road. She advised the Commission she has sent the Resolution the Commission developed to the Siting Council in relation to the Thrall Road petition. Planning Director Calabrese reported there have been other petitions related to solar farms, all have been acknowledged by the Siting Council, who will determine if they'll hold a Public Hearing. She noted the petition is also online at the Siting Council.

Chairman Kowalski suggested he estimates the percentage of locations for solar facilities has to be approximating 30% for East Windsor, he felt that was a significant number for one town to shoulder. Speaking from the audience, Selectman Baker, Board of Selectman Liaison to the Planning and Zoning Commission, suggested our message is we've done our part.

XV. BUSINESS MEETING: None

XVI. EXECUTIVE SESSION: None

XVII. ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:38 p.m.

Gowdy moved/Leason seconded/DISCUSSION: None

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

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Respectfully submitted,

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