

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

**REGULAR Meeting #1855
Tuesday, July 25, 2023**

***THIS MEETING IS BEING HELD IN-PERSON
In the John Daly, Jr. Meeting Room,
Town Hall, 11 Rye Street, Broad Brook, CT 06016***

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 July 25, 2023 Regular Meeting #1855 of the East Windsor Planning and Zoning Commission to Order at 6:30 p.m. The Meeting is being held in-person in the John Daly, Jr. Meeting Room, Town Hall, 11 Rye Street, Broad Brook, CT., and via telconference as well

PRESENT: **Regular Members:** Anne Gobin, Michael Kowalski (Chairman), David Leason, Stacey Svoboda-McKenna, and Jim Thurz (Vice Chairman).

Alternate Members: Frank Gowdy.

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

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; Deputy Selectman DeSousa; **Application PZ-2022-17 – Applicant:** Car-Mil Realty LLC/Frank Giordano; Attorney Daniel Glissman representing Mr. Giordano; Jay Ussery, J. R. Russo & Associates, LLC; **Application PZ-2023-20 – Applicant:** **Balch Bridge St Corp.** – Jay Ussery, J. R. Russo & Associates, LLC, representing the applicant.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1855 – Tuesday, July 25, 2023
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

2

GUESTS/SPEAKERS present remotely identified as they sign in: Peg Hoffman, Recording Secretary.

II. ESTABLISHMENT OF QUORUM:

Chairman Kowalski noted a quorum was established as five Regular Members and one Alternate Member were present at the Call to Order.

III. ADDED AGENDA ITEMS:

Planning Director Calabrese requested addition of a memo regarding a FOIA Discussion to be added to the Agenda under the **BUSINESS MEETING.**

The consensus of the Commission concurred with the addition.

IV. LEGAL NOTICE:

The following Legal Notice was read by Chairman Kowalski:

PZ-2023-20 for Balch Bridge Street Corp., for 216 and 222 South Main Street:

The East Windsor Planning and Zoning Commission will hold a Public Hearing on Tuesday, July 25, 2023, at 6:30 p.m. Details regarding how to attend will be published on the Commission's Agenda and will be made available on the Town's Website.

PZ-2023-20 Balch Bridge Street Corp., 216 and 222 South Main Street is requesting a Resubdivision approval to create a lot for the Dunkin Donuts Restaurant and associated improvements. Map 022, Block 05, Lot 084, Zone B-2 and A-2.

A full copy of the application is available on the Planning and Zoning Commission's Webpage of the Town Website. All interested persons may attend this meeting and provide verbal or written comments regarding this application.

Journal Inquirer editions: July 14, 2023 and July 21, 2023

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

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1855 – Tuesday, July 25, 2023
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

3

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 comment to the remote participants, only the Recording Secretary was signed in remotely and had no comments.

VI. APPROVAL OF MINUTES:

A. July 11, 2023 – Regular Meeting of PZC:

Chairman Kowalski noted the availability of the Commission's Meeting Minutes for Regular Meeting #1854 held on July 11, 2023. He called for additions, comments, or revisions, or a motion of approval.

MOTION: To APPROVE the Planning and Zoning Commission Regular Meeting Minutes for Meeting #1854 held on Tuesday, July 11, 2023 as presented.

Gobin moved/Leason seconded/DISCUSSION: None.

**VOTE: In Favor: Gobin/Leason/Svoboda-Mckenna/Thurz
Opposed: No one
Abstained: Kowalski/Gowdy**

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

No requests presented under this Item of Business this evening.

IX. CONTINUED PUBLIC HEARINGS:

A. 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, & TZ5 Zoning. Applicant: Car-Mil Realty LLC/Frank Giordano:

Chairman Kowalski read the description of this Agenda item.

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1855 – Tuesday, July 25, 2023
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES

4

Joining the Commission for discussion were Attorney Daniel Glissman, representing the applicant, Frank Giordano/Car-Mil Realty LLC. Mr. Giordano was present in the audience.

Attorney Glissman opened discussion by noting he and Mr. Giordano have been working with the Planning Staff to propose the present draft of the Text Amendment to Section 502 of the Zoning Regulations to allow self-storage facilities which they feel is a significant improvement over the previous drafts. This draft eliminates a number of the originally proposed zones, and now proposes the self-storage use in zones M-1 and B-1 under a Special Use Permit application, and the use must be developed as an adaptive re-use of office space as defined by the Assessor. Any proposals for outside self-storage must also be done as an adaptive re-use of office space. This draft also proposes the use must provide 100-foot buffers zones and must be part of a mixed-use development unless the developer can demonstrate there isn't an adequate demand for office space.

Attorney Glissman then introduced Jay Ussery, of J. R. Russo and Associates, LLC, who presented a study of buildings located within the B-1 Zone which could be considered for the self-storage use under this Text Amendment. Mr. Ussery gave a summary of the various parcels, which included:

- 1) **160 Bridge Street**, which includes 4.1 acres located in a B-1 Zone, the property is totally surrounded by properties zoned B-1. Mr. Ussery gave a description of other B-1 properties in the proximity of the subject parcel.
- 2) **169 Prospect Hill Road**, which contains ½ acre including 2,500 square feet of office space. The parcel has previously been occupied as a dentist office over the years and is located across the street from residential parcels. Chairman Kowalski questioned the proximity of this parcel to a recently approved outdoor self-storage facility, Mr. Ussery indicated he hadn't checked the distance but he was aware that a self-storage facility had recently been approved at the former Burlington property.
- 3) **2 Elm Street**, located within the Red Hill Trailer Park. Mr. Ussery indicated he could not find 2 Elm Street on the GIS system, he does not believe this is a Town road. Mr. Ussery indicated this parcel has been identified as containing 480 square feet of office. Mr. Ussery noted the Red Hill Trailer Park includes all residential homes, the location designated for the office for the Red Hill Trailer Park is located on South Main Street.

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1855 – Tuesday, July 25, 2023
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES

5

- 4) **25 North Road**, property owned by the Connecticut Water Company, the property contains 6700 square feet of office space and is 2 ½ acres in size. Mr. Ussery suggested this parcel may be within 1,000 feet of residential properties. Mr. Ussery noted much of the land behind this parcel is residentially zoned but contains significant wetlands. Mr. Ussery gave a history of a previous proposal for development, which never occurred.
- 5) **38 Bridge Street**, which contains 1/10th of an acre and 700 square feet of office space as identified by the Assessor, the parcel is located in the Warehouse Point section and was previously occupied by retail space.
- 6) **6 Wapping Road, Windsorville**, the parcel contains 3,000 square feet of office space and was previously occupied by Hartford Toner and Septology before they moved across the street. Mr. Ussery indicated this parcel is surrounded by residential properties.

Mr. Ussery reported they did not review properties located within the M-1 Zone.

Chairman Kowalski opened discussion with the following questions:

- **Size restrictions:** Are there any restrictions as to how small a self-storage facility could be, could someone own a 2-bay garage and rent it out for self-storage if the property was located in a B Zone?
Attorney Glissman reported a previous draft contained a size restriction of 4,000 square feet on a 2-acre parcel, but that restriction has been removed from this draft as they consider the use to be an adaptive re-use of office space. Attorney Glissman indicated they would be willing to return that restriction to the current draft.
- **Setbacks/screening:** Chairman Kowalski questioned if any setback, or screening requirements are proposed between this proposed use and residential properties? Mr. Ussery indicated that a 100-foot buffer is currently required under the current regulations by Special Permit, reduction of the requirement to 50 feet calls for a vote of the Commission.

Commissioner Gobin:

- **Application Requirements:** Commissioner Gobin questioned if this proposal requires application under a Special Use Permit? Attorney Glissman replied in the affirmative
- **Architectural Requirements:** Commissioner Gobin noted a previous draft included architectural requirements, she questioned if those

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1855 – Tuesday, July 25, 2023
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

6

requirements were still in this draft? Attorney Glissman replied affirmatively, and referenced the proposed language regarding simulation of office space or a residential building.

Chairman Kowalski queried the remaining Commissioners for comments, no one else had any questions at this time.

Chairman Kowalski called for Staff comments.

Planning Consultant D'Amato suggested the following revisions:

- a revision in language regarding the requirement for identification of a property by the Assessor should be changed to the adaptive reuse of existing office building which is already defined in the regulations.
- Note 15 allows the applicant to forego a mixed-use development if they can demonstrate there isn't an adequate demand, Mike suggested "adequate" is too subjective.

Discussion continued regarding the inclusion of a mixed-use development.

Chairman Kowalski noted this is a Public Hearing, he asked if anyone in the in-person audience would like to comment, no one requested to be acknowledged. Chairman Kowalski then offered an opportunity to speak to the remote participants, the Recording Secretary was the only remote participant and did not request to comment.

Chairman Kowalski noted Staff will prepare a revised draft of the Text Amendment for the next meeting. Discussion followed regarding the timeline to close the Public Hearing.

**MOTION: To CLOSE THE PUBLIC HEARING on PZ-2023-17
for a proposed text change to Zoning Regulations
Section 502 – Permitted Accessory Uses, Use Table B-1,
B-2, M-1, HIZ, and TZ5 Zoning.**

Gobin moved/Leason seconded/DISCUSSION: None
**VOTE: In Favor: Gobin/Kowalski/Leason/
Svoboda-McKenna/Thurz**
(No one opposed/No abstentions)

X. NEW PUBLIC HEARINGS:

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1855 – Tuesday, July 25, 2023
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES

7

A. PZ-2023-20 Resubdivision – requesting approval to create a lot for the Dunkin Donuts Zone B-2 and -A-2. Applicant: Balch Bridge St Corp:

Chairman Kowalski read the description of this new Public Hearing.

Jay Ussery, of J. R. Russo & Associates, LLC, joined the Commission for discussion.

Mr. Ussery reported this is an application for a resubdivision of 216 – 222 South Main Street to create a lot around the building and the development of a Site Plan for the Dunkin Donut building. Mr. Ussery recalled that the Commission previously approved construction of the building and associated improvements (sewer, water, and gas), but the Dunkin Donuts is under a land lease between Balch Bridge Street Corporation and John Silva, who operates several Dunkin Donut restaurants. Mr. Silva does not own the land on which the Dunkin Donut restaurant has been constructed. The parcel currently includes the Baggott Farm operation, this application cuts out a parcel to create a lot for the Dunkin Donut restaurant.

Staff indicated Town Engineer Norton has provided a memo indicating he has no issues related to this application.

Mr. Ussery indicated the application meets all Zoning setback requirements. Chairman Kowalski questioned where the A-2 land is located? Mr. Ussery suggested the A-2 land is in the rear and is the terrace escarpment slope, the wetlands, and the floodplain, he indicated that none of the land within the A-2 Zone is buildable. Mr. Ussery noted the applicant has received an Agent Decision for approval of the resubdivision from the Wetlands Agent.

Chairman Kowalski queried the Commissions for comments, no one had any comments or questions regarding the application.

Planning Director Calabrese noted her comments in her staff memo regarding a request for a waiver of sidewalks. Discussion followed regarding the location of sidewalks if installed, versus a fee-in-lieu of sidewalk installation, or contribution to sidewalks in an alternative location. The consensus of the Commission concurred with Planning Director Calabrese's proposed waiver motion.

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1855 – Tuesday, July 25, 2023
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

8

Chairman Kowalski noted this is a Public Hearing, he asked if anyone in the in-person audience would like to comment, no one requested to be acknowledged. Chairman Kowalski then offered an opportunity to speak to the remote participants, the Recording Secretary was the only remote participant and did not request to comment.

Chairman Kowalski called for a motion to CLOSE THE PUBLIC HEARING.

MOTION: To CLOSE THE PUBLIC HEARING on application PZ-2023-20 for a Resubdivision requesting approval to create a lot for the Dunkin Donuts and associated improvements. Map 022, Block 05, Lot 084.

Gobin moved/Leason seconded/DISCUSSION: None
**VOTE: In Favor: Gobin/Kowalski/Leason/
Svoboda-McKenna/Thurz**
(No one opposed/No abstentions)

Motion to approve Waivers to sections 6.5 Street Lights, and 5.6 Topographic Plan, for application PZ-2023-20 Resubdivision 216 & 222 South Main Street Applicant/Owner Balch Bridge Street Corporation; MBL 022-05-084; Zone B-2/A-1.
Finding that the resubdivision proposes no construction or development and street lights already exist on South Main Street.

Gobin moved/Leason seconded/DISCUSSION: None
**VOTE: In Favor: Gobin/Kowalski/Leason/
Svoboda-McKenna/Thurz**
(No one opposed/No abstentions)

Motion to approve application PZ-2023-20 for a resubdivision at 216 & 222 South Main Street Owner/Applicant: Balch Bridge Street Corporation. For the resubdivision of the 9.62 acres to create a lot for the Dunkin Donuts Restaurant and associated improvements.
This approval is granted subject to conformance with the referenced plans (as may be modified by the Commission) and the following additional conditions/ modifications:

Referenced Plans

TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1855 – Tuesday, July 25, 2023
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES

9

1 Lot Resubdivision 216 & 222 South Main Street, East Windsor,
Connecticut Owner/ Applicant: Balch Bridge Street Corporation, Prepared
By: JR Russo and Associates, LLC Sheets 1-2; Dated 7-6-2023.

Finding:

1. The provided plan is compliant with the Town's Zoning and Subdivision Regulations.
2. An Inland Wetlands and Watercourses permit was issued via an Agent Decision on July 20, 2023.
3. It is appropriate to grant the applicant's request for a waiver to the requirement for street lights and topographic plan.
4. The Commission finds that a fee in lieu is more appropriate than the installation of sidewalks on site.
5. The Commission finds open space requirements do not apply to commercial sites.

Conditions which must be met prior to the signing mylars:

1. A copy of the final approved plans with any necessary revisions shall be submitted to the Planning & Development Office and Town Engineer for review and comment.
2. The plans shall be modified to include a copy of this approval. ``
3. All final plans submitted for signature shall require the seal and live signature of the appropriate professionals(s) responsible for the preparation of the plans.

Gobin moved/Leason seconded/DISCUSSION: None
VOTE: In Favor: Gobin/Kowalski/Leason/
Svoboda-McKenna/Thurz
(No one opposed/No abstentions)

XI. OLD BUSINESS: None.

XII. NEW BUSINESS: None

XIII. OTHER BUSINESS: None

XIV. CORRESPONDENCE: None

XV. BUSINESS MEETING:

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION
Regular Meeting #1855 – Tuesday, July 25, 2023
In-Person and
ZOOM Teleconference
Meeting ID: 714 897 1799
MEETING MINUTES**

10

A. FOIA Discussion:

Planning Director Calabrese advised the Commission of her recent appearance before the Freedom of Information Commission regarding a complaint for 27 Reservoir Road related to addition of an agenda item not previously posted, and late posting of the meeting minutes.

Planning Director Calabrese noted proposed procedural changes, including the timing of the posting of the agenda, and posting of Schedule of Motions and Minutes within the required timeframe without prior review by Staff and the Commission Chair.

XVI. EXECUTIVE SESSION: None

XVII. ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:40 p.m.

Leason moved/Svoboda-McKenna seconded/DISCUSSION: None

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

Respectfully submitted,

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