

**TOWN OF SOUTH WINDSOR**  
**PLANNING & ZONING COMMISSION**

**MINUTES**

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**JULY 26, 2016**

**MEMBERS PRESENT:** Gary Bazzano, Bart Pacekonis, Stephanie Dexter, Kevin Foley, Frank Bonzani

**ALTERNATES PRESENT:**

**STAFF PRESENT:** Michele Lipe, Director of Planning; Lauren Zarambo, Recording Secretary

**PUBLIC HEARING / COUNCIL CHAMBERS**

**CALL TO ORDER:** Chairman Bazzano called the Pubic Hearing to order at 7:30 p.m.

Secretary Commissioner Dexter read the legal notice as it was published in the Journal Inquirer on Thursday, July 14, 2016 and Thursday, July 21, 2016.

- 1. Appl. 16-32P, GDS Estimating** – request for a 1 lot resubdivision and site plan of development for a 5,750 sq ft addition to an existing industrial building and a 2,200 sq ft storage building on property located on the northerly side of Governor's Highway, easterly of Nutmeg Road North (known as 470 Governor's Highway), I zone

Mr. Frank Borawski of PDS Engineering & Construction representing applicant GDS Estimating presented the application. The business is expanding to add an addition for manufacturing and new storage building. The resubdivision will allow for the space required for the expansion.

Director of Planning Michele Lipe gave staff comments:

1. Request for approval of a resubdivision to create 1 new lot and site plan of development for a 5,200 sf addition to the existing industrial building and a 2,200 sf storage building, on property located on the northerly side of Governor's Highway, easterly of Nutmeg Road North. (to be combined with property known as 470 Governor's Highway), I zone
2. The existing property is 38.6 acres, with over 2,000 feet of frontage on Governor's Highway and 558 feet of frontage on Nutmeg Road North. Minimum lot size required in this I zone is 30,000 sq ft. This new lot is proposed to be 1 acre. Minimum required frontage is 100 feet; 129 feet provided.
3. Sidewalks are not shown in conjunction with this development. Currently, there are no sidewalks in the immediate area. The PZC chose not to require sidewalks when the original lot was created.
4. A street tree easement is shown in the front of the new lot along the property's existing Governor's Highway frontage and Nutmeg Road North frontage. However, they are only proposing to plant street trees in front of the new lot and existing trees are shown to remain. How are the existing trees proposed to be protected during site construction?
5. The proposed site plan is a proposal for 2,200 square feet storage building to be accessed by a second drive off of Governor's Highway. The Commission may want to limit the number of drives to a maximum of two.
6. The maximum impervious coverage allowed is 65%, 43.5% proposed. Proposed building height is 20 feet; 40 feet allowed. The parking requirement for this building is 30 spaces, 20 have been provided and 10 are shown in reserve.
7. There is an area of outdoor storage proposed to the rear of the new storage building. It appears it will be adequately screened by the existing vegetation.

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8. There are regulated wetlands just north of the new lot being created. The applicant received IWA/CC approval on July 20th, with a \$2,000 bond for erosion sedimentation controls.
9. The site is served by public water and sewer. Water Pollution Control Authority approval is required.
10. The Fire Marshal has reviewed the plan and has no comments.
11. If this application is approved, the planning department request the following modifications to the site plan:  
A new deed shall be submitted combining the properties consistent with what is shown on the site plan.

The plan was reviewed by the Town Engineer Jeff Doolittle who had two comments:

1. The Site Grading and Utility Plan shows a low flat spot in the pavement in front of the two vehicle doors on the eastern side of the new 2200 SF proposed building. How and where will water drain from this side of this building?
2. More spot grades should be provided to show the slope and high and low points in the proposed gravel driveway on the western portion of the site.

Chairman Bazzano asked for public comment.

No one from the public spoke in opposition or support of the application.

Chairman Bazzano asked about driveway access points. Director Lipe stated there is currently one driveway into the site and the applicant is proposing a second one. Ms. Lipe stated there is adequate frontage for the second driveway but recommended limiting the number of access points to two on Governors Highway which is a collector road.

The Chairman closed the public hearing at 7:37 p.m.

**2. Appl. 16-40P, Mingguang Ou** – request for a Special Exception to Section 7.1 to create an accessory apartment at 186 Dogwood Lane, A-20 zone

Ms. Wenting Ou representing her father, applicant Mr. Mingguang Ou, presented the request for a Special Exception to create an accessory apartment. She stated the accessory apartment is approximately 880 sq ft. The house, constructed in 1960, has the appearance of a single family home. Five cars can be parked in the driveway. There are no records of other apartments within 1,000 feet of their house. Their family will live in the main house. Public sewer and water serve the house.

Director of Planning Michele Lipe gave staff comments:

1. Application for a special exception to article 7.1.2 to create an accessory apartment at property located at 186 Dogwood Lane, A-20 zone. The applicant is proposing to utilize existing living space to create the apartment.
2. There was an addition built in 1994 and the applicant has provided a layout which shows a kitchen, living room, and ½ bath on the upper level and bedroom and bath on the lower level. There is a separate entrance and an existing 12' X 12' deck attached. The applicant has the floor plan and I have provided a picture of the outside of the house which shows the apartment.
3. The criteria which must be met for an accessory apartment include:

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- the apartment can not exceed 700 sf or 40% of the combined gross floor area of both units, whichever is smaller,
  - the house has to be constructed prior to 1990,
  - the entire structure must maintain the appearance of a single family dwelling,
  - off-street parking for at least 3 vehicles must be provided,
  - Not more than ten percent of the existing single family units within 1000 feet of the proposed accessory apartment contain existing accessory apartments,
  - The owner must occupy either the accessory apartment or the main dwelling unit,
  - Adequate water and sewage disposal must be provided.
4. This apartment is proposed to be approximately 870 sf (eliminating the stairwell from the calculation). The Commission can waive the size of the apartment under the following circumstances:
- there will be minimal adverse impacts on existing uses in the area;
  - surrounding property values will be conserved and the character of the neighborhood will not be unduly disrupted;
  - and due consideration to preservation of historic factors has been demonstrated.
5. This house was built approximately 1960. There are public water and sewers that will service this addition. WPCA approval will be required for the additional unit to the sewers.
6. The driveway is large enough to accommodate three cars as required.

If this application is approved, the applicant will be required to reaffirm every two years that the owner still lives in the dwelling or the apartment.

There are no engineering comments on the plan.

Chairman Bazzano asked for public comment.

No one from the public spoke in opposition or support of the application.

Commissioner Foley asked the Director of Planning about the apartment. Ms. Lipe explained the difference between an in-law apartment which is temporary and an accessory apartment which is permanent. The commissioner asked if the number of occupants could be regulated. Ms. Lipe stated conditions could be put on the special exception although the few accessory apartments that exist in town have never been regulated that way or had any problems.

Vice Chairman Pacekonis stated he was opposed to regulating the number of occupants without specific reason. He stated the house looks like a one family home and wished the applicant good luck.

Secretary Dexter asked if the apartment's occupant's cars would be parked in the driveway. Ms. Lipe described the parking availability and that a condition could be added for no on-street parking.

Chairman Bazzano asked Ms. Ou who was living in the house and the reason for the accessory apartment. Ms. Ou replied she, her parents, and aunt currently live in the house and they will be renting the apartment for income.

The Chairman closed the public hearing at 7:45 p.m.

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**3. Appl. 16-41P Latif U-Haul Rentals** - request for a 2 year temporary and conditional permit (Section 2.13.a) to allow U-Haul Rentals from property located at 249 Oakland Road, RC zone

Mr. Bilaf Latif presented the request for a temporary and conditional permit to allow U-Haul rentals for two trucks and two trailers on the right side of the building.

Director of Planning Michele Lipe gave staff comments:

1. Request for a 2 year temporary and conditional permit (Section 2.13.a) to allow U-Haul Rentals from property located at 249 Oakland Road, RC zone
2. The Commission had previously approved an application on April 24, 2012 to store up to three trucks up to 14 feet in length as well as two trailers. The applicant failed to renew the application that expired in April; therefore you have a new request in front of you this evening.
3. This type of use would typically be found in a general commercial or industrial zone.
4. The applicant has provided a map outlining the general area where U-Haul will be stored. In recent months, we have noticed that the rentals are consistently being dropped off and stored in other parts of the site. We are requesting the applicant to commit to being vigilante about telling his employees and customers where the rentals should be stored.
5. All previous approvals require all trailers and trucks be parked away from the access drive.
6. The wording of the T & C permit regulation is that, "Temporary and conditional permits may be granted by the Commission for a period not to exceed 2 years. Such approval may be given after a public hearing if, in the judgment of the Commission, the public convenience and welfare will be substantially served, and the appropriate use of neighboring property will not be substantially or permanently injured, and traffic and other hazards will not result from such use." Renewals may be permitted without a public hearing.

Chairman Bazzano asked for public comment.

No one from the public spoke in opposition or support of the application.

Commissioner Dexter asked if there were any issues to having the vehicles parked where they should be parked. Mr. Latif stated there were not. The commissioner noted it would be a matter of paying more attention to where the vehicles are parked in the future.

Vice Chairman Pacekonis asked how long Mr. Latif was involved with the business at this site. Mr. Latif stated he had been there since 2014. The Vice Chairman asked for compliance with parking the vehicles.

Chairman Bazzano asked whether the application would have been a renewal. Ms. Lipe indicated because there had been ongoing concerns about the lack of an application submitted to renew their temporary and conditional permit resulting in a new permit being required.

The Chairman closed the public hearing at 7:50 p.m.

**REGULAR MEETING / MADDEN ROOM**

**CALL TO ORDER:** Chairman Bazzano opened the Regular Meeting at 7:53 p.m.

**PUBLIC PARTICIPATION:** none

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**NEW BUSINESS: Discussion/Decision/Action regarding the following:**

- 1. Appl. 16-37P, Royal House Chapel Connecticut Mission** - request for renewal of a 2 year temporary and conditional permit (Section 2.13.a) to allow a church use, on property located at 52A Connecticut Ave., I zone

Mr. Justice Ofori accompanied by a Reverend and Deacon from the leadership of the Royal House Chapel Connecticut Mission presented the request for the renewal of a temporary and conditional permit. They have been on Connecticut Avenue for six years and have signed a lease to remain there to continue to provide services for their members through fellowship and to help the community. They meet on Fridays and Sundays.

Director of Planning Michele Lipe gave staff comments:

1. Request for a renewal of a two-year temporary and conditional permit that was granted for a church use on property located at 52A Connecticut Avenue, I zone. This property currently has two 20,000 sf buildings on site, and the applicant has occupied 5,000 sf. of the southern building. This use was originally approved in 2010. The most recent approval expires 7/8/16.
2. The applicant's site layout and floor plan show how the space is being utilized, including a reception area, offices, bathrooms and a sanctuary with approximately 68 chairs.
3. The church conducts services on Friday evenings and Sunday mornings, with occasional services on Wednesdays and Thursdays. All services take place after the close of business hours. The applicant has shown 32 spaces – our regulations require 1 space for 3 seats or 22 spaces.
4. The fire marshal and building department previously worked with the applicant to ensure all fire and building codes were met for this assembly use.
5. The wording of the T & C permit regulation is that, "Temporary and conditional permits may be granted by the Commission for a period not to exceed 2 years. Such approval may be given after a public hearing if, in the judgment of the Commission, the public convenience and welfare will be substantially served, and the appropriate use of neighboring property will not be substantially or permanently injured, and traffic and other hazards will not result from such use." Renewals can be approved by the Commission at a regular meeting.

If this application is approved, there are no other planning modifications requested.

Commissioners had no questions

Vice Chairman Pacekonis made a motion to approve with the following conditions:

1. The Temporary and Condition permit will expire on July 26, 2018, and must be renewed prior to that time if the use is to continue.
2. All free standing signs and/or building signs (temporary or permanent) require the issuance of a sign permit before they are erected.

Commissioner Foley seconded the motion.

The motion carried and the vote was unanimous.

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- 2. Appl. 16-38P, Kebalo Office Temporary & Conditional-** request for renewal of a two-year temporary and conditional permit for the Kebalo Electric Company office located at 175 Wheeler Road, A-20 zone

Mr. Walter Kebalo, owner of the property and applicant, presented the request for renewal of the temporary and conditional permit to allow an office at 175 Wheeler Road and submitted a narrative to the commission. The business has been at this location since 1986. There have been no changes in the use. Screening has been added to the dumpster area as requested by the commission at their last renewal. Farm equipment has been removed from the back of the property as well.

Director of Planning Michele Lipe gave staff comments:

1. Request for a two year temporary and conditional permit for an electrical contracting business at 175 Wheeler Road, A-20 zone. Kebalo Electric has been operating the business from this location since about 1987. The commission originally approved a temporary and conditional permit for the Kebalo Electric office on 10/31/00, and the most recent approval expires on 7/28/16.
2. The applicant has submitted a history of the property, description of the activities on site associated with the operation of Kebalo Electric, floor plans and pictures of the property. Fencing was added to screen the parking area prior to the last renewal.  
  
Vegetation exists along the northern lot line providing for screening for the potential owner of lot 2. We have asked the applicant to clean up the miscellaneous debris, dumpster, and equipment that appears to be left behind on lot 2.
3. The applicant's narrative indicates that there are several office workers and that there are no evening or weekend hours. The applicant has arranged for private refuse collection.
4. The wording of the T & C permit regulation is that, "Temporary and conditional permits may be granted by the Commission for a period not to exceed 2 years. Such approval may be given after a public hearing if, in the judgment of the Commission, the public convenience and welfare will be substantially served, and the appropriate use of neighboring property will not be substantially or permanently injured, and traffic and other hazards will not result from such use." PZC renewal approvals can be granted at a regular meeting.

If this application is approved, the Planning Department has no additional approval recommendations to request.

Commissioners had no questions.

Commissioner Dexter made a motion to approve with the following conditions:

1. The permit will expire on 7/26/18 and will have to be renewed at that time.
2. Refuse from the business cannot be disposed of with residential refuse. Adequate arrangements must be made for business refuse disposal.
3. The number of non-family member employees is limited to three (full- or part-time).
4. Commercial vehicle parking on the street is prohibited.

Commissioner Bonzani seconded the motion.

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The motion carried and the vote was unanimous.

- 3. Appl. 16-32P, GDS Estimating** – request for a 1 lot resubdivision and site plan of development for a 5,750 sq ft addition to an existing industrial building and a 2,200 sq ft storage building on property located on the northerly side of Governor's Highway, easterly of Nutmeg Road North (known as 470 Governor's Highway), I zone

Vice Chairman Pacekonis made a motion to approve the resubdivision with the following conditions:

1. This approval is for 1 lot.
2. Drainage and construction for this subdivision is subject to the approval of the Town Engineer.
3. All lots shall be serviced by the Town of South Windsor sanitary sewer system and are subject to the approval of the Water Pollution Control Authority.
4. Water shall be supplied to this subdivision by public water.
5. This application is subject to the conditions of approval of the Inland Wetlands Agency/Conservation Commission.
6. If, for any reason, finished grading and other individual lot site work is not completed, the Town Engineer shall determine the amount of a cash bond to ensure final grading and site work. This cash bond must be submitted prior to issuance of a Certificate of Occupancy.
7. A drainage assessment fee in the amount of \$50.00 shall be submitted to this Commission.
8. No building permits will be issued until all modifications have been complied with, and the final plans have been filed in the Town Clerk's office.
9. Trees within the street trees easement and any other trees on land that is currently or will in the future become Town-owned land are to be planted in accordance with the enclosed Tree Planting Specifications.
10. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.
11. All easements for conservation purposes, drainage or utilities, that may be required in connection with the approval of this subdivision, must be submitted on standard Town easement form where appropriate, to this Commission prior to filing the mylars and issuance of building permits. All deeds for open space, public improvements and roadways must be submitted prior to request for Town acceptance; all deeds must be in accordance with the policy for accepting deeds and must be approved by the Engineering Department and Town Attorney.
12. Quantity estimates must be submitted to the Town Engineer (on the enclosed form) for the purpose of determining subdivision bonding. All bonds shall conform to the enclosed bond policy and shall be posted prior to filing the final plans in the Town Clerk's office.

If the developer chooses to submit a Letter of Credit for a one year term, said Letter of Credit must be renewed on a yearly basis until completion of the development. If a new Letter of Credit has not been received within 30 days before the expiration date, the Commission may, at its option, call the Letter it is holding.

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Commissioner Foley seconded the motion.

The motion carried and the vote was unanimous.

Vice Chairman Pacekonis made a motion to approve the site plan with the following conditions:

1. Prior to commencement of any site work, a meeting must be held with Town Staff.
2. No building permit will be issued until the final mylars have been filed in the Town Clerk's office.
3. This application is subject to the conditions of approval of the Inland Wetlands Agency/Conservation Commission, including bonds in the amount of \$2,000 for erosion and sedimentation measures.
4. All bonds must be in one of the forms described in the enclosed Bond Policy.
5. An as-built plan is required prior to issuance of a Certificate of Occupancy per Section 8.1.11 of the Zoning Regulations.
6. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.
7. This approval does not constitute approval of the sanitary sewer, which can only be granted by the Water Pollution Control Authority.
8. The building street number must be included on the final plan.
9. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
10. All free standing signs and/or building signs require the issuance of a sign permit before they are erected.
11. If a State Traffic Commission certificate is required, no building permits will be issued until the certificate has been issued (per CGS §14-311).
12. Engineering comments dated 7/12/16 must be incorporated into the final plans.
13. A new deed shall be filed combining the property.

The Vice Chairman added:

14. There shall be no more than two access points from Governor's Highway to the site.

Commissioner Foley seconded the motion.

The motion carried and the vote was unanimous.

- 4. Appl. 16-40P, Mingguang Ou** – request for a Special Exception to Section 7.1 to create an accessory apartment at 186 Dogwood Lane, A-20 zone

Director of Planning Lipe stated the Building Department must verify the basement level bedroom meets current building code.

Commissioner Dexter added the condition of no on-street parking.



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Commissioner Foley added the condition of no more than two cars to be associated with the accessory apartment and must be parked on site.

Commissioner Dexter made a motion to approve with the following conditions:

1. Owner(s) of the property must reside in the apartment or the main dwelling unit. Reaffirmation of occupancy by owner will be required every two years. This will be done via a letter from the Planning Department requesting the reaffirmation of occupancy.
2. The Building Department shall be consulted to ensure that the existing building meets the proper codes for a bedroom on the lower level.
3. Water Pollution Control Authority approval is required.
4. A waiver is granted in accordance with Section 7.1.7 to allow the apartment to be 840 sq ft.
5. There shall be no on street parking and no more than two cars associated with the accessory apartment.

Vice Chairman Pacekonis seconded the motion

The motion carried and the vote was unanimous.

**5. Appl. 16-41P Latif U-Haul Rentals** - request for a 2 year temporary and conditional permit (Section 2.13.a) to allow U-Haul Rentals from property located at 249 Oakland Road, RC zone

Vice Chairman Pacekonis was hopeful the applicant will comply with the site plan for parking the U-Haul vehicles. Temporary and conditional permits are good for up to two years but if compliance is really an issue the permit could be limited to one year. The Vice Chairman voiced support for the two year permit since the request is for less for vehicles than previously requested and that they are kept within the designated area.

Vice Chairman Pacekonis made a motion to approve with the following conditions:

1. This approval is for the rental of U-Haul trucks and trailers – a maximum of two trucks and two trailers are allowed on the western portion of the parking area as shown on the plans.
2. This two-year temporary and conditional permit for this use will expire on July 26, 2018 and will have to be renewed at that time if this use is to continue.
3. All free standing signs and/or building signs require the issuance of a sign permit before they are erected

Commissioner Bonzani seconded the motion

The motion carried and the vote was unanimous.

**6. South Windsor High School – Change Order to increase the height of fence being replaced at football field**

Superintendent of Parks and Grounds John Caldwell with Director of Parks and Recreation Ray Favreau distributed information to the commissioners about a replacement fence at the South Windsor High School football field to run 900’.

Currently behind the high school is a forty year old 6’ chain link fence in poor condition and not repairable. The request is to replace it with a 10’ black vinyl coated chain link fence. Along four residential properties the fence will be covered with an acoustical fabric, Acoustifence, for noise reduction. The fabric comes in 6’

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wide / 10' lengths and is hung vertically by stainless steel vinyl coated wire ties. Each panel is 62 pounds and has a ten year warranty.

Commissioner Foley asked for the estimated cost of the sound panels. Mr. Caldwell estimated the cost to be \$43,000 for the entire 900 feet length. This cost will be reduced by only installing the fabric in the area of four abutting homes. The fabric is not for sound proofing but for sound reduction. The cost of the project was recently approved by the Board of Education with the caveat by being cost conscious and limiting the amount of fabric to be used.

Chairman Bazzano voiced concern that it could be vulnerable to graffiti. Mr. Caldwell stated the fabric is paintable and washable. The Board of Education has suggested having their logo on a few of the panels.

Vice Chairman Pacekonis, stating that the Board of Education already had given their approval, made a motion to approve the change order

Commissioner Dexter seconded the motion

Commissioner Foley asked about the cost breakdown of the fabric. Mr. Caldwell stated the \$46,000 is for the entire length of the fence but it will only be installed in the area that directly impacts the neighbors and potentially at the parking lot where privacy slats will be installed. Vice Chairman Pacekonis asked to see exactly where the fence is located. Mr. Caldwell described the location and the areas that may have the fabric.

The motion carried and the vote was unanimous.

**7. General Commission discussion regarding DRZ and SRD developments**

Chairman Bazzano stated DRZ (Design Residence Zone) developments are becoming more prevalent throughout town and the cap on SRD's (Senior Residence Development) has been reached.

Director of Planning Lipe distributed a compellation of the number of DRZ's and SRD's presently in South Windsor and described the specific developments. There are approximately 3,500 units or 30% of the housing units that are of a type other than single family homes.

The Chairman supposed eliminating DRZ's from the regulations. Director Lipe suggested changing DRZ criteria for density or other characteristics. Commissioner Foley agreed density is what impacts the town the most. The Director suggested meeting with Town Staff to review the impact. Vice Chairman Pacekonis urged before meeting with staff to have statistics ready to support the Commission's concerns. He stated South Windsor is starting to appear overdeveloped and that the current guidelines do not protect the town in that respect.

Commissioner Foley stated there are presently enough DRZ's in town and it is not the time to add more to town services and schools. Commissioner Bonzani agreed. Commissioner Dexter asked how DRZ's could be discouraged since the zone is in the regulations and other developments have been approved recently.

Director Lipe stated she will clearly give the message to developers that the Commission is not interested at this time in allowing more DRZ's. She stated the Commission is not compelled to approve any zone change which comes before it except if an affordable housing 8-30G application is submitted.

It was the consensus of the Commission to discourage going forward with DRZ's at this time. The Commission was also in consensus not to increase the cap on SRD's.

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**BONDS: Callings/Redutions/Settings**

The following bonds are to be re-released correcting the application number from Appl. 15-62P (as referenced at the July 12, 2016 meeting) to Appl. 13-44P:

1. Appl. 13-44P, Evergreen Walk Unit 14 Landscape Bond in the amount of \$2,500 to be reduced by \$5,000 to leave a balance of -0-.
2. Appl. 13-44P, Evergreen Walk Unit 14 IWA/CC Bond in the amount of \$10,000 to be reduced by \$10,000 to leave a balance of -0-.

Vice Chairman Pacekonis made a motion to reduce the above mentioned bonds. Commissioner Bonzani seconded the motion. The motion carried and the vote was unanimous.

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**APPLICATIONS OFFICIALLY RECEIVED:**

1. **Appl. 16-43P, Edwin Road LLC Parking Lot** - request for site plan approval to create a parking lot at 58 Edwin Road, I zone

**OLD BUSINESS:** *see page 2*

**OTHER BUSINESS:**

**CORRESPONDENCE / REPORTS:**

**ADJOURNMENT:**

Motion to adjourn the Regular Meeting at 9:00 p.m. was made by Vice Chairman Pacekonis  
Seconded by Commissioner Dexter  
The motion carried and the vote was unanimous.

Respectfully Submitted,  
Lauren L. Zarambo  
Recording Secretary