



TOWN OF MIDDLEBURY

*Planning & Zoning Commission
1212 Whittemore Road
Middlebury, Connecticut 06762
(203) 577-4162 ph
(203) 598-7640 fx*

November 3, 2016

REGULAR MEETING MINUTES

REGULAR MEMBERS PRESENT

Terry Smith, Chairman
William Stowell, Vice Chairman -
arrived @ 7:31pm
Matthew Robison
Erika Carrington - arrived @ 7:31pm
Joseph Drauss

REGULAR MEMBERS ABSENT

None

ALTERNATE MEMBERS PRESENT

Paul T. Babarik
Jeffrey Grosberg

ALTERNATE MEMBERS ABSENT

Christian Yantorno

ALSO PRESENT

John Calabrese, P.E.
Curtis Bosco, Z.E.O.

CALL TO ORDER

Chairman Smith called the meeting to order at 7:30 p.m.

ROLL CALL AND DESIGNATION OF ALTERNATES

Chairman Smith announced Regular Members Smith, Drauss, Robison and Alternate Members Babarik and Grosberg as present. Regular Members Stowell, Carrington & Alternate Member Yantorno were absent. He appointed Alternate Member Babarik to act in place of absent Regular Member Stowell and Alternate Member Grosberg to act in place of absent Regular Member Carrington. Immediately following, Regular Members

Stowell and Carrington arrived at 7:31pm. Therefore, both took their positions as acting Regular Members while Babarik and Grosberg remained seated as Alternate Members.

PUBLIC HEARINGS

1. Maxxwell Sunshine, LLC/2160 Straits Turnpike – application for a Special Exception (Application #2016-7-1) (continued)

Attorney Michael McVerry of 35 Porter Avenue, Naugatuck spoke on behalf of the applicant Maxxwell Sunshine, LLC and Patrick Bayliss who is the Principal of County Line. This is an application for approval of a 91' X 25' commercial carwash on said property which is located in a CA-40 Zone and consists of 5.2 acres. He submitted revised plans as well as a narrative (see attached) which he reviewed with the Commission. The narrative contains explanations on how the proposal would provide for potential issues of vehicles encroaching on Route 63, what provisions were made if a vehicle opted out of the service prior to getting to the entrance and what steps were being proposed to avoid potential icing on the public right-of-way. At the last meeting Fred O'Neill of Fred's Carwash in Watertown, CT and Norwalk, CT voiced his concerns with respect to the queuing and water onto the road and Attorney McVerry wanted to interject that while he may have been the past President of the Connecticut Car Wash Association, he questioned if he would be present if he didn't have a carwash 2 miles up the road.

James Arvin of New England Carwash located in Littleton, MA, representing Peco Manufacturing (manufacturer of the carwash equipment) was present on behalf of the applicant. He stated that drip time is the amount of distance from where you put the last application of water (typically a fine rinse) and where the drying starts. In modern carwash design, 14 feet is a luxury and 15 feet is being proposed. The drying system takes up a total of 14 feet inside the building. Therefore, there is 30 feet from the time the last drop of water touches the car and when the car leaves the building.

Fred O'Neill, 24 Hidden Pond Lane, of Fred's Carwash in Watertown, CT and Norwalk, CT acknowledge the fact that he has a competitive carwash business in the area and has 35 years of experience in the carwash business. He knows Mr. Arvin, his boss as well as the owners of Peco Manufacturing and he is very familiar with the system being proposed. He believes that the proposed 15 feet is outstanding but that the heated concrete pad keeps the concrete damp and does increase the amount of water that is pulled out into the street. He submitted photos of Personal Touch Carwash, Meriden Road in Waterbury, showing 16 cars with a double lane in the incoming que with a car

sitting out on East Main Street, the exit showing approximately 175 feet of water on the pavement, and a permanent sign located at the Walgreens entrance depicting “Personal Touch Customers Please Do Not Block Walgreens Driveway”.

Matthew Robison stated that the abort lane is a good addition to the application but he is still concerned about customers going off to the side to use the vacuum and he envisions it being a problem. He is also concerned about safety with the amount of traffic and crossing over of lanes to get there.

Mark Lancor, P.E. of Dymar in Southbury stated that this is D.O.T.’s highway, which they maintain, and that their specifics have been met and they have no objections with the proposal. The vacuum area is a courtesy to those if they are accessible. If they are not, the attendants will ensure that customers know that they need to exit. The trench drains are being provided so as to avoid the possibility of icing.

James Arvin believes that because of the location, there would be a maximum of 10 cars at any given time and would not wash 1000 cars on their best day.

Attorney McVerry submitted photos of Mr. O’Neill’s carwash in Watertown showing what he believes to be an exit length of four (4) cars exiting out onto a side street and suggested that Mr. O’Neill address his concerns at his own business rather than what a competitor wants to do. The photos also show his vacuums which are adjacent to the entrance lane.

Mr. O’Neill corrected Attorney McVerry by stating that four (4) cars is incorrect. Cars can either go left or right. Right takes you to the side street which can stack 6-7 cars. Left can hold another four (4). He also disagreed with Mr. Arvin and added that the proposed carwash can wash up to 120 cars per hour. Lastly, they are expanding because of the vacuum issue, have close to six (6) employees on site at any one time, and close the vacuum lane is closed on extremely busy days.

Joseph Drauss stated that he has witnessed a lot of ice in the winter at Fred’s Carwash.

Paul Babarik stated that road is the responsibility of D.O.T. and the possibility of icing is their concern.

Motion: to close the Public Hearing at 8:01pm. Made by Erika Carrington, seconded by Joseph Drauss. Unanimous Approval.

MINUTE APPROVAL

2. Discussion of the Minutes of the Public Hearings & Regular Meeting held on October 6, 2016

Motion: to approve the Minutes of the Public Hearings & Regular Meeting held on October 6, 2016 as submitted. Made by William Stowell, seconded by Matthew Robison. Erika Carrington abstained from voting. Unanimous Approval.

OLD BUSINESS

3. Maxwell Sunshine, LLC/2160 Straits Turnpike – application for a Special Exception (Application #2016-7-1)

William Stowell requested to table the discussion in order to give the Commission time to review the narrative that was submitted this evening.

Chairman Smith announced that the discussion would be tabled until December 1, 2016.

NEW BUSINESS

4. P&Z – Discussion and possible action regarding a Text Amendment to Section 24/Senior Residential District

Chairman Smith announced that this was put on the agenda at the request of William Stowell.

William Stowell stated that it was recently brought to this Commission's attention that the setbacks in Section 24 were only 20 feet from existing property lines while Sections 22 & 23 both have 50 foot setbacks. Section 24 also requires a 30 foot landscape buffer which would make it hard to do in a 20' setback. It is his recommendation that Section 24 be consistent with Sections 23 & 23. (See proposed text amendment attached.)

Motion: to set a Public Hearing for December 1, 2016. Made by Erika Carrington, seconded by Joseph Drauss. Unanimous Approval.

OTHER BUSINESS

5. Discussion of the 2017 Meeting Schedule

Motion: to approve the 2017 Meeting Schedule. Made by Matthew Robison, seconded by William Stowell. Unanimous Approval.

6. Any other business added to the agenda by 2/3 vote of the Commission

None

7. Enforcement Report

Curtis Bosco, Z.E.O. stated that from now on, the monthly Property Transfer List will be emailed to all directly from the Clerk's office. From this point forward, Administrative approvals for a Certificate of Zoning Compliance which are typically emailed to the Commission Members for their input will now have an official way to accept at the monthly meetings.

Chairman Smith stated that they will work on the logistics together. He would still like it in email form and if there are no objections, they could be put on a consent agenda.

8. Adjournment

Motion: to adjourn the meeting at 8:12 p.m. Made by Matthew Robison, seconded by Joseph Drauss. Unanimous Approval.

Filed Subject to Approval,

Respectfully Submitted,

Rachelle Behuniak, Clerk

Original to Edith Salisbury, Town Clerk

cc: P&Z Commission Members
Mary Barton, Chairman, Conservation Commission
Ollie LeDuc, Building Official
Curtis Bosco, Z.E.O.
Ken Long, Chairman, Z.B.A.
Attorney Dana D'Angelo
Larry S. Hutvagner, CFO
Rob Rubbo, Director of Health

RECEIVED
11-3-16

MAXWELL SUNSHINE, LLC – PATRICK BAYLISS
2160 Straits Turnpike

Special Exception:

Applicant proposes to construct a 2,100 square foot commercial car-wash. The subject property contains approximately 5.22 acres and is located within the CA-40 Zoning District, in the area delineated in the Zoning Regulations for automobile dealerships. (§ 31.4.3, et seq and § 52). The proposed special exception is tailored to fit these regulations.

At the October 6, 2016 Planning & Zoning Commission Public Hearing on the subject application, a request was made by the Commission for the Applicant to 1) provide further explanation as to how the Applicant planned to address potential issues of vehicles encroaching onto the Route 63 Right of Way, 2) address what provisions were being made if a vehicle opts out of the service, and 3) what steps being proposed to avoid icing onto the public right of way.

With regard to the potential queuing from the site into the Route 63 right of way, the applicant's plans have been revised as follows:

1. An automatic payment kiosk is proposed on the incoming traffic lane at a position approximately seven (7) vehicle spaces from the entrance to the proposed building. This will require payment by cash, credit or debit card at that point. (see attached copy.)
2. In the event, a customer is unable to pay or has changed his/her mind, approximately one (1) vehicle space south of the payment kiosk, a by-pass lane is proposed to exit the car wash queue back onto Route 63, with a restriction of a right turn only onto the highway. In the event a customer goes through the payment kiosk, does not pay and drives to the entrance or simply gets to the entrance and changes his/her mind, then in that event, the employee at the entrance will direct the customer to proceed through the car wash as a "dry wash/low-end" with little or no washing occurring.
3. The proposed plans provide space for 14 vehicles in the queue from Route 63. This figure is based on an AASHTO vehicle length of nineteen feet (19) each which is significantly larger than a typical vehicle in today's market place. The average vehicle length varies widely with small cars being approximately thirteen (13) feet, compacts at fourteen (14) feet, family cars at fifteen and one-half (15.5) feet, luxury cars at seventeen (17) feet and pick-ups at around seventeen and one-half (17.5) feet. All of these dimensions are less than is illustrated on the subject proposal. Thus the reality of this application is that more than the depicted number of vehicles would in all likelihood be allowed in the queue. If you utilized an average vehicle length at fifteen and one-half (15.5) feet, the number of vehicles that could be queued would total up to eighteen. The proposal is that the business will be manned by at least two (2) employees at all

time, one at the entrance to the car wash and the other at the exit. However, in the event of additional customer demand beyond the shown fourteen (14) vehicles, the applicant does own the Nissan dealership directly across Route 63, with a driveway immediately opposite the entrance to the car wash. In the event of increased demand for the car wash, an additional employee will direct customer traffic into the Nissan parking lot where an additional twenty plus (20) vehicles are able to stack waiting for room at the car wash. The additional employee will direct such traffic and ensure that the queue continues in a safe and responsive manner. The Nissan Dealership maintains at least one full time lot attendant at all time who would also assist with this overflow.

4. The number of automobile vacuums has been reduced to two (2) and are designed so that the vehicles will drive directly parallel to them, allowing for a direct merge into the exit line when the vacuum is completed. Based upon the fact that there will be an employee at building exit, should both vacuums be utilized customers will be instructed that they are not available and that no waiting will be allowed.

With regard to the avoidance of icing on the Route 63 right of way, the applicant has revised its plans as follows:

1. At both the entrance and exit of the car wash facility, it is proposed to install twenty (20) foot concrete heat pads which will generate ambient heat assisting in the handling of any drying any dripping/melting prior to entering the facility as well as any vehicle residual water which might emanate in the process when leaving the facility. Industry standards demonstrate that the majority of any dripping from a vehicle occurs during the first car-length after exiting the facility. The proposed heated exit pad would address this immediately.
 2. The design of the proposed car wash calls for the last water to be applied by a "rain-bar" fifteen (15) feet before the vehicle reaches the dryers within the facility. The proposal is for the installation of a "PECO" wing system of ninety (90) horsepower with six (6) dryers, measuring fourteen (14) feet from the front of the dryers to the exit. (See attached copies.)
 3. Based upon the above, the proposal calls for the fifteen (15) feet from the last application of water at the rain-bar, the fourteen (14) feet of dryer area and the twenty (20) foot heated concrete exit pad (a total of forty-nine (49) feet) before the washed vehicle enters the exit queue.
 4. Trench drains are proposed to be installed at the northerly end of the exit heat pad to allow for additional drainage from the vehicles, and another trench drain is proposed to be installed at the property line at the exit from the facility onto Route 63.
-

What is Access?

PDQ has developed a full line of integrated products to help you more effectively manage and potentially increase your wash business. PDQ's Access® products offer you seamless technology solutions to manage every aspect of your wash business, including customer management, wash management and loyalty programs.

Innovation

It All Starts with Access® PDQ's Access® Customer Management System was the first to offer dollar bill dispensing, and still offers the industry's most secure vault. Access® allows you to manage multiple sites from anywhere with an Internet connection and only Access can interface directly with the innovative Wash Access® Loyalty System (WALS) designed to build and maintain an ongoing relationship directly with your customers.



Vault

- Industry's most secure vault
- Keeps your money safe

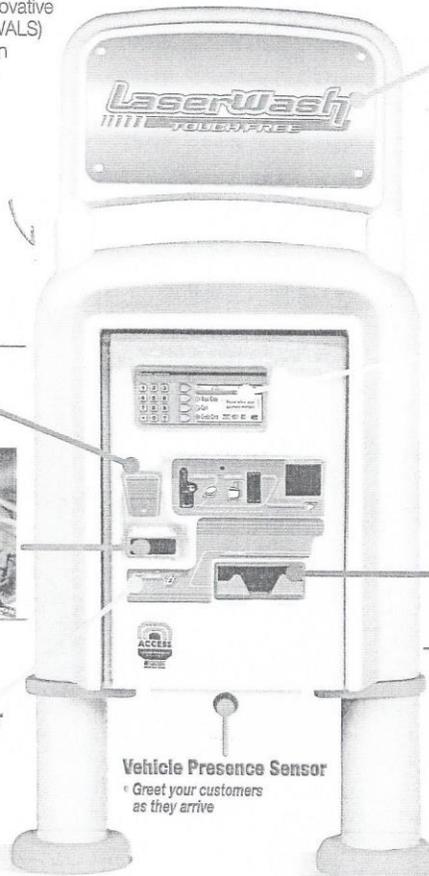
Bill Acceptance

- Accept larger denominations when WALS and special wash offers are enabled



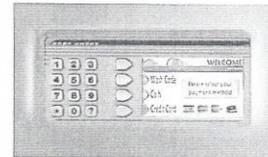
Cash Stacker

- Exceptional bill acceptance
- Ease of use



Custom Topper

- Assure your name is seen with our vivid custom graphics topper



Custom Message

- Customize your image with screen, decals, and audio easily modified to match your logo, colors and voice



Bill Dispenser

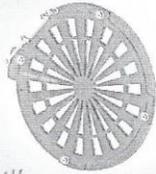
- Service kiosk less often by dispensing bills instead of coins

Vehicle Presence Sensor

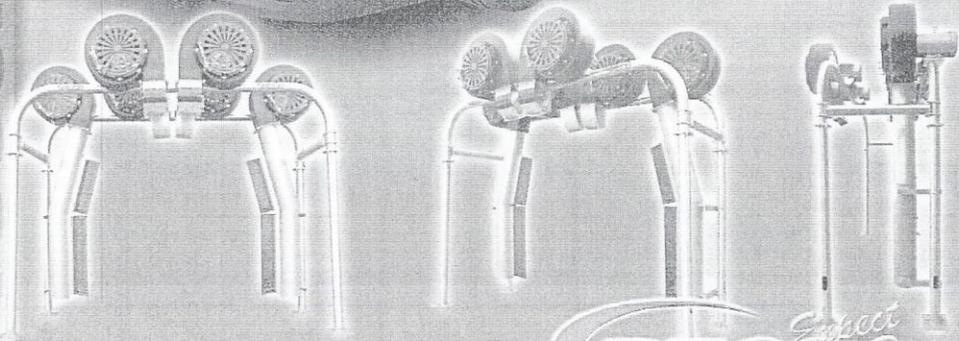
- Greet your customers as they arrive

TOUCH-FREE DRYERS

TOUCH-FREE DRYERS



New!
**STAR
GATE**



Featuring
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Multi-Directional Nozzles**



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SYSTEMS

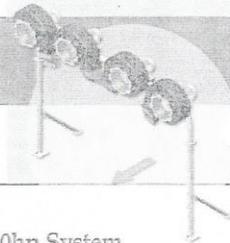
DESIGN YOUR OWN DRYING SYSTEM TO MEET YOUR NEEDS!

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CHOOSE STANDARD TOUCH-FREE DRYER SYSTEMS FROM 30 H.P. TO 120 H.P.



DS-50/60 Wing System



DS-60-1

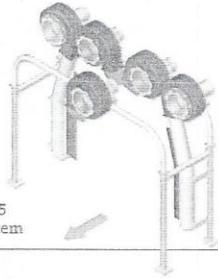
SPECS

50/60hp System

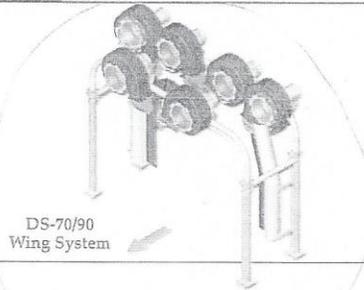
- Overall Height: 133" (11'-1")
- Overall Width: 150" (12'-6")
- Overall Length: 57.5" (4'-9.5")

40/60hp System

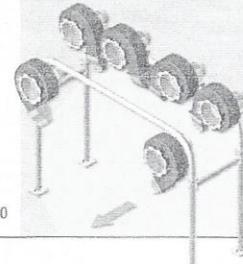
- Overall Height: 133" (11'-1")
- Overall Width: 150" (12'-6")
- Overall Length: 57.5" (4'-9.5")



DS-60/75 Wing System



DS-70/90 Wing System



DS-90

SPECS

60/75hp System

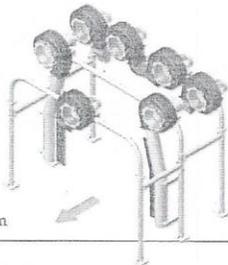
- Overall Height: 133" (11'-1")
- Overall Width: 150" (12'-6")
- Overall Length: 72.5" (6'-0.5")

70/90hp System

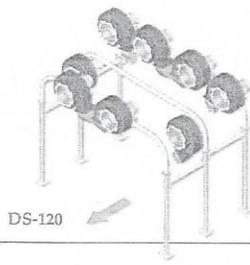
- Overall Height: 133" (11'-1")
- Overall Width: 150" (12'-6")
- Overall Length: 72.5" (6'-0.5")

60/90hp System

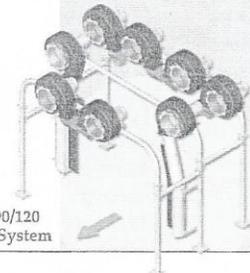
- Overall Height: 133" (11'-1")
- Overall Width: 150" (12'-6")
- Overall Length: 72.5" (6'-0.5")



DS-80/115 Wing System



DS-120



DS-90/120 Wing System

SPECS

80/115hp System

- Overall Height: 133" (11'-1")
- Overall Width: 152.5" (12'-8.5")
- Overall Length: 117" (9'-9")

80/120hp System

- Overall Height: 133" (11'-1")
- Overall Width: 152.5" (12'-8.5")
- Overall Length: 117" (9'-9")
- Includes 2 flip nozzle
- .1 CFM Compressed Air required

90/120hp System

- Overall Height: 133" (11'-1")
- Overall Width: 192.5" (16'-0.5")
- Overall Length: 117" (9'-9")
- Includes 2 flip nozzle
- .2 CFM Compressed Air required



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PROPOSED TEXT AMENDMENT

Request that the P&Z Commission make a change to the Senior Residential District Section 24 so that it is consistent with sections 22 and 23 of our regulations. The change would be in section 24.7.2 to change the setback from 20 feet to 50 feet everything else remains the same.

Section 22: Planned Residential Development Overlay District paragraph 22.9.2 on page 22-16/17 reads as follows:

22.9 Design Standards

22.9.2 Building Setbacks

The design standards of this section are subject to the provisions of Subsection 22.10 below for individual lot PRDs. No building may be placed within 50 feet of an existing property line.....

Section 23: Planned Residential Development for elderly persons paragraph 23.4.3 on page 23-3 reads as follows:

23.4 Design Standards

23.4.3 No building shall extend within less than one hundred fifty (150) feet of any state highway line, fifty (50) feet of any other street line or fifty (50) feet of any other property line.

Section 24: Senior Residential District paragraph 24.7.2 on page 24-10 reads as follows:

24.7 Design Standards

24.7.2 Building Setbacks

No building may be placed within 20 feet of an existing property line,

Change to read: No building may be placed within 50 feet of an existing property line,



TOWN OF MIDDLEBURY

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2017 MEETING SCHEDULE Shepardson Community Center Room 26 7:30 p.m.

**Thursday – January 5, 2017
Thursday – February 2, 2017
Thursday – March 2, 2017
Thursday – April 6, 2017
Thursday – May 4, 2017
Thursday – June 1, 2017
Thursday – July 6, 2017
Thursday – August 3, 2017
Thursday – September 7, 2017
Thursday – October 5, 2017
Thursday – November 2, 2017
Thursday – December 7, 2017**

Approved this 3rd day of November, 2016

**Terry Smith,
Chairman**