



presently has two entrances and one exit; for their purposes, it will be converted to one way in, one way out. The area presently has 19 parking spaces, it will have 15 spaces which will be dedicated to this business and no longer available to the public unless they are having their car washed. The employees of this business will park in areas designated by the Mall as employee parking. The process is more like auto detailing than a traditional car wash. They use a coconut based spray on the exterior of the car and then it is wiped down. They do a traditional cleaning on the interior. There is no water used so the drainage is not affected by this. The cars will be vacuumed with shop vacs and the tires cleaned with carnauba cleaner designed specifically for that purpose. They will have containers, one of which will be used for the dirty rags and the other for used paper towels. The microfiber rags will be washed and reused. He said they may need to upgrade the lighting in this area of the garage. There will be a kiosk where they can store the receipts and keys. Their employees will use the rest rooms in the food court which is what all of the other kiosks in the Mall do. He said the Fire Marshal and the City Traffic Engineer have both approved the plans, but there was no Engineering Dept. review required. They are before EIC who decided to make a site visit before making a decision. Because this is private property, the applicant is responsible for installing any directional signs that might be necessary. He said the applicants intend to run a very clean operation. The garage gets swept two to three times per week and the lease agreement allows for the disposal of dirt and trash. Washing the rags will obviously be their responsibility. Mr. Urice asked what will happen when all of their parking spaces are full and someone wants to get their car washed. Mr. Doto said they get valeted to the door of the mall and their car is parked in an available spot until they can get it into their designated area. This is not a problem because they are shopping in the Mall anyway. Ms. Hoffstaetter asked what else will be there permanently besides the kiosk. Mr. Doto said everything stays onsite overnight: the kiosk and the rag and trash receptacles. Chairman Finaldi asked if this is a new technology. Mr. Doto said all car washes are now illegal due to stormwater regulations put in place to maintain water quality. He said a traditional car wash recycles water but is still considered to have a negative impact, so maybe this did come about because of that. This is also better because it can be done indoors. Ms. Hoffstaetter asked about any leakage off of the cars. Mr. Doto said there should not be anything because this process is like cleaning your car with a bottle of Windex, but the car is parked on an absorbent mat and also the garage floor has drains. He said this is a non-toxic coconut based solution and he had included the MSDS sheet with the application. This is intended to be an environmentally friendly process. Mr. Manuel then asked where the excess moisture goes. Mr. Doto said the applicants brought a dirty fender to do a demonstration for the Commission. Ms. Tretyakova sprayed the solution on the fender and then used a microfiber cloth to wipe it off. Chairman Finaldi asked what they use on the windows. Mr. Larkin said they can use the same solution as they mix it in three different strengths. He added that they could use up to 20 towels per car and then the towels are placed in the bin to be washed. Mr. Doto asked if there were any other questions and there were none.

Chairman Finaldi asked if there was anyone to speak in opposition to this and there was no one.

Mr. Keller made a motion to continue the public hearing as they are waiting for a decision from EIC. Mr. Urice seconded the motion and it was passed unanimously.

CONTINUATION OF PUBLIC HEARING:

The Windmere LLC – Application for Revised Site Plan/Special Exception Use in accordance with Sec. 10.D.7.b. of the Zoning Regulations (Parking lot expansion in excess of 20 spaces for existing Special Exception use) – 44 Old Ridgebury Rd. (#C16060) – SE #325. Public hearing opened 6/17/2009 – 35 days will be up 7/21/09.

John Block PE, from Tighe & Bond, said he is covering tonight for the project engineer, Joe Canas. He said since the previous meeting, formal responses and revised plans have been submitted. They added pedestrian walkways along the westerly edge and around the islands. The lighting will have shields to minimize the glare and sidewalks have been added along Ridgebury Rd. as requested. The drainage has also been shifted to the roadway.

Kate Throckmorton, LA from Environmental Land Solutions, submitted landscape and foot candle plans (designated exhibits C & D). She said they were asked to locate which trees would be removed, so 35 trees have been inventoried, 9 of them are mature as noted on the plan. There also is a remnant woods area with trees of varying sizes. They shifted all of the evergreens to along the property line and they are maintaining a row of pine trees that was probably planted when the office building was constructed.

Mr. Block said they met with the neighbors before tonight's meeting in an effort to determine how to do this without causing a negative impact on Briar Woods. They discussed several things including how the location of the sewer easement limits where plantings can be placed and also the possibility of putting the trees on the condo property to make higher. He said the foot candle plan shows that there is no light spillage and the wattage has been reduced to make sure this complies with energy conservation regulations. Mr. Keller asked the difference in elevation between the parking lot and the condos. Mr. Block said there is a 20% elevation difference so it is highly unlikely that the condo would be bothered by headlights from a car in the subject parking lot. There was some more discussion regarding the removal of mature trees but nothing new was added.

Chairman Finaldi asked if there was anyone to speak in opposition to this and there was no one.

Attorney Catherine Cuggino spoke on behalf of the Briar Woods Homeowners Association. She said they are concerned about how the proposed removal of trees will affect them. They are also concerned about how the removal of these trees will affect the parking lot lighting. She said they had a brief meeting before tonight's meeting and some of their concerns have been addressed, but some have not. She reminded the Commission of Sec. 10.C.4. of the Zoning Regs., which lists the findings they must make in order to approve a special exception. She also quoted the State Statutes regarding legal standards for approval. She asked that the hearing remain open so the issues may be addressed.

Scott Smith, 2003 Briar Woods La., said they put together an overview of their concerns and submitted a copy for the file (designated exhibit F). He said they want to work with the applicant and the meeting before this meeting was a start. He said removal of any trees is always a loss to the property owners. The tree line in question provides a sound barrier as well as a visual one and some of the trees are 40 ft. tall. One of the solutions they propose is for the applicant to create a buffer zone between the parking lot and their units. They learned today that all mature pine trees are staying except three of them, but they are still concerned about the easement area that has no trees. There is a 15 ft. drop in elevation between their patios and the parking lot. They also discussed a 15 ft. high retaining wall and backfill to make it level with trees on top of wall. They suggested removal of the parking lot islands. Mrs. Emminger quickly said they cannot do that because the islands are required by the Zoning Regs.

Chad Evans (??), 1902 Briar Woods La., said for three years he has observed the parking conditions at this building and he wants to know what is the actual need for extra parking. Even when the building was at maximum capacity, the parking lot was used for storage trailers. He said he is also concerned about the removal of the stormwater drainage. He said this would cause the property owners at Briar Woods to experience a loss in their property values.





property is located within a Numbered A Flood Zone of the Sympaug Brook. She said the site plan shows that a majority of the property is located within the floodplain. The proposed grading will result in a net gain of 20 cubic yds. of additional floodplain storage. The Engineering Dept. has approved the proposed grading and drainage improvements. She added that the resolution recommends approval because the principal and fire exits have access to ground or a structure leading to ground having continuous elevation above the 100-year flood. Mrs. Emminger said the rest of the resolution lists the standard conditions for approval of a floodplain permit. Mr. Urice made a motion to approve this Floodplain permit per the resolution. Mr. Keller seconded the motion and it was passed unanimously.

Chairman Finaldi said there was nothing under New Business, Referrals or Correspondence.

OTHER MATTERS FOR REVIEW AND POSSIBLE ACTION:

Letter from Attorney Neil Marcus requesting five (5) year extension (from 10/4/09 to 10/4/2014) on approval of SE #587 – MTS Inc/Dunkin Donuts, 2-10 Main St. – Court Approved Stipulation of Settlement dated October 4, 2004.

Mrs. Emminger explained that for a variety of reasons this grant of special exception was never filed on the land records. The appeal of the Commission's denial was sent to a mediator and the result was a Court Stipulated settlement and the time frame in which to file passed. Then there was a question of what the actual date of the grant should be, so for whatever reason, it is neither side's fault but now they need to address this. Corporation Counsel believes that the court would probably determine that the standard time frames for filing do not matter in this case because it is a stipulated judgment. Mrs. Emminger added that if the Commission grants this extension, it should recommend that special exception be filed immediately. Mr. Urice made a motion to grant this extension with the recommendation that the applicant file the grant immediately. Mr. Manuel seconded the motion and it was passed unanimously.

Under For Reference Only, there were listed four applications for Floodplain Permits.

At 9:09 PM, Mr. Keller made a motion to adjourn. Mr. Manuel seconded the motion and it was passed unanimously.