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TOWN OF NEWTOWN
PLANNING & ZONING COMMISSION

MINUTES

REGULAR MEETING

Thursday, September 16, 2021 at 7:00 p.m.
Council Chambers, Newtown Municipal Center
3 Primrose Street, Newtown, CT 06470

Present: Don Mitchell, Barbara Manville, Corrine Cox, Dennis Bloom, Gregory Rich, David Rosen

Absent: Andrew Marone, Roy Meadows

Staff: Rob Sibley, Deputy Director of Planning, Helen Fahey, Clerk

Mr. Mitchell called the meeting to order at 7:02 p.m.

Public Hearings

Application 21.21 by Sundaram, LLC, for two Text Amendments to §2.03.400 and §4.03.317, of the Zoning Regulations of the Town of Newtown, so as to add a subsection “(e) combination filling station and convenience stores permitted by §4.03.317 with drive-through facilities” and to add a subsection “(g) except as permitted in the Exit 10 Commercial Design District” as demonstrated on documents submitted to the Land Use Agency 8/4/21

Application 21.22 by Sundaram, LLC, for a Special Exception, for a property located at 62-64 Church Hill Road, so as to permit a drive-through window as demonstrated on a set of plans titled, “Sundaram LLC Newtown Mobile Station 62-64 Church Hill Road Newtown, CT 06470” dated 6/21/21, revised 7/22/21 and all supporting documents submitted to the Land Use Agency dated received August 4, 2021.

Attorney Bob Hall, of 43 Main Street, representing both applications handed out revised site plans and other documents. Jason Edwards of J. Edwards Associates on 227 Stepney Road explained the revised site plans. He said the current traffic at the front gas pumps didn’t work well so the intent of the changes is to have traffic flow one way by making an entrance on the east and exit on west. There are added stop signs at the end of the lanes coming from back of building. Mr. Edwards said the bypass lane is designed wide enough for an SU-30 vehicle. Mr. Edwards also said the three existing lights on west side will be replaced.

Rob noted that page S3 of the site plans had the light posts labeled as existing and asked for clarification. Both Mr. Edwards and Attorney Hall confirmed it was a mistake and they are getting removed.

Mr. Edwards spoke about the landscaping plans. He said trees and shrubs will be planted on west side and shrubs will be planted around the car wash.

*These minutes are subject to the approval of the Commission.
Copies of applications and documents are on file at the Land Use Agency.*

Attorney Hall asked Mr. Edwards to explain the change to the handicapped parking spot. Mr. Edwards explained that with a regular spot currently on the east side there is potential for someone to park on an angle causing issues with exiting drive through vehicles so by moving the handicapped spot to the east side, the 8ft loading area acts as a divider for exiting drive through vehicles thus making it safer.

Ms. Cox asked if the canopies will be taken down over the building and Attorney Hall said the left canopies are coming off so the roof will not hang over drive through, the one over the gas pumps will get replaced, underground tanks will be replaced, and the back wall will get moved back. Mr. Jaydev Patel, owner of Sundaram LLC, said the canopy will be replaced around the spring time and the underground tanks are getting replaced next month.

Mr. Rosen asked for the width of space between a car at the drive through window and someone pumping gas at the diesel pumps. The exact width wasn't known and there was discussion about what the width was. Attorney Hall stated that if the measurements fit the regulations but is still tight than that is an issue with the regulations, not the site plans. Mr. Bloom had concerns with trailers accessing the diesel pumps and Attorney Hall invited the commissioners for a site visit to which they felt there was no need. Mr. Mitchell asked if the distance from the delivery window to the gas pump island is 24 ft. and Mr. Edwards said closer to 25ft.

Ms. Cox expressed concerns with delivery trucks blocking the entrance on the right hand side of the building. Mr. Patel said with the 4 new tanks he is working on having deliveries come at night when traffic is low. Mr. Mitchell asked if the tank filling ports would stay in the same location and Mr. Patel affirmed.

Attorney Hall said this new plan will improve circulation and safety on site and asked Mr. Edwards to speak to this. Mr. Edwards reiterated that the revisions eliminates head on traffic. Attorney Hall pointed out the left turn only signs at the front pumps, do not enter signs near diesel pumps, and stop signs at drive through exit and bypass lane.

Mr. Edwards addressed Mr. Bloom's concerns of trailers fitting by saying that any truck and trailers are prohibited. He also said that the new conditions won't change much for trailers, in fact if the carwash line isn't busy it will be even wider with the retaining wall pushed back.

Ms. Manville asked how often the stacking lanes will be as busy as illustrated in the site plans. Mr. Patel explained that 80% of drive through business is finished by 11am and the carwash gets busy in the afternoon creating two different peak business times.

Attorney Hall addressed Mr. Sibley's comments in his report about signage not meeting regulations by pointing out an approved variance from 1988 for 4 sign locations. He showed photos that show the current Mobile road sign matching the previous approved Amoco sign and said he is of the opinion that the existing signs are legal.

Mr. Hall played the 3 traffic videos taken at rush hour Friday, Saturday afternoon, and Thursday morning. Mr. Rosen observed most cars already enter on the west and exit on the east as planned in the revisions. He was concerned that everyone leaving from the east side makes it more likely for cars to be waiting. Attorney Hall referenced Mr. Hua's traffic study which cited no abnormal accident patterns. He also made it clear that the text amendment portion of this application will only affect the exit 10 overlay. Mr. Mitchell noted Mr. Hua mentioned that current traffic level is low and expected to rise, he also used a stand-alone coffee shop code in ITE, the technology he bases his studies on, so Mr. Mitchell questioned if that really computed with a gas station, coffee shop car wash combo. Mr. Patel shared that business both inside and out this summer has been up 5-7% compared to 2019, pre-COVID.

Mr. Mitchell asked if coffee will be sold inside. Mark Dymerski, co-owner of Dunkin Donuts on 6 Queen Street, said coffee will be served both inside and by drive through. He also mentioned the app which he spoke of last meeting which helps speed up ordering and waiting.

Mr. Mitchell asked Attorney Hall if the documents submitted were handed into the Land Use Department or at tonight's hearing. Attorney Hall said they were submitted at tonight's hearing. Mr. Mitchell said as a caution to protect the public's right to look at information on file, I request we continue to next hearing and the commissioners agreed.

Mr. Sibley wanted to confirm the lighting numbers in the site plans, especially in the rear. He also pointed out that his issues with signage were with temporary signs being placed outside in the front of the building and sometimes on the pumps. Mr. Patel clarified that they don't use signs at the pumps but agreed with the signs in the front and said he will work to minimize that.

Mr. Sibley requested a mockup of interior circulation signs for the next meeting. Mr. Sibley asked if there were any propane exchange units and Mr. Patel said yes, they are movable units and can get added into the site plans. Mr. Sibley asked when the storm water separator was last pumped out. Mr. Patel said the drains haven't been pumped because they haven't been clogged, but the car wash gets pumped once a year.

Ms. Cox moved to continue the public hearing to the meeting of 10/7/21 at 7pm in the Council Chambers. Mr. Bloom seconded. All were in favor. The hearing for Applications 21.21 and 21.22 will be continued.

Mandatory Referral

Referral from the Newtown Borough Zoning Commission, originally submitted by the Town of Newtown, for an amendment to the Borough Zoning Regulations for Accessory Apartments, as detailed in a document submitted 9/9/21.

Mr. Mitchell felt this was consistent with the POCD and asked if the commissioners had any input. With no comments, it was decided that the proposed amendment was consistent with the Town of Newtown POCD.

-Town of Newtown

- 1. CGS 8-24 Referral for 179 + 189 Great Quarter Road Land Donation**
- 2. CGS 8-24 Referral for 9 Beechwood Drive Land Donation**
- 3. CGS 8-24 Referral for 76A Walnut Tree Hill Road Land Donation**
- 4. CGS 8-24 Referral for 131 + 139 Riverside and Timber Trail Land Donation**

Mr. Sibley presented each property to the commissioners and asked if there were any questions. Mr. Mitchell wondered if there were any issues with surveying these properties, so Mr. Sibley explained that it depends but generally the smaller parcels have maps recorded. Mr. Mitchell also asked if these properties were usually acquired through quick claim deed. Mr. Sibley affirmed and explained the process of how the properties generally get acquired. With no further comments, Mr. Mitchell moved to approve each of the 4 transfers of land to the Town. Ms. Manville seconded and all were in favor.

The Commission voted as follows:

Don Mitchell - AYE
Barbara Manville - AYE
Corinne Cox - AYE
Dennis Bloom – AYE
David Rosen - AYE

Minutes

Mr. Mitchell had proposed changes to the minutes of 8/19/21 that he forgot to bring with him. It was agreed the changes would be continued to the meeting of 10/7/21.

Mr. Mitchell moved to approve the minutes from the meeting of 9/2/21. Mr. Bloom seconded. All were in favor and the minutes from the meeting of 9/2/21 were approved.

Adjournment

Mr. Rosen moved to adjourn, Ms. Manville seconded. All members were in favor and the meeting was adjourned at 8:51 p.m.

*Respectfully submitted,
Helen Fahey, Clerk*