1. Meeting Materials

Documents:

FEBRUARY 10, 2015 ACTION AGENDA.PDF
FEBRUARY 10, 2015 FINAL AGENDA.PDF
FEBRUARY 10, 2015 TENTATIVE AGENDA.PDF
TOWN OF GREENWICH
PLANNING AND ZONING COMMISSION
Town Hall Meeting Room
101 Field Point Road, Greenwich, CT
February 10, 2015
ACTION AGENDA
WITH DECISIONS

Regular Members Present and Seated: Donald Heller, Richard Maitland, Margarita Alban, Frederick Brooks, and Peter Levy (arrived at 7:00 p.m.)
Alternate Members Present: Nancy Ramer (seated for Levy for the first two items), Andrew Fox, and Nicholas Maceri
Staff Members Present: Katie DeLuca, Director Planning and Zoning/Zoning Enforcement Coordinator/Town Planner, and Robert Seale, Deputy Director Planning and Zoning/Assistant Town Planner

REGULAR MEETING 6:30 PM

1. **51 Ursus Properties, LLC;** request for an extension of time on final coastal site plan PLPZ 2011 00566, approved at the March 20, 2012, meeting, to demolish the existing dwelling and construct a new house with septic system, pool, drainage, driveway and associated landscaping on a 1.187 acre (0.7145 acre excluding the access way) property located at 51 Carriglea Drive in the RA-1 zone. *(Staff: KD)* *(Application expires 3/20/2015)(Page Number: 27)*

   Motion to approve 2 year extension of time to start construction, totaling 5 years to start, 7 year to complete from the original date of approval.
   Moved by Maitland, seconded by Brooks
   Voting in favor: Heller, Maitland, Alban, Brooks, and Ramer *(for Levy)*
   5-0

2. **11 Cove Road LLC;** application PLPZ 2014 00721, for a final coastal site plan to demolish the existing single family residence and construct new 5,873 sq. ft. single family residence on a .6 acre property located at 11 Cove Road in the R-20 zone. *(Staff: PL)* *(Must decide by 3/12/2015) (Maximum extension available to 5/16/2015) (Page Number: 33)*

   Motion to approve final coastal site plan with modifications
   Moved by Maitland, seconded by Brooks
   Voting in favor: Heller, Maitland, Alban, Brooks, and Ramer *(for Levy)*
   5-0
3. **The Housing Authority of the Town of Greenwich (Armstrong Court);** application PLPZ 2014 00663 for a municipal improvement, per Section 99 of the Town’s Charter, to renovate the existing dwelling and construct six (6) new three-unit townhomes on a 14.988 acre property located at 2 Armstrong Court, 0 Hamilton Avenue in the R-6 zone. *(Staff: KD) (Must decide by 2/19/2015) (Continued from the 12/9/2014 meeting) (Seated: Heller, Maitland, Alban, Brooks, and Levy) (Page Number: 83)*

   Motion to approve extension for 90 days for municipal improvement
   Moved by Maitland, seconded by Brooks
   Voting in favor: Heller, Maitland, Alban, Brooks, and Levy
   5-0

4. **Wood-Smith, Wolff and Horner;** application PLPZ 2014 00718 for a final coastal site plan to fill in the existing boat basin contained over three properties containing a total of 1.81 total acres in the R-20 zone located in the Coastal Area Overlay Zone on properties located at 224, 230, and 232 Byram Shore Road in the R-20 zone. *(Staff: RS) (Must decide by 3/12/2015) (Maximum extension available to 5/16/2015) (Page Number: 114)*

   Motion to approve final coastal site plan with modifications
   Moved by Maitland, seconded by Brooks
   Voting in favor: Heller, Maitland, Alban, Brooks, and Levy
   5-0

5. **Gambit Holly Hill Lane Assoc., LLC and Dr. Levin DDS;** application PLPZ 2014 00655 for a final site plan, for an administrative interior renovation of an existing office space to be converted to accommodate a new tenant (Dental Office) with one dental professional, equipment and layout on a 40,244 sq. ft. property located at 67 Holly Hill Lane in the GBO zone. *(Staff: PL) (Must decide by 3/23/2015) (Maximum extension granted)*

   Postponed

**PUBLIC HEARING 7:00 PM**

6. **Community Development Partnership Planning Committee;** application PLPZ 2014 00712, for a text amendment, to delete the existing Section 6-110 and replace with proposed Section 6-110 as follows: **TEXT IN BOLD TO BE ADDED** *(Staff: KD) (Must open by 3/12/2015) (Maximum extension available to 5/16/2015)*

   Postponed – Maximum Extension Granted to May 16, 2015

**GREENWICH MUNICIPAL CODE**
Sec. 6-110. USE REGULATIONS AND SPECIAL REQUIREMENTS FOR DWELLING UNITS PERMITTED IN THE BUSINESS ZONES.

(a) Purpose:

The purpose is to promote the inclusion of below-market-rate dwelling units, hereafter referred to as moderate-income dwelling units, within private sector residential or mixed-use development in business zones so as to increase the diversity of the Town’s housing stock, in accordance with the objectives of the 2009 Plan of Conservation and Development (POCD) and the POCD Housing Task Force recommendations of 2011, and to mitigate the shortage of dwelling units that can meet the housing needs particularly, but not exclusively, of those employed by the Town and by not-for-profit and non-governmental agencies located in the Town of Greenwich that provide essential services to the Greenwich community; the elderly; and others who are classified as moderate-income households as defined in (b)(3) below.

(b) Definitions:

(1) Moderate-income dwelling units are those set aside for moderate-income households whose aggregate income, (including the total of all current annual income of all members of the household, but excluding the earnings of working minors attending school full-time, from any source whatsoever at the time of certification), does not exceed the median annual Town paid wages of all full-time Municipal and Board of Education employees of the Town of Greenwich during the preceding fiscal year.

(2) A household, as defined by The United States Department of Housing and Urban Development (HUD), is all the people who occupy a housing unit. A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit such as partners or roomers, is also counted as a household.

(3) Moderate-income households whose aggregate income, including the total of all current annual income of all household members from any source whatsoever at the time of certification, (but excluding the earnings of working minors attending school full-time) averaged for the preceding two years, shall not exceed the following multiple (listed below) of median annual Town paid wages of all full-time Town of Greenwich Municipal and Board of Education employees during the preceding fiscal year.

<table>
<thead>
<tr>
<th>Household Type</th>
<th>Multiple</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 person household</td>
<td>1.2</td>
</tr>
<tr>
<td>2-3 person household</td>
<td>1.5</td>
</tr>
<tr>
<td>4-5 person household</td>
<td>1.8</td>
</tr>
</tbody>
</table>
6 person household  1.9

(4) In calculating household income, the value of assets must be considered. If the value of assets (not including personal property or vehicles) is $5,000 or less, then the income received from those assets should be added to the household’s annual household income. If the value of assets is greater than $5,000, the greater of the following should be added to the household’s annual income:

   i. Actual income received from the assets or

   ii. The actual value of the assets multiplied by the current passbook savings rate as established by HUD.

(c) Limit on the Number of Dwelling Units Permitted in the Business Zones:

(1) Moderate-income dwelling units are not required, but can be provided if desired, for applications within the LB, LBR-2, CGB, CGBR, GB and GBO business zones requesting three (3) or less dwelling units on one existing lot or merged adjoining lots.

(2) A minimum of 20% of all dwelling units shall be deed restricted as moderate-income dwelling units for applications within the LB, LBR-2, CGB, CGBR, GB and GBO business zones requesting four (4) or more dwelling units on one existing lot or merged adjoining lots. The Commission may consider a fraction to be a whole number to meet the requirements that not less than 20% of all units are moderate-income dwelling units.

(d) Special Requirements:

(1) For CGBR and LBR zones, dwelling units shall be permitted only when above floors having uses of Use Groups permitted in said zones other than Use Group 3.

(2) The Commission, when it deems appropriate, may require outdoor recreation space of suitable size, shape and location to serve the recreational needs of the residents. Such areas may include balconies, roof terraces, lawn areas, and the like.

(3) Notwithstanding any other provision of these regulations, floor area devoted to Use Group 3 uses (dwelling units in business zones), may not be converted to any other Use Group and may not be used for resident professional offices unless a Special Permit and Site Plan approvals have been granted in accordance with the standards and requirements of Sec. 6-15 and 6-17 of these regulations.

(e) Procedure:

A development proposal including moderate-income dwelling units shall be subject to Special Permit procedures and standards pursuant to Sec. 
6-17. As part of any moderate-income housing development pre-application process, a workshop shall be convened by the Director of Planning and Zoning that includes the Zoning Enforcement Officer (ZEO), Department of Public Works Engineering, Building Official, Sewer, Highway, and other appropriate agencies/persons at which meeting the developer whose development plans include moderate-income dwelling units shall present and discuss a sketch plan prior to actual submission to any Town agency.

(f) Distance Requirements:

In the LB, LBR-2, CGB, CGBR, GB and GBO business zones an adequate distance shall be maintained free of all obstructions from any wall containing a dwelling unit window required for light or ventilation. The minimum distance in feet between buildings must at least meet all applicable fire and building codes and provide for adequate light, air, and ventilation, unless the Commission finds a greater distance more appropriate.

(g) Incentives:

To provide incentives to include moderate-income dwelling units within private-sector residential or mixed-use development in the LB, LBR-2, CGB, CGBR, GB and GBO zones (including alteration of, or addition to, an existing building), the Commission may allow the following modifications of the Building Zone Regulations provided that (1) the proposed development includes the requisite number of moderate-income dwelling units required under Sec. 6-110(c)(2); (2) the Commission makes a finding that the purposes and requirements of Sec. 6-110 are met; and (3) the proposal complies with the standards of Sec. 6-15 and 6-17 of the Building Zone Regulations:

(1) An increase in Floor Area Ratio to 0.9. The commercial floor area permitted in the underlying zone may be constructed new or added to an existing building up to the allowable Floor Area Ratio of the underlying zone, as permitted in Sec. 6-205(b), provided the remaining allowable floor area up to 0.9 is devoted to residential;

(2) A waiver of non-residential ground floor use is permitted in the LB zone. Ground floor residential use is permitted in the GB, GBO and CGB zones but is prohibited in the LBR or CGBR zones;

(3) For the GB, GBO, CGBR, CGB and LB business zones only, an increase by one (1) story only over the number of stories otherwise allowed in these zones and an increase in the height of a building up to 47½ feet; all as measured according to the requirements of the particular underlying business zone;

(4) For the LBR business zone no increase in the number of stories shall be permitted but an increase in the height of a building up to 40
feet, all as measured according to the requirements of the particular underlying business zone;

(5) A waiver of maximum coverage standards provided the scale of proposed structures is compatible with surrounding uses and open spaces and provided sufficient landscaping, screening and decorative planting is provided to enhance the residential quality of the development and to screen refuse, transformer, storage and parking areas;

(6) A modification of requirements, if any, of the underlying zone that all parking spaces for Use Group 1 be surface spaces on the same level as street level businesses. The Commission may allow up to two-thirds of the required parking spaces for Use Group 1 to be located in an on-site underground parking level provided that the underground spaces are designated for long-term parking by employees, and further provided that the Commission finds such location of spaces will result in an enhancement of the residential quality of the development through an increase of landscaping, screening and decorative planting. The total number of on-site parking spaces shall be determined in accordance with Division 15 of the Building Zone Regulations;

(7) Where minimum side yards are required in Sec. 6-205(b), the Planning and Zoning Commission may find lesser side yards adequate for residential uses;

(8) Such units shall have not less than one bedroom and shall contain, on average, the same number of bedrooms as the market rate units in the development, unless the Commission finds a different allocation of bedrooms per dwelling unit to be more responsive to current housing needs.

(h) Criteria and Requirements of Inclusion of Moderate-income Dwelling Units:

(1) General Requirements:

i. Moderate-income dwelling units shall be offered for sale, resale or continuing rental to moderate-income households as defined above; or to a Commission-approved agency which may be a non-profit agency, a municipal agency, or other organization, which shall offer the dwelling units to moderate-income households as set forth herein.

ii. Such units shall be physically integrated into the design of the development in a manner satisfactory to the Commission.

iii. Parking shall be provided in accordance with the standards of Sec. 6-155 for multi-family dwellings.
iv. Moderate-income dwelling units must be owner occupied or occupied by the legal lessee only. If there is more than one owner of a unit, both owners must occupy the unit as their primary residence. Moderate-income dwelling units cannot be rented or leased out or occupied by others not legally allowed or qualified by the Town. An annual affidavit is required from the owner/renter indicating they are residing in the unit as their primary residence. This annual affidavit should be submitted to the Planning and Zoning Department or its designated agent.

(2) Priority List of eligible moderate-income households applying for moderate-income dwelling units shall be selected on the basis of the following categories of priority:

i. Full-time Town of Greenwich Municipal and Board of Education employees and full-time employees of not-for-profit health, education and human services agencies and other not-for-profit agencies located in the Town of Greenwich that provide essential services to the Greenwich community.

ii. Other residents of the Town of Greenwich.

iii. Other persons employed in the Town of Greenwich.

iv. All others

(3) Guidelines for maximum rent and sales price:

For moderate-income dwelling units in each housing development, a range of sales prices and/or monthly rentals may be established, subject to the following:

i. The maximum monthly rent for one bedroom moderate-income dwelling units excluding common charges and utilities (gas, oil and electricity), shall not exceed 2.0% of the median annual Town paid wages for all full-time Town of Greenwich Municipal and Board of Education employees during the preceding fiscal year. Additional bedrooms will result in higher maximum rent: two bedroom units will be limited to 2.5% and three bedroom units to 3% of the median annual Town paid wages as described above.

ii. The first time a moderate-income dwelling unit is sold, the maximum sales price for a one bedroom unit to a subsequent moderate-income household shall not exceed four times the median annual Town paid wages of all full-time Town of Greenwich Municipal and Board of Education employees during the preceding fiscal year. Additional bedrooms will result in higher maximum sales prices: two bedroom unit
prices will be limited to five times and three bedroom units to six times the median annual Town paid wages as described above.

iii. In the case of a condominium ownership structure, there shall be no extra up-front charge for minimum required facilities such as, but not limited to, parking and recreational facilities. Each unit owner, however, shall pay his fair share of common charges, expenses and assessments as provided in the Common Interest Ownership Act of the State of Connecticut and as approved by the Town of Greenwich Community Development Office.

(4) Resale Restrictions:

i. For moderate-income dwelling units, the title to said property shall be restricted so as to maintain the unit in the moderate-income category for a period of 40 years beginning on the date of issue of the Certificate of Occupancy (the “Restriction Period”). Said restriction shall provide that in the event of any resale of the unit by the original owner or any successor owner during the Restriction Period, the maximum resale price shall be limited by the same median income guidelines and rules indicated in (b)(3) above.

ii. For rental moderate-income dwelling units, the title to said property shall be restricted so as to maintain the rents charged for the units in the moderate-income category for a period of 40 years beginning on the date of issue of the Certificate of Occupancy. This title restriction will survive any sale of the rental project to a subsequent owner during the Restriction Period. There shall be no limitation on the sales price of an entire moderate-income rental project; however, if less than the entire project is sold, any moderate-income dwelling unit(s) sold must be sold to a qualifying moderate-income household during the Restriction Period.

iii. Twelve months prior to the end of the Restriction Period, the owner of any moderate-income dwelling unit shall notify, by certified mail, the Town of Greenwich Community Development office or its designee of the impending end of the Restriction Period. Failure by the owner of the moderate-income dwelling unit to notify, by certified mail, the Town of Greenwich Community Development office or its designee twelve months prior to the end of the Restriction Period shall extend the Restriction Period by the number of days equal to the period of failure to give notice.

iv. In the case of moderate-income dwelling units which are part of a commonly owned building in which a moderate-income dwelling unit cannot be sold individually, then such
moderate-income dwelling unit will remain in the Restriction Period until such unit can be eligible to be sold in accordance with the procedure of Sec. 6-110.

v. Each moderate-income dwelling unit shall be subject to an option to purchase (the “Purchase Option”) at the maximum allowable restricted sales price or any mutually agreed upon sales price that does not exceed the maximum sale price. The Purchase Option to shall be available to the Town of Greenwich, or its designee, followed next by the Housing Authority of the Town of Greenwich, then followed next by a qualified non-profit as approved by the Town. Upon receipt of a notice of the end of the Restriction Period, the Purchase Option shall be available to the Town of Greenwich for 90 days. If the Town exercises the Purchase Option, it may enter into a contract of sale. If the Town fails to exercise the Purchase Option or declines to exercise the Purchase Option within 90 days, the Housing Authority of the Town of Greenwich shall have 30 days to exercise the Purchase Option and enter a contract of sale. If the Housing Authority of the Town of Greenwich fails to exercise the Purchase Option or declines to exercise the Purchase Option within 30 days, a qualified non-profit as approved by the Town shall have 30 days to exercise the Purchase Option and enter a contract of sale. If the qualified non-profit fails to exercise the Purchase Option or declines to exercise the Purchase Option within 30 days, the existing moderate-income dwelling unit owner will be free to proceed with the sale of the moderate-income dwelling unit at the end of the Restriction Period.

vi. A seller of a moderate-income dwelling unit that has been restricted as a moderate-income dwelling unit for the Restricted Period who has provided the requisite notice of an intent to sell, shall have the option to proceed with a sale at fair market value without restriction, if no contract of sale has been signed in accordance with paragraph (h)(4)v above, provided that the Town of Greenwich, or its designee, shall examine the contract of sale to determine if the proposed sale price bears a reasonable relationship to the moderate-income dwelling unit’s fair market value. The Town of Greenwich, or its designee, may rely on comparable sales or an appraisal, and shall not approve a contract of sale where there is a determination that the sale price does not bear a reasonable relationship to fair market value. Upon transfer of title on the moderate-income income dwelling unit, the seller of the moderate-income dwelling unit pay 50% of the difference between the contract sale price of the unit and the final restricted sale price to the Town of Greenwich.
vii. In the event of a casualty or other destruction of a moderate-income dwelling unit, any replacement unit shall be subject to the regulation of this Sec. 6-110.

viii. Any conversion of a rental moderate-income project to another use shall not be permitted during the Restriction Period unless such conversion includes the creation of the required number of for sale moderate-income dwelling units in accordance with Sec. 6-110.

(5) Declaration of Restrictions:

The developer/owner of moderate-income dwelling units shall submit to the Planning and Zoning Commission a Declaration of Restrictions and Lien adopted by the Town of Greenwich, as to the ownership, use, occupancy, and resale of such moderate-income dwelling units. This declaration of restrictions shall be binding upon such developer and all succeeding owners of the moderate-income dwelling units and shall incorporate the provisions of this Sec. 6-110 therein by reference hereto. Final site plan approval shall be given by the Commission only after it has been satisfied that the Declaration of Restrictions binds the developer and all succeeding owners of the moderate-income dwelling units and duly restricts the ownership, use, occupancy, and resale thereof, and requires adherence to established sales and rental guidelines and administrative procedures, all in accordance with the provisions of this Sec. 6-110. The Commission may cause any such Declaration of Restrictions to be reviewed by the Town Attorney. Each deed for a moderate-income dwelling unit will indicate the restrictions on such unit and refer to the Declaration of Restrictions and Lien, which shall be on file with the Town Clerk as part of the Town’s land records.

(6) Buy-Out Provision:

In lieu of construction of the required moderate-income dwelling units as required under this Sec. 6-110, a developer/owner may, with Town approval, pay a qualifying fee to the Town’s special fund. The amount of the per unit qualifying fee shall be equal to the average total development cost of the total proposed project units (defined as the sum of the total construction costs outlined in the project’s building permit application and the acquisition cost of the building lot). This per unit fee is then multiplied by the number of required moderate-income dwelling units to be satisfied by payment of the fee. If a developer/owner chooses to select this option, such fee is payable to the Town after approval of the project by the Planning and Zoning Commission and prior to any permit issuance. This fee or buy-out provision is limited to a maximum of 50% of the required number of moderate-income dwelling units computed in accordance with (c)(2) above. The remaining number of the required moderate-income dwelling units not satisfied by payment of the fee must be
constructed by the developer/owner. The Planning and Zoning Commission shall have the discretion to either round up or round down any fractions to whole unit numbers in the computation of required moderate-income dwelling units under this Sec. 6-110.

(7) Administration:

i. The Greenwich Community Development Office or other designated agent/agency approved by the Town shall maintain a list of eligible moderate-income households in accordance with the priority list set forth in (b)(3) above. Where the number of those eligible in the same category of priority exceeds the number of available moderate-income housing units, the applicant shall be selected by lottery. As the goal of this program is to provide the greatest benefit to the largest number of eligible people, the Town will seek, at its discretion, to match the size of an available moderate-income dwelling unit to the most appropriately sized eligible household. The selected moderate-income household must reside in the moderate-income income dwelling unit. Moderate-income dwelling units must be occupied by the qualified owner(s) or legal lessee(s) only. If there is more than one qualified owner or legal lessee, each owner or legal lessee must occupy these units as their primary residence. These moderate-income dwelling units cannot be rented, assigned or leased out or occupied by others not legally allowed or approved by the Town or designated agency.

ii. At the time of Site Plan approval for each housing development, the Planning and Zoning Commission shall approve the designation of an administrative agency to monitor and administer guidelines for the rental, sale or resale of moderate-income dwelling units. Such administrative agency, which may buy the moderate-income dwelling units for the purpose of rental or resale to moderate-income households, may be a non-profit corporation, an agency of the Town, a Community Housing Development Corporation pursuant to Section 8-217 of the Connecticut General Statutes, a 501(c)(3) non-profit corporation such as a Greenwich Community Development Partnership, or other approved organization. Such agency may maintain and submit an eligibility list to the Community Development Office or other designated agent but the choice of households for available moderate-income dwelling units even if owned by the designated agency shall be in accordance with (b)(3) above.

iii. The designated agency shall establish the sale price, resale price or annual rent of the individual dwelling unit in accordance with the guidelines and requirements of (h)(3) and (h)(4) above and with the approval of the Greenwich Community Development Office or other designated
organization. There will be an Affordability Plan filed on the Greenwich Land Records indicating the deed restrictions on the specific unit which the designated agency will enforce.

iv. The designated agency shall set up such procedures as may be necessary to receive annual certification or other information from owners and or tenants which confirms continuing compliance with the guidelines and requirements of this Sec. 6-110 and which notifies it of any conversion in the form of ownership. This information shall be submitted to the Planning and Zoning Department or to the Greenwich Community Development Office.

7. Nassau Ridge LLC; applications PLPZ 2014 00671 and PLPZ 2014 00672, for a final coastal site plan and special permit, to construct a new three unit multi-family dwelling, new driveway, parking court, and associated site improvements on a 13,798 sq. ft. property located at 0 East Putnam Avenue in the R-6 zone. (Staff: MK) (Must open by 2/11/2015) (Maximum extension available to 4/4/2015) (Page Number: 153)

Motion to approve final coastal site plan and special permit with modifications
Moved by Maitland, seconded by Brooks
Voting in favor: Heller, Maitland, Alban, Brooks, and Levy
5-0

8. Country Realty Co. (Audi Greenwich Sales); applications PLPZ 2014 00674 and PLPZ 2014 00675, for a final site plan and special permit, to construct a parking deck as approved under final site plan #2559, increase the existing sales building from 10,200 sq. ft. to 22,150 sq. ft. by enlarging the footprint over the parking deck and constructing a partial second floor on a 1.72 acre property located at 211 West Putnam Avenue in the GB-HO zone. (Staff: RS) (Must open by 2/11/2015) (Maximum extension available to 4/4/2015) (Page Number: 210)

Left Open
9. **Country Realty Co. (Audi Greenwich Service);** applications PLPZ 2014 00676 and PLPZ 2014 00677, for a final site plan and special permit, to demolish portions of the building, add two lanes for service drop-off, re-grade the ramp to the lower service bay level and add a parts, storage and delivery area to the lower level under the ramp; respectfully the existing building will increase from 23,650 sq. ft. to 27,050 sq. ft. on a 2.09 acre property located at 200 and 218 West Putnam Avenue in the GB zone. *(Staff: RS) *(Must open by 2/11/2015) *(Maximum extension available to 4/4/2015) *(Page Number: 303)*

Motion to approve final site plan and special permit with modifications
Moved by Maitland, seconded by Brooks
Voting in favor: Heller, Maitland, Alban, Brooks, and Levy
5-0

10. **George and Fruma H. Korper;** application PLPZ 2014 00678, for a final re-subdivision, to subdivide a 32,864 sq. ft. lot into two lots containing 13,967 each with a 4,930 sq. ft. open space area on property located at 156 Overlook Drive in the R-12 zone. *(Staff: PL) *(Must decide by 2/11/2015) *(Maximum extension available to 03/20/2015) *(Page Number: 362)*

Left Open – Extension Granted to March 20, 2015

11. **80 Mason Street LLC;** applications PLPZ 2014 00653 and PLPZ 2014 00654, for a final site plan and special permit, to convert an existing real estate office to a clothing store, including adding active use in the basement on a property located at 80 Mason Street in the CGB zone. *(Staff: CT) *(Must close by 2/11/2015) *(Maximum extension available to 4/16/2015) *(Continued from the 1/6/2015 meeting) *(Seated: Heller, Maitland, Alban, Brooks, and Levy)(Page Number: 497)*

Motion to approve final site plan and special permit with modifications
Moved by Maitland, seconded by Brooks
Voting in favor: Heller, Maitland, Alban, Brooks, and Levy
5-0
12. **Sarah D. Jones;** applications PLPZ 2014 00680 and PLPZ 2014 00681, for a final coastal site plan and special permit, to construct a new two-car garage, additions, patio, and expand the driveway with associated re-grading and landscaping on a 1.54 acre property located at 158 Indian Head Road in the RA-1 zone. *(Staff: PL) (Must open by 2/11/2015) (Maximum extension available to 4/4/2015) (Page Number: 541)*

   Motion to approve final coastal site plan and special permit with modifications
   Moved by Maitland, Seconded by Brooks
   Voting in favor: Heller, Maitland, Ramer *(for Alban who recused)*, Brooks, and Levy
   5-0

13. **Palm Ventures LLC;** application PLPZ 2014 00622 and PLPZ 2014 00623 for a final site plan and special permit, to construct a rear vestibule, removal of existing asphalt to be replaced by the new vestibule and additional landscaping on a 13,765 square foot property located at 19 West Elm Street, and a 6,446 square foot property located at 0 Benedict Court in the CGB zone. *(Staff: RS) (Must close by 2/10/2015) (Maximum extension available to 3/23/2015) (Continued from the 1/6/2015 meeting) (Seated: Heller, Maitland, Alban, Brooks, and Levy) (Page Number: 639)*

   Motion to approve final site plan and special permit with modifications
   Moved by Maitland, seconded by Brooks
   Voting in favor: Heller, Maitland, Alban, Brooks, and Levy
   5-0

14. **Sutton Land LLC, Glen Plaza Shopping Center;** applications PLPZ 2014 00624 and PLPZ 2014 00625, for a final site plan and special permit, to reconfigure the existing post office building and enclose an existing loading dock increasing the building from 3,565 sq. ft. to 3,888 sq. ft., reallocate the interior space into three tenants, one 990 sq. ft. retail space, one 966 sq. ft. retail space, and a 1,932 sq. ft. space for the United States Postal Service, increase the building volume of a site that is already over 40,000 cubic feet in volume and amend the prior site plan PLPZ 2014 00191 on a 6.17 acre property located at 21 Glenville Street in the LBR-2 and RA-1 zones. *(Staff: PL) (Must open by 2/11/2015) (Maximum extension available to 4/16/2015) (Listed on the 1/6/2015 meeting, but not heard – extension granted to February 11, 2015) (Page Number: 737)*

   Motion to approve final site plan and special permit with modifications
   Moved by Maitland, seconded by Brooks
   Voting in favor: Heller, Maitland, Alban, Brooks, and Levy
   5-0
REGULAR MEETING CONTINUED

15. DISCUSSION ITEMS:

   a) Proposed revision to the description of Account #171-51440 of the Planning and Zoning Budget for fiscal year 2015-2016

      Motion to revise description of account #171-51440 to study WB zone.
      Moved by Maitland, seconded by Brooks
      Voting in favor: Heller, Maitland, Alban, Brooks, and Levy
      5-0

   b) The Steamboat Road Property, LLC; applications PLPZ 2012 00083 and PLPZ 2012 00084 changes to the original approved plans on property located at 0 Steamboat Road in the R-6 zones. (Page Number: 769)

      Planning and Zoning Commission advised applicant to file proposal with Staff.

   c) Lolita/Rouge (Page Number: 787)

      Planning and Zoning Commission advised applicant to file proposal with Staff. No increase in overall number of seats, primary purpose of oyster bar to be for food consumption.

16. DECISION ITEMS:

17. APPROVAL OF MINUTES:

   January 6, 2015

   No Action

18. OTHER:

   a. Executive Session on pending litigation or personnel matters. - None
   b. Other items as may properly come before the Commission. - None
APPLICATIONS HEARD PREVIOUSLY THAT WILL BE HEARD ON SUBSEQUENT MEETINGS:

The Housing Authority of the Town of Greenwich (Armstrong Court); applications PLPZ 2014 00614 and PLPZ 2014 00615, for a preliminary site plan and special permit, to renovate six (6) existing buildings, enclose walkways, and balconies, and construct six (6) new residential buildings, increase the number of parking spaces, and various site improvements on a 14.988 acre property located at 2 Armstrong Court, 0 Hamilton Avenue in the R-6 zone. (Staff: KD) (Must close by 3/19/2015) (Maximum extension granted) (Continued from the 12/9/2014 meeting) (Seated: Heller, Maitland, Alban, Brooks, and Levy)

The Housing Authority of the Town of Greenwich (Armstrong Court); application PLPZ 2014 00665, for a re-zoning, to re-zone 13.098 acres of the 14.998 acre property from the R-6 Zone to R-MF Zone, (rezoning map on file in the Town Clerk’s Office) on property located at 2 Armstrong Court, 0 Hamilton Avenue in the R-6 zone. (Staff: KD) (Must close by 3/19/2015) (Maximum extension granted) (Continued from the 12/9/2014 meeting) (Seated: Heller, Maitland, Alban, Brooks, and Levy)

The Housing Authority of the Town of Greenwich (Armstrong Court); application PLPZ 2014 00664, for a Text Amendment, to modify Section 6-205(a) of the regulations by increasing the "Maximum Height" allowed in the R-MF Zone for multi-family dwellings, dwelling groups and other permitted uses from 40 feet to 47.5 feet and amend Section 6-98 by adding a new subsection “(e)”. TEXT IN BOLD TO BE ADDED as follows: (Staff: KD) (Must close by 3/19/2015) (Maximum extension granted) (Continued from the 12/9/2014 meeting) (Seated: Heller, Maitland, Alban, Brooks, and Levy)

Sec. 6-98(e)

(e) The Commission may authorize a Special Permit pursuant to Section 6-17 of these regulations for the modification of the maximum height of buildings in the R-MF zone only provided that the Commission finds said modification furthers the purposes of Section 6-17(d)12 of these regulations.

Greenwich Harbor (DEL), Delamar Hotel; applications PLPZ 2014 00618 and PLPZ 2014 00619, for a final coastal site plan and special permit, to construct a rooftop terrace on the south wing of the hotel to include a shallow pool/water feature, trellises and modifications to the existing rooftop area, and a penthouse for an elevator on a 1.931 acre property located at 500 Steamboat Road in the WB zone. (Staff: PL) (Must close by 3/19/2015) (Maximum extension granted) (Continued from the 12/9/2014 meeting) (Seated: Heller, Maitland, Alban, Brooks, and Levy)
37 Day Road, LLC; applications PLPZ 2014 00626 and PLPZ 2014 00627, for a final site plan and special permit, to demolish the existing dwelling and construct a new single family dwelling with all structures totaling over 150,000 cubic feet in volume (209,503 cubic feet total) and 12,802 sq. ft. in GFA, a reconfigured driveway, pool, and storm water drainage on a 5.0 acre property located at 37 Day Road in the RA-4 zone. (Staff: MK) (Must close by 4/16/2015) (Maximum extension granted) (Continued from the 1/6/2015 meeting) (Seated: Heller, Maitland, Alban, Brooks, and Levy)

Jeremy E. Kaye, Trustee; application PLPZ 2014 00673, for a final subdivision, for an equal area exchange of 1,474 sq. ft. between properties located at 49 and 53 Dingletown Road totaling 87,146 square feet and 113,121 sq. ft. respectively in the RA-2 zone. (Staff: PL) (Must decide by 01/13/2015) (Maximum extension available to 03/14/2015)

APPLICATION PLPZ 2014 00673 HAS BEEN WITHDRAWN ON JANUARY 12, 2015
TOWN OF GREENWICH
PLANNING AND ZONING COMMISSION

Town Hall Meeting Room
101 Field Point Road, Greenwich, CT

February 10, 2015
FINAL AGENDA

REGULAR MEETING 6:30 PM

1. **51 Ursus Properties, LLC;** request for an extension of time on final coastal site plan PLPZ 2011 00566, approved at the March 20, 2012, meeting, to demolish the existing dwelling and construct a new house with septic system, pool, drainage, driveway and associated landscaping on a 1.187 acre (0.7145 acre excluding the access way) property located at 51 Carriglea Drive in the RA-1 zone. *(Staff: KD)* *(Application expires 3/20/2015)* *(Page Number: 27)*

2. **11 Cove Road LLC;** application PLPZ 2014 00721, for a final coastal site plan to demolish the existing single family residence and construct new 5,873 sq. ft. single family residence on a .6 acre property located at 11 Cove Road in the R-20 zone. *(Staff: PL)* *(Must decide by 3/12/2015)* *(Maximum extension available to 5/16/2015)* *(Page Number: 33)*

3. **The Housing Authority of the Town of Greenwich (Armstrong Court);** application PLPZ 2014 00663 for a municipal improvement, per Section 99 of the Town’s Charter, to renovate the existing dwelling and construct six (6) new three-unit townhomes on a 14.988 acre property located at 2 Armstrong Court, 0 Hamilton Avenue in the R-6 zone. *(Staff: KD)* *(Must decide by 2/19/2015)* *(Continued from the 12/9/2014 meeting)* *(Seated: Heller, Maitland, Alban, Brooks, and Levy)* *(Page Number: 83)*

4. **Wood-Smith, Wollff and Horner;** application PLPZ 2014 00718 for a final coastal site plan to fill in the existing boat basin contained over three properties containing a total of 1.81 total acres in the R-20 zone located in the Coastal Area Overlay Zone on properties located at 224, 230, and 232 Byram Shore Road in the R-20 zone. *(Staff: RS)* *(Must decide by 3/12/2015)* *(Maximum extension available to 5/16/2015)* *(Page Number: 114)*
5. Gambit Holly Hill Lane Assoc., LLC and Dr. Levin DDS; application PLPZ 2014 00655 for a final site plan, for an administrative interior renovation of an existing office space to be converted to accommodate a new tenant (Dental Office) with one dental professional, equipment and layout on a 40,244 sq. ft. property located at 67 Holly Hill Lane in the GBO zone. (Staff: PL) (Must decide by 3/23/2015) (Maximum extension granted)

Application PLPZ 2014 00655 has been POSTPONED

PUBLIC HEARING 7:00 PM

6. Community Development Partnership Planning Committee; application PLPZ 2014 00712, for a text amendment, to delete the existing Section 6-110 and replace with proposed Section 6-110 as follows: TEXT IN BOLD TO BE ADDED (Staff: KD) (Must open by 3/12/2015) (Maximum extension available to 5/16/2015)

Application PLPZ 2014 00712 has been POSTPONED

GREENWICH MUNICIPAL CODE

Sec. 6-110. USE REGULATIONS AND SPECIAL REQUIREMENTS FOR DWELLING UNITS PERMITTED IN THE BUSINESS ZONES.

(a) Purpose:

The purpose is to promote the inclusion of below-market-rate dwelling units, hereafter referred to as moderate-income dwelling units, within private sector residential or mixed-use development in business zones so as to increase the diversity of the Town’s housing stock, in accordance with the objectives of the 2009 Plan of Conservation and Development (POCD) and the POCD Housing Task Force recommendations of 2011, and to mitigate the shortage of dwelling units that can meet the housing needs particularly, but not exclusively, of those employed by the Town and by not-for-profit and non-governmental agencies located in the Town of Greenwich that provide essential services to the Greenwich community; the elderly; and others who are classified as moderate-income households as defined in (b)(3) below.

(b) Definitions:

(1) Moderate-income dwelling units are those set aside for moderate-income households whose aggregate income, (including the total of all current annual income of all members of the household, but excluding the earnings of working minors attending school full-time, from any source whatsoever at the time of certification), does not exceed the median annual Town paid wages of all full-time Municipal
and Board of Education employees of the Town of Greenwich during the preceding fiscal year.

(2) A household, as defined by The United States Department of Housing and Urban Development (HUD), is all the people who occupy a housing unit. A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit such as partners or roomers, is also counted as a household.

(3) Moderate-income households whose aggregate income, including the total of all current annual income of all household members from any source whatsoever at the time of certification, (but excluding the earnings of working minors attending school full-time) averaged for the preceding two years, shall not exceed the following multiple (listed below) of median annual Town paid wages of all full-time Town of Greenwich Municipal and Board of Education employees during the preceding fiscal year.

<table>
<thead>
<tr>
<th>Household Size</th>
<th>Multiple</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 person household</td>
<td>1.2</td>
</tr>
<tr>
<td>2-3 person household</td>
<td>1.5</td>
</tr>
<tr>
<td>4-5 person household</td>
<td>1.8</td>
</tr>
<tr>
<td>6 person household</td>
<td>1.9</td>
</tr>
</tbody>
</table>

(4) In calculating household income, the value of assets must be considered. If the value of assets (not including personal property or vehicles) is $5,000 or less, then the income received from those assets should be added to the household's annual household income. If the value of assets is greater than $5,000, the greater of the following should be added to the household's annual income:

i. Actual income received from the assets or

ii. The actual value of the assets multiplied by the current passbook savings rate as established by HUD.

(c) Limit on the Number of Dwelling Units Permitted in the Business Zones:

(1) Moderate-income dwelling units are not required, but can be provided if desired, for applications within the LB, LBR-2, CGB, CGBR, GB and GBO business zones requesting three (3) or less dwelling units on one existing lot or merged adjoining lots.

(2) A minimum of 20% of all dwelling units shall be deed restricted as moderate-income dwelling units for applications within the LB, LBR-2, CGB, CGBR, GB and GBO business zones requesting four (4) or more dwelling units on one existing lot or merged adjoining lots. The Commission may consider a fraction to be a whole number to
meet the requirements that not less than 20% of all units are moderate-income dwelling units.

(d) Special Requirements:

(1) For CGBR and LBR zones, dwelling units shall be permitted only when above floors having uses of Use Groups permitted in said zones other than Use Group 3.

(2) The Commission, when it deems appropriate, may require outdoor recreation space of suitable size, shape and location to serve the recreational needs of the residents. Such areas may include balconies, roof terraces, lawn areas, and the like.

(3) Notwithstanding any other provision of these regulations, floor area devoted to Use Group 3 uses (dwelling units in business zones), may not be converted to any other Use Group and may not be used for resident professional offices unless a Special Permit and Site Plan approvals have been granted in accordance with the standards and requirements of Sec. 6-15 and 6-17 of these regulations.

(e) Procedure:

A development proposal including moderate-income dwelling units shall be subject to Special Permit procedures and standards pursuant to Sec. 6-17. As part of any moderate-income housing development pre-application process, a workshop shall be convened by the Director of Planning and Zoning that includes the Zoning Enforcement Officer (ZEO), Department of Public Works Engineering, Building Official, Sewer, Highway, and other appropriate agencies/persons at which meeting the developer whose development plans include moderate-income dwelling units shall present and discuss a sketch plan prior to actual submission to any Town agency.

(f) Distance Requirements:

In the LB, LBR-2, CGB, CGBR, GB and GBO business zones an adequate distance shall be maintained free of all obstructions from any wall containing a dwelling unit window required for light or ventilation. The minimum distance in feet between buildings must at least meet all applicable fire and building codes and provide for adequate light, air, and ventilation, unless the Commission finds a greater distance more appropriate.

(g) Incentives:

To provide incentives to include moderate-income dwelling units within private-sector residential or mixed-use development in the LB, LBR-2, CGB, CGBR, GB and GBO zones (including alteration of, or addition to, an existing building), the Commission may allow the following modifications of the Building Zone Regulations provided that (1) the
The proposed development includes the requisite number of moderate-income dwelling units required under Sec. 6-110(c)(2); (2) the Commission makes a finding that the purposes and requirements of Sec. 6-110 are met; and (3) the proposal complies with the standards of Sec. 6-15 and 6-17 of the Building Zone Regulations:

(1) An increase in Floor Area Ratio to 0.9. The commercial floor area permitted in the underlying zone may be constructed new or added to an existing building up to the allowable Floor Area Ratio of the underlying zone, as permitted in Sec. 6-205(b), provided the remaining allowable floor area up to 0.9 is devoted to residential;

(2) A waiver of non-residential ground floor use is permitted in the LB zone. Ground floor residential use is permitted in the GB, GBO and CGB zones but is prohibited in the LBR or CGBR zones;

(3) For the GB, GBO, CGBR, CGB and LB business zones only, an increase by one (1) story only over the number of stories otherwise allowed in these zones and an increase in the height of a building up to 47½ feet; all as measured according to the requirements of the particular underlying business zone;

(4) For the LBR business zone no increase in the number of stories shall be permitted but an increase in the height of a building up to 40 feet, all as measured according to the requirements of the particular underlying business zone;

(5) A waiver of maximum coverage standards provided the scale of proposed structures is compatible with surrounding uses and open spaces and provided sufficient landscaping, screening and decorative planting is provided to enhance the residential quality of the development and to screen refuse, transformer, storage and parking areas;

(6) A modification of requirements, if any, of the underlying zone that all parking spaces for Use Group 1 be surface spaces on the same level as street level businesses. The Commission may allow up to two-thirds of the required parking spaces for Use Group 1 to be located in an on-site underground parking level provided that the underground spaces are designated for long-term parking by employees, and further provided that the Commission finds such location of spaces will result in an enhancement of the residential quality of the development through an increase of landscaping, screening and decorative planting. The total number of on-site parking spaces shall be determined in accordance with Division 15 of the Building Zone Regulations;

(7) Where minimum side yards are required in Sec. 6-205(b), the Planning and Zoning Commission may find lesser side yards adequate for residential uses;
(8) Such units shall have not less than one bedroom and shall contain, on average, the same number of bedrooms as the market rate units in the development, unless the Commission finds a different allocation of bedrooms per dwelling unit to be more responsive to current housing needs.

(h) Criteria and Requirements of Inclusion of Moderate-income Dwelling Units:

(1) General Requirements:

i. Moderate-income dwelling units shall be offered for sale, resale or continuing rental to moderate-income households as defined above; or to a Commission-approved agency which may be a non-profit agency, a municipal agency, or other organization, which shall offer the dwelling units to moderate-income households as set forth herein.

ii. Such units shall be physically integrated into the design of the development in a manner satisfactory to the Commission.

iii. Parking shall be provided in accordance with the standards of Sec. 6-155 for multi-family dwellings.

iv. Moderate-income dwelling units must be owner occupied or occupied by the legal lessee only. If there is more than one owner of a unit, both owners must occupy the unit as their primary residence. Moderate-income dwelling units cannot be rented or leased out or occupied by others not legally allowed or qualified by the Town. An annual affidavit is required from the owner/renter indicating they are residing in the unit as their primary residence. This annual affidavit should be submitted to the Planning and Zoning Department or its designated agent.

(2) Priority List of eligible moderate-income households applying for moderate-income dwelling units shall be selected on the basis of the following categories of priority:

i. Full-time Town of Greenwich Municipal and Board of Education employees and full-time employees of not-for-profit health, education and human services agencies and other not-for-profit agencies located in the Town of Greenwich that provide essential services to the Greenwich community.

ii. Other residents of the Town of Greenwich.

iii. Other persons employed in the Town of Greenwich.

iv. All others
(3) Guidelines for maximum rent and sales price:

For moderate-income dwelling units in each housing development, a range of sales prices and/or monthly rentals may be established, subject to the following:

i. The maximum monthly rent for one bedroom moderate-income dwelling units excluding common charges and utilities (gas, oil and electricity), shall not exceed 2.0% of the median annual Town paid wages for all full-time Town of Greenwich Municipal and Board of Education employees during the preceding fiscal year. Additional bedrooms will result in higher maximum rent: two bedroom units will be limited to 2.5% and three bedroom units to 3% of the median annual Town paid wages as described above.

ii. The first time a moderate-income dwelling unit is sold, the maximum sales price for a one bedroom unit to a subsequent moderate-income household shall not exceed four times the median annual Town paid wages of all full-time Town of Greenwich Municipal and Board of Education employees during the preceding fiscal year. Additional bedrooms will result in higher maximum sales prices: two bedroom unit prices will be limited to five times and three bedroom units to six times the median annual Town paid wages as described above.

iii. In the case of a condominium ownership structure, there shall be no extra up-front charge for minimum required facilities such as, but not limited to, parking and recreational facilities. Each unit owner, however, shall pay his fair share of common charges, expenses and assessments as provided in the Common Interest Ownership Act of the State of Connecticut and as approved by the Town of Greenwich Community Development Office.

(4) Resale Restrictions:

i. For moderate-income dwelling units, the title to said property shall be restricted so as to maintain the unit in the moderate-income category for a period of 40 years beginning on the date of issue of the Certificate of Occupancy (the “Restriction Period”). Said restriction shall provide that in the event of any resale of the unit by the original owner or any successor owner during the Restriction Period, the maximum resale price shall be limited by the same median income guidelines and rules indicated in (b)(3) above.

ii. For rental moderate-income dwelling units, the title to said property shall be restricted so as to maintain the rents
charged for the units in the moderate-income category for a period of 40 years beginning on the date of issue of the Certificate of Occupancy. This title restriction will survive any sale of the rental project to a subsequent owner during the Restriction Period. There shall be no limitation on the sales price of an entire moderate-income rental project; however, if less than the entire project is sold, any moderate-income dwelling unit(s) sold must be sold to a qualifying moderate-income household during the Restriction Period.

iii. Twelve months prior to the end of the Restriction Period, the owner of any moderate-income dwelling unit shall notify, by certified mail, the Town of Greenwich Community Development office or its designee of the impending end of the Restriction Period. Failure by the owner of the moderate-income dwelling unit to notify, by certified mail, the Town of Greenwich Community Development office or its designee twelve months prior to the end of the Restriction Period shall extend the Restriction Period by the number of days equal to the period of failure to give notice.

iv. In the case of moderate-income dwelling units which are part of a commonly owned building in which a moderate-income dwelling unit cannot be sold individually, then such moderate-income dwelling unit will remain in the Restriction Period until such unit can be eligible to be sold in accordance with the procedure of Sec. 6-110.

v. Each moderate-income dwelling unit shall be subject to an option to purchase (the “Purchase Option”) at the maximum allowable restricted sales price or any mutually agreed upon sales price that does not exceed the maximum sale price. The Purchase Option to shall be available to the Town of Greenwich, or its designee, followed next by the Housing Authority of the Town of Greenwich, then followed next by a qualified non-profit as approved by the Town. Upon receipt of a notice of the end of the Restriction Period, the Purchase Option shall be available to the Town of Greenwich for 90 days. If the Town exercises the Purchase Option, it may enter into a contract of sale. If the Town fails to exercise the Purchase Option or declines to exercise the Purchase Option within 90 days, the Housing Authority of the Town of Greenwich shall have 30 days to exercise the Purchase Option and enter a contract of sale. If the Housing Authority of the Town of Greenwich fails to exercise the Purchase Option or declines to exercise the Purchase Option within 30 days, a qualified non-profit as approved by the Town shall have 30 days to exercise the Purchase Option and enter a contract of sale. If the qualified non-profit fails to exercise the Purchase Option or declines to exercise the Purchase Option within 30 days, the existing moderate-income dwelling
unit owner will be free to proceed with the sale of the moderate-income dwelling unit at the end of the Restriction Period.

vi. A seller of a moderate-income dwelling unit that has been restricted as a moderate-income dwelling unit for the Restricted Period who has provided the requisite notice of an intent to sell, shall have the option to proceed with a sale at fair market value without restriction, if no contract of sale has been signed in accordance with paragraph (h)(4)v above, provided that the Town of Greenwich, or its designee, shall examine the contract of sale to determine if the proposed sale price bears a reasonable relationship to the moderate-income dwelling unit’s fair market value. The Town of Greenwich, or its designee, may rely on comparable sales or an appraisal, and shall not approve a contract of sale where there is a determination that the sale price does not bear a reasonable relationship to fair market value. Upon transfer of title on the moderate-income income dwelling unit, the seller of the moderate-income dwelling unit pay 50% of the difference between the contract sale price of the unit and the final restricted sale price to the Town of Greenwich.

vii. In the event of a casualty or other destruction of a moderate-income dwelling unit, any replacement unit shall be subject to the regulation of this Sec. 6-110.

viii. Any conversion of a rental moderate-income project to another use shall not be permitted during the Restriction Period unless such conversion includes the creation of the required number of for sale moderate-income dwelling units in accordance with Sec. 6-110.

(5) Declaration of Restrictions:

The developer/owner of moderate-income dwelling units shall submit to the Planning and Zoning Commission a Declaration of Restrictions and Lien adopted by the Town of Greenwich, as to the ownership, use, occupancy, and resale of such moderate-income dwelling units. This declaration of restrictions shall be binding upon such developer and all succeeding owners of the moderate-income dwelling units and shall incorporate the provisions of this Sec. 6-110 therein by reference hereto. Final site plan approval shall be given by the Commission only after it has been satisfied that the Declaration of Restrictions binds the developer and all succeeding owners of the moderate-income dwelling units and duly restricts the ownership, use, occupancy, and resale thereof, and requires adherence to established sales and rental guidelines and administrative procedures, all in accordance with the provisions of this Sec. 6-110. The Commission may cause any such Declaration of Restrictions to be reviewed by the Town Attorney. Each deed for
a moderate-income dwelling unit will indicate the restrictions on such unit and refer to the Declaration of Restrictions and Lien, which shall be on file with the Town Clerk as part of the Town's land records.

(6) Buy-Out Provision:

In lieu of construction of the required moderate-income dwelling units as required under this Sec. 6-110, a developer/owner may, with Town approval, pay a qualifying fee to the Town's special fund. The amount of the per unit qualifying fee shall be equal to the average total development cost of the total proposed project units (defined as the sum of the total construction costs outlined in the project’s building permit application and the acquisition cost of the building lot). This per unit fee is then multiplied by the number of required moderate-income dwelling units to be satisfied by payment of the fee. If a developer/owner chooses to select this option, such fee is payable to the Town after approval of the project by the Planning and Zoning Commission and prior to any permit issuance. This fee or buy-out provision is limited to a maximum of 50% of the required number of moderate-income dwelling units computed in accordance with (c)(2) above. The remaining number of the required moderate-income dwelling units not satisfied by payment of the fee must be constructed by the developer/owner. The Planning and Zoning Commission shall have the discretion to either round up or round down any fractions to whole unit numbers in the computation of required moderate-income dwelling units under this Sec. 6-110.

(7) Administration:

i. The Greenwich Community Development Office or other designated agent/agency approved by the Town shall maintain a list of eligible moderate-income households in accordance with the priority list set forth in (b)(3) above. Where the number of those eligible in the same category of priority exceeds the number of available moderate-income housing units, the applicant shall be selected by lottery. As the goal of this program is to provide the greatest benefit to the largest number of eligible people, the Town will seek, at its discretion, to match the size of an available moderate-income dwelling unit to the most appropriately sized eligible household. The selected moderate-income household must reside in the moderate-income income dwelling unit. Moderate-income dwelling units must be occupied by the qualified owner(s) or legal lessee(s) only. If there is more than one qualified owner or legal lessee, each owner or legal lessee must occupy these units as their primary residence. These moderate-income dwelling units cannot be rented, assigned or leased out or occupied by others not legally allowed or approved by the Town or designated agency.
ii. At the time of Site Plan approval for each housing development, the Planning and Zoning Commission shall approve the designation of an administrative agency to monitor and administer guidelines for the rental, sale or resale of moderate-income dwelling units. Such administrative agency, which may buy the moderate-income dwelling units for the purpose of rental or resale to moderate-income households, may be a non-profit corporation, an agency of the Town, a Community Housing Development Corporation pursuant to Section 8-217 of the Connecticut General Statutes, a 501(c)(3) non-profit corporation such as a Greenwich Community Development Partnership, or other approved organization. Such agency may maintain and submit an eligibility list to the Community Development Office or other designated agent but the choice of households for available moderate-income dwelling units even if owned by the designated agency shall be in accordance with (b)(3) above.

iii. The designated agency shall establish the sale price, resale price or annual rent of the individual dwelling unit in accordance with the guidelines and requirements of (h)(3) and (h)(4) above and with the approval of the Greenwich Community Development Office or other designated organization. There will be an Affordability Plan filed on the Greenwich Land Records indicating the deed restrictions on the specific unit which the designated agency will enforce.

iv. The designated agency shall set up such procedures as may be necessary to receive annual certification or other information from owners and or tenants which confirms continuing compliance with the guidelines and requirements of this Sec. 6-110 and which notifies it of any conversion in the form of ownership. This information shall be submitted to the Planning and Zoning Department or to the Greenwich Community Development Office.

7. Nassau Ridge LLC; applications PLPZ 2014 00671 and PLPZ 2014 00672, for a final coastal site plan and special permit, to construct a new three unit multi-family dwelling, new driveway, parking court, and associated site improvements on a 13,798 sq. ft. property located at 0 East Putnam Avenue in the R-6 zone. (Staff: MK) (Must open by 2/11/2015) (Maximum extension available to 4/4/2015) (Page Number: 153)

8. Country Realty Co. (Audi Greenwich Sales); applications PLPZ 2014 00674 and PLPZ 2014 00675, for a final site plan and special permit, to construct a parking deck as approved under final site plan #2559, increase the existing sales building from 10,200 sq. ft. to 22,150 sq. ft. by enlarging the footprint over the parking deck and constructing a partial second floor on a 1.72 acre property.
9. **Country Realty Co. (Audi Greenwich Service);** applications PLPZ 2014 00676 and PLPZ 2014 00677, for a final site plan and special permit, to demolish portions of the building, add two lanes for service drop-off, re-grade the ramp to the lower service bay level and add a parts, storage and delivery area to the lower level under the ramp; respectfully the existing building will increase from 23,650 sq. ft. to 27,050 sq. ft. on a 2.09 acre property located at 200 and 218 West Putnam Avenue in the GB zone. **(Staff: RS) (Must open by 2/11/2015) (Maximum extension available to 4/4/2015) (Page Number: 210)**

10. **George and Fruma H. Korper;** application PLPZ 2014 00678, for a final re-subdivision, to subdivide a 32,864 sq. ft. lot into two lots containing 13,967 each with a 4,930 sq. ft. open space area on property located at 156 Overlook Drive in the R-12 zone. **(Staff: PL) (Must decide by 2/11/2015) (Maximum extension available to 03/20/2015) (Page Number: 362)**

11. **80 Mason Street LLC;** applications PLPZ 2014 00653 and PLPZ 2014 00654, for a final site plan and special permit, to convert an existing real estate office to a clothing store, including adding active use in the basement on a property located at 80 Mason Street in the CGB zone. **(Staff: CT) (Must close by 2/11/2015) (Maximum extension available to 4/16/2015) (Continued from the 1/6/2015 meeting) (Seated: Heller, Maitland, Alban, Brooks, and Levy) (Page Number: 497)**

12. **Sarah D. Jones;** applications PLPZ 2014 00680 and PLPZ 2014 00681, for a final coastal site plan and special permit, to construct a new two-car garage, additions, patio, and expand the driveway with associated re-grading and landscaping on a 1.54 acre property located at 158 Indian Head Road in the RA-1 zone. **(Staff: PL) (Must open by 2/11/2015) (Maximum extension available to 4/4/2015) (Page Number: 541)**

13. **Palm Ventures LLC;** application PLPZ 2014 00622 and PLPZ 2014 00623 for a final site plan and special permit, to construct a rear vestibule, removal of existing asphalt to be replaced by the new vestibule and additional landscaping on a 13,765 square foot property located at 19 West Elm Street, and a 6,446 square foot property located at 0 Benedict Court in the CGB zone. **(Staff: RS) (Must close by 2/10/2015) (Maximum extension available to 3/23/2015) (Continued from the 1/6/2015 meeting) (Seated: Heller, Maitland, Alban, Brooks, and Levy) (Page Number: 639)**
14. **Sutton Land LLC, Glen Plaza Shopping Center;** applications PLPZ 2014 00624 and PLPZ 2014 00625, for a final site plan and special permit, to reconfigure the existing post office building and enclose an existing loading dock increasing the building from 3,565 sq. ft. to 3,888 sq. ft., reallocate the interior space into three tenants, one 990 sq. ft. retail space, one 966 sq. ft. retail space, and a 1,932 sq. ft. space for the United States Postal Service, increase the building volume of a site that is already over 40,000 cubic feet in volume and amend the prior site plan PLPZ 2014 00191 on a 6.17 acre property located at 21 Glenville Street in the LBR-2 and RA-1 zones. *(Staff: PL) (Must open by 2/11/2015) (Maximum extension available to 4/16/2015) (Listed on the 1/6/2015 meeting, but not heard – extension granted to February 11, 2015) (Page Number: 737)*

**REGULAR MEETING CONTINUED**

15. **DISCUSSION ITEMS:**

a) Proposed revision to the description of Account #171-51440 of the Planning and Zoning Budget for fiscal year 2015-2016
b) **The Steamboat Road Property, LLC;** applications PLPZ 2012 00083 and PLPZ 2012 00084 changes to the original approved plans on property located at 0 Steamboat Road in the R-6 zones. *(Page Number: 769)*
c) **Lolita/Rouge** *(Page Number: 787)*

16. **DECISION ITEMS:**

17. **APPROVAL OF MINUTES:**

January 6, 2015

18. **OTHER:**

a. Executive Session on pending litigation or personnel matters.
b. Other items as may properly come before the Commission.
APPLICATIONS HEARD PREVIOUSLY THAT WILL BE HEARD ON SUBSEQUENT MEETINGS:

The Housing Authority of the Town of Greenwich (Armstrong Court); applications PLPZ 2014 00614 and PLPZ 2014 00615, for a preliminary site plan and special permit, to renovate six (6) existing buildings, enclose walkways, and balconies, and construct six (6) new residential buildings, increase the number of parking spaces, and various site improvements on a 14.988 acre property located at 2 Armstrong Court, 0 Hamilton Avenue in the R-6 zone. (Staff: KD) (Must close by 3/19/2015) (Maximum extension granted) (Continued from the 12/9/2014 meeting) (Seated: Heller, Maitland, Alban, Brooks, and Levy)

The Housing Authority of the Town of Greenwich (Armstrong Court); application PLPZ 2014 00665, for a re-zoning, to re-zone 13.098 acres of the 14.998 acre property from the R-6 Zone to R-MF Zone, (rezoning map on file in the Town Clerk’s Office) on property located at 2 Armstrong Court, 0 Hamilton Avenue in the R-6 zone. (Staff: KD) (Must close by 3/19/2015) (Maximum extension granted) (Continued from the 12/9/2014 meeting) (Seated: Heller, Maitland, Alban, Brooks, and Levy)

The Housing Authority of the Town of Greenwich (Armstrong Court); application PLPZ 2014 00664, for a Text Amendment, to modify Section 6-205(a) of the regulations by increasing the "Maximum Height" allowed in the R-MF Zone for multi-family dwellings, dwelling groups and other permitted uses from 40 feet to 47.5 feet and amend Section 6-98 by adding a new subsection “(e)”. TEXT IN BOLD TO BE ADDED as follows: (Staff: KD) (Must close by 3/19/2015) (Maximum extension granted) (Continued from the 12/9/2014 meeting) (Seated: Heller, Maitland, Alban, Brooks, and Levy)

Sec. 6-98(e)

(e) The Commission may authorize a Special Permit pursuant to Section 6-17 of these regulations for the modification of the maximum height of buildings in the R-MF zone only provided that the Commission finds said modification furthers the purposes of Section 6-17(d)12 of these regulations.

Greenwich Harbor (DEL), Delamar Hotel; applications PLPZ 2014 00618 and PLPZ 2014 00619, for a final coastal site plan and special permit, to construct a rooftop terrace on the south wing of the hotel to include a shallow pool/water feature, trellises and modifications to the existing rooftop area, and a penthouse for an elevator on a 1.931 acre property located at 500 Steamboat Road in the WB zone. (Staff: PL) (Must close by 3/19/2015) (Maximum extension granted) (Continued from the 12/9/2014 meeting) (Seated: Heller, Maitland, Alban, Brooks, and Levy)
37 Day Road, LLC; applications PLPZ 2014 00626 and PLPZ 2014 00627, for a final site plan and special permit, to demolish the existing dwelling and construct a new single family dwelling with all structures totaling over 150,000 cubic feet in volume (209,503 cubic feet total) and 12,802 sq. ft. in GFA, a reconfigured driveway, pool, and storm water drainage on a 5.0 acre property located at 37 Day Road in the RA-4 zone.  (Staff: MK) (Must close by 4/16/2015) (Maximum extension granted) (Continued from the 1/6/2015 meeting) (Seated: Heller, Maitland, Alban, Brooks, and Levy)

Jeremy E. Kaye, Trustee; application PLPZ 2014 00673, for a final subdivision, for an equal area exchange of 1,474 sq. ft. between properties located at 49 and 53 Dingletown Road totaling 87,146 square feet and 113,121 sq. ft. respectively in the RA-2 zone.  (Staff: PL) (Must decide by 01/13/2015) (Maximum extension available to 03/14/2015)

APPLICATION PLPZ 2014 00673 HAS BEEN WITHDRAWN ON JANUARY 12, 2015
TOWN OF GREENWICH
PLANNING AND ZONING COMMISSION

Town Hall Meeting Room
101 Field Point Road, Greenwich, CT

February 10, 2015
TENTATIVE AGENDA

REGULAR MEETING 6:30 PM

1. **51 Ursus Properties, LLC;** request for an **extension of time** on final coastal site plan PLPZ 2011 00566, approved at the March 20, 2012, meeting, to demolish the existing dwelling and construct a new house with septic system, pool, drainage, driveway and associated landscaping on a 1.187 acre (0.7145 acre excluding the access way) property located at 51 Carriglea Drive in the RA-1 zone. *(Staff: KD)* *(Application expires 3/20/2015) (Page Number: )*

2. **11 Cove Road LLC;** application PLPZ 2014 00721, for a **final coastal site plan** to demolish the existing single family residence and construct new 5,873 sq. ft. single family residence on a .6 acre property located at 11 Cove Road in the R-20 zone. *(Staff: PL) (Must decide by 3/12/2015) (Maximum extension available to 5/16/2015) (Page Number: )*

3. **The Housing Authority of the Town of Greenwich (Armstrong Court);** application PLPZ 2014 00663 for a **municipal improvement**, per Section 99 of the Town’s Charter, to renovate the existing dwelling and construct six (6) new three-unit townhomes on a 14.988 acre property located at 2 Armstrong Court, 0 Hamilton Avenue in the R-6 zone. *(Staff: KD) (Must decide by 2/19/2015) (Continued from the 12/9/2014 meeting) (Seated: Heller, Maitland, Alban, Brooks, and Levy)*

4. **Wood-Smith, Wollff and Horner;** application PLPZ 2014 00718 for a **final coastal site plan** to fill in the existing boat basin contained over three properties containing a total of 1.81 total acres in the R-20 zone located in the Coastal Area Overlay Zone on properties located at 224, 230, and 232 Byram Shore Road in the R-20 zone. *(Staff: RS) (Must decide by 3/12/2015) (Maximum extension available to 5/16/2015) (Page Number: )*
5. **Gambit Holly Hill Lane Assoc., LLC and Dr. Levin DDS;** application PLPZ 2014 00655 for a final site plan, for an administrative interior renovation of an existing office space to be converted to accommodate a new tenant (Dental Office) with one dental professional, equipment and layout on a 40,244 sq. ft. property located at 67 Holly Hill Lane in the GBO zone. *(Staff: PL) (Must decide by 3/23/2015) (Maximum extension granted) (Page Number:  )*

**PUBLIC HEARING 7:00 PM**

6. **Community Development Partnership Planning Committee;** application PLPZ 2014 00712, for a text amendment, to delete the existing Section 6-110 and replace with proposed Section 6-110 as follows: **TEXT IN BOLD TO BE ADDED** *(Staff: KD) (Must open by 3/12/2015) (Maximum extension available to 5/16/2015) (Page Number:  )**

**GREENWICH MUNICIPAL CODE**

Sec. 6-110. USE REGULATIONS AND SPECIAL REQUIREMENTS FOR DWELLING UNITS PERMITTED IN THE BUSINESS ZONES.

(a) **Purpose:**

The purpose is to promote the inclusion of below-market-rate dwelling units, hereafter referred to as moderate-income dwelling units, within private sector residential or mixed-use development in business zones so as to increase the diversity of the Town’s housing stock, in accordance with the objectives of the 2009 Plan of Conservation and Development (POCD) and the POCD Housing Task Force recommendations of 2011, and to mitigate the shortage of dwelling units that can meet the housing needs particularly, but not exclusively, of those employed by the Town and by not-for-profit and non-governmental agencies located in the Town of Greenwich that provide essential services to the Greenwich community; the elderly; and others who are classified as moderate-income households as defined in (b)(3) below.

(b) **Definitions:**

(1) Moderate-income dwelling units are those set aside for moderate-income households whose aggregate income, (including the total of all current annual income of all members of the household, but excluding the earnings of working minors attending school full-time, from any source whatsoever at the time of certification), does not exceed the median annual Town paid wages of all full-time Municipal and Board of Education employees of the Town of Greenwich during the preceding fiscal year.
(2) A household, as defined by The United States Department of Housing and Urban Development (HUD), is all the people who occupy a housing unit. A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit such as partners or roomers, is also counted as a household.

(3) Moderate-income households whose aggregate income, including the total of all current annual income of all household members from any source whatsoever at the time of certification, (but excluding the earnings of working minors attending school full-time) averaged for the preceding two years, shall not exceed the following multiple (listed below) of median annual Town paid wages of all full-time Town of Greenwich Municipal and Board of Education employees during the preceding fiscal year.

<table>
<thead>
<tr>
<th>Household Size</th>
<th>Multiple</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 person household</td>
<td>1.2</td>
</tr>
<tr>
<td>2-3 person household</td>
<td>1.5</td>
</tr>
<tr>
<td>4-5 person household</td>
<td>1.8</td>
</tr>
<tr>
<td>6 person household</td>
<td>1.9</td>
</tr>
</tbody>
</table>

(4) In calculating household income, the value of assets must be considered. If the value of assets (not including personal property or vehicles) is $5,000 or less, then the income received from those assets should be added to the household’s annual household income. If the value of assets is greater than $5,000, the greater of the following should be added to the household’s annual income:

i. Actual income received from the assets or

ii. The actual value of the assets multiplied by the current passbook savings rate as established by HUD.

(c) Limit on the Number of Dwelling Units Permitted in the Business Zones:

(1) Moderate-income dwelling units are not required, but can be provided if desired, for applications within the LB, LBR-2, CGB, CGBR, GB and GBO business zones requesting three (3) or less dwelling units on one existing lot or merged adjoining lots.

(2) A minimum of 20% of all dwelling units shall be deed restricted as moderate-income dwelling units for applications within the LB, LBR-2, CGB, CGBR, GB and GBO business zones requesting four (4) or more dwelling units on one existing lot or merged adjoining lots. The Commission may consider a fraction to be a whole number to meet the requirements that not less than 20% of all units are moderate-income dwelling units.

(d) Special Requirements:
(1) For CGBR and LBR zones, dwelling units shall be permitted only when above floors having uses of Use Groups permitted in said zones other than Use Group 3.

(2) The Commission, when it deems appropriate, may require outdoor recreation space of suitable size, shape and location to serve the recreational needs of the residents. Such areas may include balconies, roof terraces, lawn areas, and the like.

(3) Notwithstanding any other provision of these regulations, floor area devoted to Use Group 3 uses (dwelling units in business zones), may not be converted to any other Use Group and may not be used for resident professional offices unless a Special Permit and Site Plan approvals have been granted in accordance with the standards and requirements of Sec. 6-15 and 6-17 of these regulations.

(e) Procedure:

A development proposal including moderate-income dwelling units shall be subject to Special Permit procedures and standards pursuant to Sec. 6-17. As part of any moderate-income housing development pre-application process, a workshop shall be convened by the Director of Planning and Zoning that includes the Zoning Enforcement Officer (ZEO), Department of Public Works Engineering, Building Official, Sewer, Highway, and other appropriate agencies/persons at which meeting the developer whose development plans include moderate-income dwelling units shall present and discuss a sketch plan prior to actual submission to any Town agency.

(f) Distance Requirements:

In the LB, LBR-2, CGB, CGBR, GB and GBO business zones an adequate distance shall be maintained free of all obstructions from any wall containing a dwelling unit window required for light or ventilation. The minimum distance in feet between buildings must at least meet all applicable fire and building codes and provide for adequate light, air, and ventilation, unless the Commission finds a greater distance more appropriate.

(g) Incentives:

To provide incentives to include moderate-income dwelling units within private-sector residential or mixed-use development in the LB, LBR-2, CGB, CGBR, GB and GBO zones (including alteration of, or addition to, an existing building), the Commission may allow the following modifications of the Building Zone Regulations provided that (1) the proposed development includes the requisite number of moderate-income dwelling units required under Sec. 6-110(c)(2); (2) the Commission makes a finding that the purposes and requirements of Sec.
6-110 are met; and (3) the proposal complies with the standards of Sec. 6-15 and 6-17 of the Building Zone Regulations:

(1) An increase in Floor Area Ratio to 0.9. The commercial floor area permitted in the underlying zone may be constructed new or added to an existing building up to the allowable Floor Area Ratio of the underlying zone, as permitted in Sec. 6-205(b), provided the remaining allowable floor area up to 0.9 is devoted to residential;

(2) A waiver of non-residential ground floor use is permitted in the LB zone. Ground floor residential use is permitted in the GB, GBO and CGB zones but is prohibited in the LBR or CGBR zones;

(3) For the GB, GBO, CGBR, CGB and LB business zones only, an increase by one (1) story only over the number of stories otherwise allowed in these zones and an increase in the height of a building up to 47½ feet; all as measured according to the requirements of the particular underlying business zone;

(4) For the LBR business zone no increase in the number of stories shall be permitted but an increase in the height of a building up to 40 feet, all as measured according to the requirements of the particular underlying business zone;

(5) A waiver of maximum coverage standards provided the scale of proposed structures is compatible with surrounding uses and open spaces and provided sufficient landscaping, screening and decorative planting is provided to enhance the residential quality of the development and to screen refuse, transformer, storage and parking areas;

(6) A modification of requirements, if any, of the underlying zone that all parking spaces for Use Group 1 be surface spaces on the same level as street level businesses. The Commission may allow up to two-thirds of the required parking spaces for Use Group 1 to be located in an on-site underground parking level provided that the underground spaces are designated for long-term parking by employees, and further provided that the Commission finds such location of spaces will result in an enhancement of the residential quality of the development through an increase of landscaping, screening and decorative planting. The total number of on-site parking spaces shall be determined in accordance with Division 15 of the Building Zone Regulations;

(7) Where minimum side yards are required in Sec. 6-205(b), the Planning and Zoning Commission may find lesser side yards adequate for residential uses;

(8) Such units shall have not less than one bedroom and shall contain, on average, the same number of bedrooms as the market rate units in the development, unless the Commission finds a different
allocation of bedrooms per dwelling unit to be more responsive to current housing needs.

(h) Criteria and Requirements of Inclusion of Moderate-income Dwelling Units:

(1) General Requirements:

   i. Moderate-income dwelling units shall be offered for sale, resale or continuing rental to moderate-income households as defined above; or to a Commission-approved agency which may be a non-profit agency, a municipal agency, or other organization, which shall offer the dwelling units to moderate-income households as set forth herein.

   ii. Such units shall be physically integrated into the design of the development in a manner satisfactory to the Commission.

   iii. Parking shall be provided in accordance with the standards of Sec. 6-155 for multi-family dwellings.

   iv. Moderate-income dwelling units must be owner occupied or occupied by the legal lessee only. If there is more than one owner of a unit, both owners must occupy the unit as their primary residence. Moderate-income dwelling units cannot be rented or leased out or occupied by others not legally allowed or qualified by the Town. An annual affidavit is required from the owner/renter indicating they are residing in the unit as their primary residence. This annual affidavit should be submitted to the Planning and Zoning Department or its designated agent.

(2) Priority List of eligible moderate-income households applying for moderate-income dwelling units shall be selected on the basis of the following categories of priority:

   i. Full-time Town of Greenwich Municipal and Board of Education employees and full-time employees of not-for-profit health, education and human services agencies and other not-for-profit agencies located in the Town of Greenwich that provide essential services to the Greenwich community.

   ii. Other residents of the Town of Greenwich.

   iii. Other persons employed in the Town of Greenwich.

   iv. All others

(3) Guidelines for maximum rent and sales price:
For moderate-income dwelling units in each housing development, a range of sales prices and/or monthly rentals may be established, subject to the following:

i. The maximum monthly rent for one bedroom moderate-income dwelling units excluding common charges and utilities (gas, oil and electricity), shall not exceed 2.0% of the median annual Town paid wages for all full-time Town of Greenwich Municipal and Board of Education employees during the preceding fiscal year. Additional bedrooms will result in higher maximum rent: two bedroom units will be limited to 2.5% and three bedroom units to 3% of the median annual Town paid wages as described above.

ii. The first time a moderate-income dwelling unit is sold, the maximum sales price for a one bedroom unit to a subsequent moderate-income household shall not exceed four times the median annual Town paid wages of all full-time Town of Greenwich Municipal and Board of Education employees during the preceding fiscal year. Additional bedrooms will result in higher maximum sales prices: two bedroom unit prices will be limited to five times and three bedroom units to six times the median annual Town paid wages as described above.

iii. In the case of a condominium ownership structure, there shall be no extra up-front charge for minimum required facilities such as, but not limited to, parking and recreational facilities. Each unit owner, however, shall pay his fair share of common charges, expenses and assessments as provided in the Common Interest Ownership Act of the State of Connecticut and as approved by the Town of Greenwich Community Development Office.

(4) Resale Restrictions:

i. For moderate-income dwelling units, the title to said property shall be restricted so as to maintain the unit in the moderate-income category for a period of 40 years beginning on the date of issue of the Certificate of Occupancy (the “Restriction Period”). Said restriction shall provide that in the event of any resale of the unit by the original owner or any successor owner during the Restriction Period, the maximum resale price shall be limited by the same median income guidelines and rules indicated in (b)(3) above.

ii. For rental moderate-income dwelling units, the title to said property shall be restricted so as to maintain the rents charged for the units in the moderate-income category for a period of 40 years beginning on the date of issue of the Certificate of Occupancy. This title restriction will survive
any sale of the rental project to a subsequent owner during the Restriction Period. There shall be no limitation on the sales price of an entire moderate-income rental project; however, if less than the entire project is sold, any moderate-income dwelling unit(s) sold must be sold to a qualifying moderate-income household during the Restriction Period.

iii. Twelve months prior to the end of the Restriction Period, the owner of any moderate-income dwelling unit shall notify, by certified mail, the Town of Greenwich Community Development office or its designee of the impending end of the Restriction Period. Failure by the owner of the moderate-income dwelling unit to notify, by certified mail, the Town of Greenwich Community Development office or its designee twelve months prior to the end of the Restriction Period shall extend the Restriction Period by the number of days equal to the period of failure to give notice.

iv. In the case of moderate-income dwelling units which are part of a commonly owned building in which a moderate-income dwelling unit cannot be sold individually, then such moderate-income dwelling unit will remain in the Restriction Period until such unit can be eligible to be sold in accordance with the procedure of Sec. 6-110.

v. Each moderate-income dwelling unit shall be subject to an option to purchase (the “Purchase Option”) at the maximum allowable restricted sales price or any mutually agreed upon sales price that does not exceed the maximum sale price. The Purchase Option to shall be available to the Town of Greenwich, or its designee, followed next by the Housing Authority of the Town of Greenwich, then followed next by a qualified non-profit as approved by the Town. Upon receipt of a notice of the end of the Restriction Period, the Purchase Option shall be available to the Town of Greenwich for 90 days. If the Town exercises the Purchase Option, it may enter into a contract of sale. If the Town fails to exercise the Purchase Option or declines to exercise the Purchase Option within 90 days, the Housing Authority of the Town of Greenwich shall have 30 days to exercise the Purchase Option and enter a contract of sale. If the Housing Authority of the Town of Greenwich fails to exercise the Purchase Option or declines to exercise the Purchase Option within 30 days, a qualified non-profit as approved by the Town shall have 30 days to exercise the Purchase Option and enter a contract of sale. If the qualified non-profit fails to exercise the Purchase Option or declines to exercise the Purchase Option within 30 days, the existing moderate-income dwelling unit owner will be free to proceed with the sale of the moderate-income dwelling unit at the end of the Restriction Period.
vi. A seller of a moderate-income dwelling unit that has been restricted as a moderate-income dwelling unit for the Restricted Period who has provided the requisite notice of an intent to sell, shall have the option to proceed with a sale at fair market value without restriction, if no contract of sale has been signed in accordance with paragraph (h)(4)v above, provided that the Town of Greenwich, or its designee, shall examine the contract of sale to determine if the proposed sale price bears a reasonable relationship to the moderate-income dwelling unit’s fair market value. The Town of Greenwich, or its designee, may rely on comparable sales or an appraisal, and shall not approve a contract of sale where there is a determination that the sale price does not bear a reasonable relationship to fair market value. Upon transfer of title on the moderate-income income dwelling unit, the seller of the moderate-income dwelling unit pay 50% of the difference between the contract sale price of the unit and the final restricted sale price to the Town of Greenwich.

vii. In the event of a casualty or other destruction of a moderate-income dwelling unit, any replacement unit shall be subject to the regulation of this Sec. 6-110.

viii. Any conversion of a rental moderate-income project to another use shall not be permitted during the Restriction Period unless such conversion includes the creation of the required number of for sale moderate-income dwelling units in accordance with Sec. 6-110.

(5) Declaration of Restrictions:

The developer/owner of moderate-income dwelling units shall submit to the Planning and Zoning Commission a Declaration of Restrictions and Lien adopted by the Town of Greenwich, as to the ownership, use, occupancy, and resale of such moderate-income dwelling units. This declaration of restrictions shall be binding upon such developer and all succeeding owners of the moderate-income dwelling units and shall incorporate the provisions of this Sec. 6-110 therein by reference hereto. Final site plan approval shall be given by the Commission only after it has been satisfied that the Declaration of Restrictions binds the developer and all succeeding owners of the moderate-income dwelling units and duly restricts the ownership, use, occupancy, and resale thereof, and requires adherence to established sales and rental guidelines and administrative procedures, all in accordance with the provisions of this Sec. 6-110. The Commission may cause any such Declaration of Restrictions to be reviewed by the Town Attorney. Each deed for a moderate-income dwelling unit will indicate the restrictions on such unit and refer to the Declaration of Restrictions and Lien,
which shall be on file with the Town Clerk as part of the Town's land records.

(6) Buy-Out Provision:

In lieu of construction of the required moderate-income dwelling units as required under this Sec. 6-110, a developer/owner may, with Town approval, pay a qualifying fee to the Town's special fund. The amount of the per unit qualifying fee shall be equal to the average total development cost of the total proposed project units (defined as the sum of the total construction costs outlined in the project’s building permit application and the acquisition cost of the building lot). This per unit fee is then multiplied by the number of required moderate-income dwelling units to be satisfied by payment of the fee. If a developer/owner chooses to select this option, such fee is payable to the Town after approval of the project by the Planning and Zoning Commission and prior to any permit issuance. This fee or buy-out provision is limited to a maximum of 50% of the required number of moderate-income dwelling units computed in accordance with (c)(2) above. The remaining number of the required moderate-income dwelling units not satisfied by payment of the fee must be constructed by the developer/owner. The Planning and Zoning Commission shall have the discretion to either round up or round down any fractions to whole unit numbers in the computation of required moderate-income dwelling units under this Sec. 6-110.

(7) Administration:

i. The Greenwich Community Development Office or other designated agent/agency approved by the Town shall maintain a list of eligible moderate-income households in accordance with the priority list set forth in (b)(3) above. Where the number of those eligible in the same category of priority exceeds the number of available moderate-income housing units, the applicant shall be selected by lottery. As the goal of this program is to provide the greatest benefit to the largest number of eligible people, the Town will seek, at its discretion, to match the size of an available moderate-income dwelling unit to the most appropriately sized eligible household. The selected moderate-income household must reside in the moderate-income income dwelling unit. Moderate-income dwelling units must be occupied by the qualified owner(s) or legal lessee(s) only. If there is more than one qualified owner or legal lessee, each owner or legal lessee must occupy these units as their primary residence. These moderate-income dwelling units cannot be rented, assigned or leased out or occupied by others not legally allowed or approved by the Town or designated agency.

ii. At the time of Site Plan approval for each housing development, the Planning and Zoning Commission shall approve the designation of an administrative agency to
monitor and administer guidelines for the rental, sale or resale of moderate-income dwelling units. Such administrative agency, which may buy the moderate-income dwelling units for the purpose of rental or resale to moderate-income households, may be a non-profit corporation, an agency of the Town, a Community Housing Development Corporation pursuant to Section 8-217 of the Connecticut General Statutes, a 501(c)(3) non-profit corporation such as a Greenwich Community Development Partnership, or other approved organization. Such agency may maintain and submit an eligibility list to the Community Development Office or other designated agent but the choice of households for available moderate-income dwelling units even if owned by the designated agency shall be in accordance with (b)(3) above.

iii. The designated agency shall establish the sale price, resale price or annual rent of the individual dwelling unit in accordance with the guidelines and requirements of (h)(3) and (h)(4) above and with the approval of the Greenwich Community Development Office or other designated organization. There will be an Affordability Plan filed on the Greenwich Land Records indicating the deed restrictions on the specific unit which the designated agency will enforce.

iv. The designated agency shall set up such procedures as may be necessary to receive annual certification or other information from owners and or tenants which confirms continuing compliance with the guidelines and requirements of this Sec. 6-110 and which notifies it of any conversion in the form of ownership. This information shall be submitted to the Planning and Zoning Department or to the Greenwich Community Development Office.

7. Nassau Ridge LLC; applications PLPZ 2014 00671 and PLPZ 2014 00672, for a final coastal site plan and special permit, to construct a new three unit multi-family dwelling, new driveway, parking court, and associated site improvements on a 13,798 sq. ft. property located at 0 East Putnam Avenue in the R-6 zone. *(Staff: MK) (Must open by 2/11/2015) (Maximum extension available to 4/4/2015) (Page Number: )* 

8. Country Realty Co. (Audi Greenwich Sales); applications PLPZ 2014 00674 and PLPZ 2014 00675, for a final site plan and special permit, to construct a parking deck as approved under final site plan #2559, increase the existing sales building from 10,200 sq. ft. to 22,150 sq. ft. by enlarging the footprint over the parking deck and constructing a partial second floor on a 1.72 acre property located at 211 West Putnam Avenue in the GB-HO zone. *(Staff: RS) (Must open by 2/11/2015) (Maximum extension available to 4/4/2015) (Page Number: )*
9. **Country Realty Co. (Audi Greenwich Service);** applications PLPZ 2014 00676 and PLPZ 2014 00677, for a final site plan and special permit, to demolish portions of the building, add two lanes for service drop-off, re-grade the ramp to the lower service bay level and add a parts, storage and delivery area to the lower level under the ramp; respectfully the existing building will increase from 23,650 sq. ft. to 27,050 sq. ft. on a 2.09 acre property located at 200 and 218 West Putnam Avenue in the GB zone. *(Staff: RS) (Must open by 2/11/2015) (Maximum extension available to 4/4/2015)*

10. **George and Fruma H. Korper;** application PLPZ 2014 00678, for a final re-subdivision, to subdivide a 32,864 sq. ft. lot into two lots containing 13,967 each with a 4,930 sq. ft. open space area on property located at 156 Overlook Drive in the R-12 zone. *(Staff: PL) (Must decide by 2/11/2015) (Maximum extension available to 03/20/2015)*

11. **80 Mason Street LLC;** applications PLPZ 2014 00653 and PLPZ 2014 00654, for a final site plan and special permit, to convert an existing real estate office to a clothing store, including adding active use in the basement on a property located at 80 Mason Street in the CGB zone. *(Staff: CT) (Must close by 2/11/2015) (Maximum extension available to 4/16/2015) (Continued from the 1/6/2015 meeting) (Seated: Heller, Maitland, Alban, Brooks, and Levy)*

12. **Sarah D. Jones;** applications PLPZ 2014 00680 and PLPZ 2014 00681, for a final coastal site plan and special permit, to construct a new two-car garage, additions, patio, and expand the driveway with associated re-grading and landscaping on a 1.54 acre property located at 158 Indian Head Road in the RA-1 zone. *(Staff: PL) (Must open by 2/11/2015) (Maximum extension available to 4/4/2015)*

13. **Palm Ventures LLC;** application PLPZ 2014 00622 and PLPZ 2014 00623 for a final site plan and special permit, to construct a rear vestibule, removal of existing asphalt to be replaced by the new vestibule and additional landscaping on a 13,765 square foot property located at 19 West Elm Street, and a 6,446 square foot property located at 0 Benedict Court in the CGB zone. *(Staff: RS) (Must close by 2/10/2015) (Maximum extension available to 3/23/2015) (Continued from the 1/6/2015 meeting) (Seated: Heller, Maitland, Alban, Brooks, and Levy)*
14. **Sutton Land LLC, Glen Plaza Shopping Center:** applications PLPZ 2014 00624 and PLPZ 2014 00625, for a final site plan and special permit, to reconfigure the existing post office building and enclose an existing loading dock increasing the building from 3,565 sq. ft. to 3,888 sq. ft., reallocate the interior space into three tenants, one 990 sq. ft. retail space, one 966 sq. ft. retail space, and a 1,932 sq. ft. space for the United States Postal Service, increase the building volume of a site that is already over 40,000 cubic feet in volume and amend the prior site plan PLPZ 2014 00191 on a 6.17 acre property located at 21 Glenville Street in the LBR-2 and RA-1 zones. *(Staff: PL)* *(Must open by 2/11/2015)* *(Maximum extension available to 4/16/2015)* *(Listed on the 1/6/2015 meeting, but not heard – extension granted to February 11, 2015)* *(Page Number: )*

**REGULAR MEETING CONTINUED**

15. **DISCUSSION ITEMS:**

Proposed revision to the description of Account #171-51440 of the Planning and Zoning Budget for fiscal year 2015-2016

16. **DECISION ITEMS:**

17. **APPROVAL OF MINUTES:**

January 6, 2015

18. **OTHER:**

a. Executive Session on pending litigation or personnel matters.
b. Other items as may properly come before the Commission.
APPLICATIONS HEARD PREVIOUSLY THAT WILL BE HEARD ON SUBSEQUENT MEETINGS:

The Housing Authority of the Town of Greenwich (Armstrong Court);
applications PLPZ 2014 00614 and PLPZ 2014 00615, for a preliminary site plan and special permit, to renovate six (6) existing buildings, enclose walkways, and balconies, and construct six (6) new residential buildings, increase the number of parking spaces, and various site improvements on a 14.988 acre property located at 2 Armstrong Court, 0 Hamilton Avenue in the R-6 zone.  
(Staff: KD) (Must close by 3/19/2015) (Maximum extension granted) (Continued from the 12/9/2014 meeting) (Seated: Heller, Maitland, Alban, Brooks, and Levy)

The Housing Authority of the Town of Greenwich (Armstrong Court);
application PLPZ 2014 00665, for a re-zoning, to re-zone 13.098 acres of the 14.998 acre property from the R-6 Zone to R-MF Zone, (re zoning map on file in the Town Clerk’s Office) on property located at 2 Armstrong Court, 0 Hamilton Avenue in the R-6 zone. 
(Staff: KD) (Must close by 3/19/2015) (Maximum extension granted) (Continued from the 12/9/2014 meeting) (Seated: Heller, Maitland, Alban, Brooks, and Levy)

The Housing Authority of the Town of Greenwich (Armstrong Court);
application PLPZ 2014 00664, for a Text Amendment, to modify Section 6-205(a) of the regulations by increasing the "Maximum Height" allowed in the R-MF Zone for multi-family dwellings, dwelling groups and other permitted uses from 40 feet to 47.5 feet and amend Section 6-98 by adding a new subsection “(e)”.  
TEXT IN BOLD TO BE ADDED as follows:  
(Staff: KD) (Must close by 3/19/2015) (Maximum extension granted) (Continued from the 12/9/2014 meeting) (Seated: Heller, Maitland, Alban, Brooks, and Levy)

Sec. 6-98(e)

(e) The Commission may authorize a Special Permit pursuant to Section 6-17 of these regulations for the modification of the maximum height of buildings in the R-MF zone only provided that the Commission finds said modification furthers the purposes of Section 6-17(d)12 of these regulations.

Greenwich Harbor (DEL), Delamar Hotel; applications PLPZ 2014 00618 and PLPZ 2014 00619, for a final coastal site plan and special permit, to construct a rooftop terrace on the south wing of the hotel to include a shallow pool/water feature, trellises and modifications to the existing rooftop area, and a penthouse for an elevator on a 1.931 acre property located at 500 Steamboat Road in the WB zone.  
(Staff: PL) (Must close by 3/19/2015) (Maximum extension granted) (Continued from the 12/9/2014 meeting) (Seated: Heller, Maitland, Alban, Brooks, and Levy)
37 Day Road, LLC; applications PLPZ 2014 00626 and PLPZ 2014 00627, for a final site plan and special permit, to demolish the existing dwelling and construct a new single family dwelling with all structures totaling over 150,000 cubic feet in volume (209,503 cubic feet total) and 12,802 sq. ft. in GFA, a reconfigured driveway, pool, and storm water drainage on a 5.0 acre property located at 37 Day Road in the RA-4 zone. (Staff: MK) (Must close by 4/16/2015) (Maximum extension granted) (Continued from the 1/6/2015 meeting) (Seated: Heller, Maitland, Alban, Brooks, and Levy)

Jeremy E. Kaye, Trustee; application PLPZ 2014 00673, for a final subdivision, for an equal area exchange of 1,474 sq. ft. between properties located at 49 and 53 Dingletown Road totaling 87,146 square feet and 113,121 sq. ft. respectively in the RA-2 zone. (Staff: PL) (Must decide by 01/13/2015) (Maximum extension available to 03/14/2015)

APPLICATION PLPZ 2014 00673 HAS BEEN WITHDRAWN ON JANUARY 12, 2015