1. Meeting Materials

Documents:

JUNE 21, 2016 ACTION AGENDA.PDF
JUNE 21, 2016 FINAL AGENDA.PDF
JUNE 21, 2016 TENTATIVE AGENDA.PDF
TOWN OF GREENWICH
PLANNING AND ZONING COMMISSION

Town Hall Meeting Room
101 Field Point Road, Greenwich, CT
June 21, 2016
ACTION AGENDA
WITH DECISIONS

Regular Members Present and Seated: Richard Maitland, Margarita Alban, Andrew Fox, and Nancy Ramer
Regular Member Absent: Peter Levy
Alternate Members Present: Nicholas Macri (seated for Levy), Dennis Yeskey, and Victoria Goss
Staff Members Present: Katie DeLuca, Director Planning and Zoning/Zoning Enforcement Coordinator/Town Planner, and Patrick LaRow, Deputy Director Planning and Zoning/Assistant Town Planner

REGULAR MEETING 7:00 PM

1. 269 Palmer Hill Road LLC; request to extend the original ninety (90) days filing period for an additional ninety (90) days for application PLPZ 2016 00031 a final subdivision to subdivide one 9.8606 acre property into six lots and 1.5048 acres of set aside on property located at 269 Palmer Hill Road in the RA-1 zone approved at the 3/8/2016 meeting of the Planning and Zoning Commission. (Staff: PL) (Page Number: 13)

   Motion to approve 90-day extension to file the mylar
   Moved by Alban, seconded by Fox
   Voting in favor: Maitland, Alban, Macri (for Levy), Fox, and Ramer
   5-0

2. Katherine & Thomas Fleming, Trustees and Backcountry Calhoun LLC; application PLPZ 2016 00244 for a final subdivision for an equal area exchange consisting of 435 sq. ft. to correct an encroachment on which the driveway currently encroaches on properties located at 21 and 29 Calhoun Drive in the RA-1 zone. (Staff: MA) (Must decide by 6/25/2016) (Maximum extension available to 8/24/2016) (Page Number: 23)

   Motion to find not a subdivision or re-subdivision
   Moved by Alban, seconded by Fox
   Voting in favor: Maitland, Alban, Macri (for Levy), Fox, and Ramer
   5-0
PUBLIC HEARING 7:15 PM

3. Post Road Iron Works, Inc., Carriero Family Ltd. Partnership, William S. Gasparrini and Janice S. Gasparrini and Carriero Family Ltd. Partnership, William S. Gasparrini and Carriero Family Ltd. Partnership, William S. Gasparrini et al; application PLPZ 2016 00016, for a text amendment, per Section 6-22 of the Town of Greenwich Building Zone Regulations to create a new housing opportunity development zone “(HODZ)” and create new regulatory language under and new Division of the Town’s Building Zone Regulations (to be Division 22, Sections 6-210 through 6-216). (Staff: KD) (Must close by 7/9/2016) (Maximum extension granted to 7/9/2016) (Continued from the 4/5/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Ramer)

Withdrawn

4. Post Road Iron Works, Inc., Carriero Family Ltd. Partnership, William S. Gasparrini and Janice S. Gasparrini and Carriero Family Ltd. Partnership, William S. Gasparrini and Carriero Family Ltd. Partnership, William S. Gasparrini et al; application PLPZ 2016 00017 for a Zoning Map Amendment, to re-zone six (6) properties located at 345 West Putnam Avenue (Tax ID 07-1148/S), 37 Oak Street (Tax ID 07-1425), 26 Hemlock Drive (Tax ID 07-2033/S), 0 West Putnam Avenue (Tax ID 07-1135/S, 07-2190/S, and 07-1136/S) currently in the GB and RA-1 zones to the newly proposed HODZ zone (as shown on a re-zoning map on file in the Town Clerk’s Office) (pursuant to pending text amendment application PLPZ 2016 00016) per Sections 6-22 of the Town of Greenwich Building Zone Regulations. (Staff: KD) (Must close by 7/9/2016) (Maximum extension granted to 7/9/2016) (Continued from the 4/5/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Ramer)

Withdrawn

5. Post Road Iron Works, Inc., Carriero Family Ltd. Partnership, William S. Gasparrini and Janice S. Gasparrini and Carriero Family Ltd. Partnership, William S. Gasparrini and Carriero Family Ltd. Partnership, William S. Gasparrini et al; applications PLPZ 2016 00015 and PLPZ 2016 00157 for a final site plan and special permit, to demolish the current buildings and construct a 397,485 sq. ft., 355 unit multi-family residential building with parking beneath for 559 vehicles, related site and stormwater drainage improvements, and where 30% of the proposed units (107 of the 355 total units) would be restricted affordable housing units for 40 years pursuant to Section 8-30g of the Connecticut General Statutes as a Set-Aside Affordable Housing Development and on six (6) properties located at 345 West Putnam Avenue (Tax ID 07-1148/S), 37 Oak Street (Tax ID 07-1425), 26 Hemlock Drive (Tax ID 07-2033/S), 0 West Putnam Avenue (Tax ID 07-1135/S, 07-2190/S and 07-1136/S) totaling 5.011 acres, currently in the GB and RA-1 zones and pursuant to pending text and zoning map
amendment applications PLPZ 2016 00016 and PLPZ 2016 00017 for inclusion into a new zone entitled the Housing Opportunity Development Zone (“HODZ”).

(Staff: KD) (Must close by 7/9/2016) (Maximum extension granted to 7/9/2016) (Continued from the 4/5/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Ramer) (Page Number: 113)

Left Open

REGULAR MEETING CONTINUED

6. DISCUSSION ITEMS:

7. DECISION ITEMS:

(a) Town of Greenwich Board of Education – New Lebanon School; application PLPZ 2016 00142, for a special permit only, to demolish the existing New Lebanon School building and replace it with a new 61,230 sq. ft. school building, expand onsite parking to 85 parking spaces, expand parent pick up, drop-off and bus lane capacity, emergency access to the north side of the building, two playground areas, site lighting, landscaping, stormwater management and sewer improvements on a 7.6 acres property located at 25 Mead Ave in the R-6 zone. (Staff: PL) (Must close by 7/9/2016) (Maximum extension granted) (Left open at the 3/31/2016 meeting and postponed at the 5/3/2016 meeting) (Seated: Ramer (for Heller), Maitland, Alban, Levy, and Fox) (Moved to final site plan at the 6/7/2016 meeting) (Seated: Maitland, Alban, Yeskey [for Levy], Fox, and Ramer)

No Action

(b) River Road Development LLC; applications PLPZ 2016 00038 and PLPZ 2016 00039, for a final coastal site plan and special permit, to construct a 20,603 sq. ft. building, over 40,000 cubic feet in building volume, for a rowing club and related rowing and water dependent activities; replace the existing docks and floats with new docks conducive to launching rowing vessels, construct 66 parking spaces and 3 handicapped parking spaces and associated site and stormwater drainage improvements on a 1.36 acre property located at 89 River Road in the WB zone. (Staff: PL) (Must decide by 8/11/2016) (Heard at the 3/8/2016, 5/3/2016 and 6/7/2016 meetings) (Closed at the 6/7/2016 meeting) (Seated: Maitland, Alban, Macri [for Levy], Fox, and Ramer)

No Action
8.  **APPROVAL OF MINUTES:**

June 7, 2016

Motion to approve minutes of June 7, 2016
Moved by Alban, seconded by Fox
Voting in favor: Maitland, Alban, Macri *(for Levy)*, Fox, and Ramer
5-0

9.  **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:**

**24 East Elm Street LLC;** application PLPZ 2016 00074, for a re-zoning, to re-zone the property as a HO zone (as shown on a re-zoning map on file in the Town Clerk’s Office) on a 0.309 acre property located at 24 East Elm Street in the CGB zone. *(Staff: CT) (Must close by 7/9/2016) (Maximum extension granted) (Left Open at the 3/31/2016 meeting) (Seated: Ramer (for Heller), Maitland, Alban, Levy, and Fox)*

**24 East Elm Street LLC;** applications PLPZ 2016 00072 and PLPZ 2016 00073, for a preliminary site plan and special permit, to: permit a zone change to an historic overlay per Section 6-109.1(5)(a); protect and preserve the exterior of the principal structure; construct a compatible addition to the rear of the building with the new addition to be used as office use and the existing building remaining as a retail use, on a 0.309 acre property located at 24 East Elm Street in the CGB zone. *(Staff: CT) (Must close by 7/9/2016) (Maximum extension granted) (Left Open at the 3/31/2016 meeting) (Seated: Ramer (for Heller), Maitland, Alban, Levy, and Fox)*

**Clearwater Acquisitions, LLC** record owners, for a final site plan and special permit, PLPZ 2016 00068 and PLPZ 2016 00069, to incorporate the existing building at 315 West Putnam Avenue into the existing building at 279 West Putnam Avenue and expand the existing automobile dealership use of Miller Motor Cars into the adjacent existing building space on properties located at 273-315 West Putnam Avenue in the GB zone. *(Staff: PL) (Must close by 7/9/2016) (Maximum extension granted) (Left Open at the 3/31/2016 meeting) (Seated: Ramer (for Heller), Maitland, Macri (for Alban), Levy, and Fox)*

**Miller Partners 321 LLC;** applications PLPZ 2016 00070 and PLPZ 2016 00071, for a final site plan and special permit, to change the use of a building to
an automobile dealership, make changes to the façade, interior, and permit vehicle access into the building from West Putnam Avenue on a 34,086 sq. ft. property located at 321 West Putnam Avenue in the GB zone. (Staff: PL) (Must close by 7/9/2016) (Maximum extension granted) (Left Open at the 3/31/2016 meeting) (Seated: Ramer (for Heller), Maitland, Macri (for Alban), Levy, and Fox)

**Michael R. Natale, Jeffrey M. Natale, and Patrick J. Bria;** Application PLPZ 2016 00123 for a final subdivision to subdivide an existing 17,680 sq. ft. property into two (2) parcels where Parcel X would be 8,977 sq. ft., Parcel Y would be 8,701 sq. ft. and a 2,652 sq. ft. conservation easement (equal to 15% of the total lot area) at property located at 67 Bible Street in the R-6 zone. (Staff: MK) (Must decide by 7/2/2016) (Maximum extension granted) (Continued from the 4/19/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri [for Ramer who recused])

**Michael R. Natale, Jeffrey M. Natale, and Patrick J. Bria;** applications PLPZ 2016 00124 and PLPZ 2016 00125, for a final site plan and special permit, to construct a new two-family dwelling with three (3) bedrooms per unit, with new driveways, five (5) parking spaces (two garage, three outdoor), walkways, and drainage improvements on property located on proposed Parcel “X”, 8,977 sq. ft. in size, (pursuant to subdivision application PLPZ 2016 00123) at 67 Bible Street in the R-6 zone. (Staff: MK) (Must open by 7/16/2016) (Maximum extension granted) (Postponed at the 4/19/2016 meeting)

**Michael R. Natale, Jeffrey M. Natale, and Patrick J. Bria;** applications PLPZ 2016 00126 and PLPZ 2016 00127, for a final site plan and special permit, to construct a new two-family dwelling with three (3) bedrooms per unit, with new driveways, five (5) parking spaces (two garage, three outdoor), walkways, and drainage improvements on property located on Proposed Parcel “Y”, 8,701 sq. ft. in size, (pursuant to subdivision application PLPZ 2016 00123) at 67 Bible Street in the R-6 zone. (Staff: MK) (Must open by 7/16/2016) (Maximum extension granted) (Postponed at the 4/19/2016 meeting)

**94FPC LLC;** application PLPZ 2016 00172 for a final coastal site plan to construct a new 6,720 sq. f.t residence, pool, patio areas, reconstruct the existing driveway and associated site work on a 2.09 acres property located at 94 Field Point Circle in the RA-2 zone. (Staff: MA) (Must decide by 6/24/2016) (Maximum extension available to 8/13/2016) (Continued from the 6/7/2016 meeting) (Seated: Maitland, Alban, Yeskey [for Levy], Fox, and Ramer)

**Joanna Bronfman;** applications PLPZ 2016 00044 and PLPZ 2016 00045, for a final site plan and special permit, is seeking approval to operate a clinic on a 4.00 acres property located at 37 North Porchuck Road in the RA-4 zone. (Staff: CT) (Must close by 7/12/2016) (Maximum extension available to 7/16/16) (Opened at the 6/7/2016 meeting, no testimony taken)
The Housing Authority for the Town of Greenwich - Armstrong Court; applications PLPZ 2016 00187 and PLPZ 2016 00188, for a final site plan and special permit, for: renovations to the six (6) existing multi-family buildings including enclosing in exterior balconies and walkways, converting existing flat roofs to pitched roofs, making interior renovations making 10% more of the units ADA accessible and eliminating all one bedroom units and merging them with existing units, changing the unit counts to 96 two bedroom and 36 three bedroom units; construction of six (6) new multi-family buildings with six (6) two-bedroom and twelve (12) three-bedroom units; the creation of 57 additional parking spaces and associated site work, on a 14.998 acres property located at 0 Hamilton Avenue in the R-6 zone. (Staff: PL) (Must open by 6/23/2016) (Maximum extension available to 8/27/2016) (Continued from the 6/7/2016 meeting) (Seated: Maitland, Alban, Yeskey [for Levy], Fox, and Ramer)

Planning and Zoning Staff; application PLPZ 2016 00263, for a text amendment, to clarify language and only restrict liquor permits within CGB and CGBR zones for Section 6-194 LOCATION OF ALCOHOLIC ESTABLISHMENTS of the Town of Greenwich Building Zone Regulations as follows: TEXT IN BOLD TO BE ADDED, [TEXT IN BRACKETS TO BE DELETED] (Staff: KD) (Must open by 7/21/2016) (Maximum extension available to 9/24/2016) (Postponed at the 6/7/2016 meeting)

Sec. 6-194. LOCATION OF ALCOHOLIC ESTABLISHMENTS (11/17/97, 9/23/2014)

[(a) Every part of the location of such use in a building in which alcoholic beverages are consumed on the premises shall be (1,000) feet from any other location of such use in a building where alcoholic beverages are consumed on the premises under any class of permit as defined by the Liquor Control Act, except for restaurants with wine and beer or liquor permits in the GB Zone and LBR Zone or package store or grocery/beer permits.]

[(b) In the CGBR zone, the distance shall be at least four hundred (400) feet distant from any other location of such use in a building where alcoholic beverages are consumed on the premises under any class of permit except for package store or grocery/beer permits. Public areas of a tavern or restaurant selling alcoholic beverages under any permit as defined by the Liquor Control Act in the CGBR and CGIO zones are restricted to the ground floor of the building. (See Sec. 6-103.1 (B))]

(a) Within the CGB zone, there shall be at least one thousand (1,000) feet between commercial establishments where alcoholic beverages are sold under any class of permit defined under the Connecticut Liquor Control Act that permits alcohol consumption on the premises, which therefore excludes those establishments that sell alcohol under package store or grocery/beer permits.
(b) Within the CGBR zone, there shall be at least one thousand (400) feet between commercial establishments where alcoholic beverages are sold under any class of permit defined under the Connecticut Liquor Control Act that permits alcohol consumption on the premises, which therefore excludes those establishments that sell alcohol under package store or grocery/beer permits.

(c) Public areas of a tavern or restaurant selling alcoholic beverages under any permit as defined by the Liquor Control Act in the CGBR and CGIO zones are restricted to the ground floor of the building (See Sec. 6-103.1 (B)). For definitions of tavern, restaurant, café permit see the Connecticut Liquor Control Act.

(d) No Café Permits are permitted anywhere. No Club Liquor Licenses are permitted other than for Non-Profit Clubs.

Planning and Zoning Staff; application PLPZ 2016 00264, for a text amendment, to amend language for Section 6-127 HEIGHT EXCEPTIONS of the Town of Greenwich Building Zone Regulations as follows: **TEXT IN BOLD TO BE ADDED, [TEXT IN BRACKETS TO BE DELETED]**, (Staff: KD) (Must open by 7/21/2016) (Maximum extension available to 9/24/2016) (Postponed at the 6/7/2016 meeting)

Sec. 6-127. HEIGHT EXCEPTIONS.
[The building height limitations of this Article shall not apply to church spires, belfries, radio towers, cupolas, domes, monuments, water towers, chimneys, flues, or flag poles; to a parapet wall extending not more than four (4) feet above the limiting height of the buildings on which it rests, provided, however, that the Planning and Zoning Commission, or their designee, after giving due consideration to the Standards of Sec. 6-15 and 6-17 and after consultation with the Architectural Review Committee, may authorize an increase in the height of any such parapet wall in the event such increase is desirable in order to make mechanical equipment less visible and make the proposed building architecturally more compatible with surrounding buildings or the surrounding streetscape; to ventilators, skylights, air conditioning equipment, water tanks, bulkheads, roof-mounted satellite earth stations subject to provisions of Sec. 6-140.1., necessary mechanical appurtenances and similar features not used for human occupancy and usually extended above the roof level, provided that the total area covered by all such features shall, with the exception of bulkheads for stair towers, be enclosed in a single structure not exceeding twenty-five percent (25%) of the roof area, height of such structure shall not be more than seventeen (17) feet above the roof level, and the structure shall be set back one (1) foot for each one (1) foot of height above roof level on those sides of the building having street frontage. (10/07/85)]

(a) The following exceptions apply to the maximum building height
limitations of this Article:
(1) Church spires, belfries, or radio towers: No height limits
(2) Solar panels on a flat roof: No more than (6) six feet above height limits
(3) Roof parapets: No more than four (4) feet above height limits
(4) Stair and elevator access to the roof: Shall be set back one (1) foot from the roof’s edge for each one (1) foot of height above the roof level on all sides of the building. The requirements in side yards do not apply to structures in CGBR and LBR 1 and LBR 2. Height of stair access shall not exceed nine (9) feet. Height of elevator enclosure shall not exceed fifteen feet, six inches (15’6”). If there is a common lobby for stairs and elevator the combined area shall not exceed 300 square feet in size.
(5) Facilities on a roof including but not limited to barbeques, planters and spas: Shall not exceed four (4) feet in height and shall be set back two (2) feet on all sides of the building for each one (1) foot of height. If such objects are screened by a four (4) foot parapet wall, the setback shall not apply.
(6) Cupolas, domes, clerestories, chimneys, skylight, roof-mounted flags or flues:
   (A) Height shall not be more than twenty five percent (25%) above the height limits.
   (B) The cumulative square foot area of these structures shall not exceed 5% of the footprint of the roof area of the building on which it is located, or 100 square feet, whichever is less.
(7) Necessary mechanical appurtenances: Shall not exceed 15 feet above the roof level, shall be set back one (1) foot for each one (1) foot of height above roof level on all sides of the building, shall not exceed twenty-five percent (25%) of the roof area, and shall be enclosed in a single structure.

Planning and Zoning Staff; application PLPZ 2016 00265, for a text amendment, to amend Section 6-14.1 COMMISSION REVIEW OF SITE PLAN APPLICATIONS and Section 6-17 AUTHORIZATION OF USE BY SPECIAL PERMIT of the Town of Greenwich Building Zone Regulations as follows: TEXT IN BOLD TO BE ADDED, [TEXT IN BRACKETS TO BE DELETED], (Staff: KD) (Must open by 7/21/2016) (Maximum extension available to 9/24/2016) (Postponed at the 6/7/2016 meeting)

Sec. 6-14.1. COMMISSION REVIEW OF SITE PLAN APPLICATIONS.
[(e) Any site plan approval granted by the Commission, on which materially significant construction has not started within three years of such Commission approval, and is thereafter continued, shall become null and void. All construction must be completed within five years of such approval. Failure to complete all work within such five year period shall result in automatic expiration of the approval of such site plan. (2/7/2001)]
(e) Failure to complete all approved work under any site plan approval granted by the Commission within five years of the approval shall result in automatic expiration of the approval. The Commission may grant one or more extensions of time to complete all work not to exceed ten years from the date the site plan was approved.

Sec. 6-17. AUTHORIZATION OF USE BY SPECIAL PERMIT.

[f] Any special permit granted by the Commission and not exercised within a period of three (3) years from date of decision shall become null and void.

(f) Any special permit granted by the Commission shall expire when the corresponding site plan approval expires as noted in Sec 6-14.1(e).

Planning and Zoning Staff; application PLPZ 2016 00266, for a text amendment, regarding Section 6-110(g)(4) INCENTIVES to provide additional incentives in the LBR-2 Zone and Section 6-110(h)(4)(i) RESALE RESTRICTIONS to direct the reference to the correct section of the Town of Greenwich Building Zone Regulations as follows: **TEXT IN BOLD TO BE ADDED, [TEXT IN BRACKETS TO BE DELETED]** (Staff: KD) (Must open by 7/21/2016) (Maximum extension available to 9/24/2016) (Postponed at the 6/7/2016 meeting)

6-110(g) Incentives

(4) For the LBR-2 business zone [no] an increase [in] by one (1) story only over the number of stories otherwise allowed in this zone shall be permitted and [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;

6-110(h)(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)] **6-110(h)(3)(ii)** above.
TOWN OF GREENWICH
PLANNING AND ZONING COMMISSION

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

June 21, 2016
FINAL AGENDA

REGULAR MEETING 7:00 PM

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Application PLPZ 2016 00016 has been WITHDRAWN
4. Post Road Iron Works, Inc., Carriero Family Ltd. Partnership, William S. Gasparrini and Janice S. Gasparrini and Carriero Family Ltd. Partnership, William S. Gasparrini and Carriero Family Ltd. Partnership, William S. Gasparrini et al.; application PLPZ 2016 00017 for a Zoning Map Amendment, to re-zone six (6) properties located at 345 West Putnam Avenue (Tax ID 07-1148/S), 37 Oak Street (Tax ID 07-1425), 26 Hemlock Drive (Tax ID 07-2033/S), 0 West Putnam Avenue (Tax ID 07-1135/S, 07-2190/S, and 07-1136/S) currently in the GB and RA-1 zones to the newly proposed HODZ zone (as shown on a re-zoning map on file in the Town Clerk’s Office) (pursuant to pending text amendment application PLPZ 2016 00016) per Sections 6-22 of the Town of Greenwich Building Zone Regulations. (Staff: KD) (Must close by 7/9/2016) (Maximum extension granted to 7/9/2016) (Continued from the 4/5/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Ramer)

Application PLPZ 2016 00017 has been WITHDRAWN

5. Post Road Iron Works, Inc., Carriero Family Ltd. Partnership, William S. Gasparrini and Janice S. Gasparrini and Carriero Family Ltd. Partnership, William S. Gasparrini and Carriero Family Ltd. Partnership, William S. Gasparrini et al; applications PLPZ 2016 00015 and PLPZ 2016 00157 for a final site plan and special permit, to demolish the current buildings and construct a 397,485 sq. ft., 355 unit multi-family residential building with parking beneath for 559 vehicles, related site and stormwater drainage improvements, and where 30% of the proposed units (107 of the 355 total units) would be restricted affordable housing units for 40 years pursuant to Section 8-30g of the Connecticut General Statutes as a Set-Aside Affordable Housing Development and on six (6) properties located at 345 West Putnam Avenue (Tax ID 07-1148/S), 37 Oak Street (Tax ID 07-1425), 26 Hemlock Drive (Tax ID 07-2033/S), 0 West Putnam Avenue (Tax ID 07-1135/S, 07-2109/S and 07-1136/S) totaling 5.011 acres, currently in the GB and RA-1 zones and pursuant to pending text and zoning map amendment applications PLPZ 2016 00016 and PLPZ 2016 00017 for inclusion into a new zone entitled the Housing Opportunity Development Zone (“HODZ”). (Staff: KD) (Must close by 7/9/2016) (Maximum extension granted to 7/9/2016) (Continued from the 4/5/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Ramer) (Page Number: 113)

REGULAR MEETING CONTINUED

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June 7, 2016

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a. Executive Session on pending litigation or personnel matters.
b. Other items as may properly come before the Commission.
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Miller Partners 321 LLC; applications PLPZ 2016 00070 and PLPZ 2016 00071, for a final site plan and special permit, to change the use of a building to an automobile dealership, make changes to the façade, interior, and permit vehicle access into the building from West Putnam Avenue on a 34,086 sq. ft. property located at 321 West Putnam Avenue in the GB zone. (Staff: PL) (Must close by 7/9/2016) (Maximum extension granted) (Left Open at the 3/31/2016 meeting) (Seated: Ramer (for Heller), Maitland, Macri (for Alban), Levy, and Fox)

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Michael R. Natale, Jeffrey M. Natale, and Patrick J. Bria; applications PLPZ 2016 00126 and PLPZ 2016 00127, for a final site plan and special permit, to construct a new two-family dwelling with three (3) bedrooms per unit, with new driveways, five (5) parking spaces (two garage, three outdoor), walkways, and drainage improvements on property located on Proposed Parcel “Y”, 8,701 sq. ft. in size, (pursuant to subdivision application PLPZ 2016 00123) at 67 Bible Street in the R-6 zone. (Staff: MK) (Must open by 7/16/2016) (Maximum extension granted) (Postponed at the 4/19/2016 meeting)

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Joanna Bronfman; applications PLPZ 2016 00044 and PLPZ 2016 00045, for a final site plan and special permit, is seeking approval to operate a clinic on a 4.00 acres property located at 37 North Porchuck Road in the RA-4 zone. (Staff: CT) (Must close by 7/12/2016) (Maximum extension available to 7/16/16) (Opened at the 6/7/2016 meeting, no testimony taken)

The Housing Authority for the Town of Greenwich - Armstrong Court; applications PLPZ 2016 00187 and PLPZ 2016 00188, for a final site plan and special permit, for: renovations to the six (6) existing multi-family buildings including enclosing in exterior balconies and walkways, converting existing flat roofs to pitched roofs, making interior renovations making 10% more of the units ADA accessible and eliminating all one bedroom units and merging them with existing units, changing the unit counts to 96 two bedroom and 36 three bedroom units; construction of six (6) new multi-family buildings with six (6) two-bedroom and twelve (12) three-bedroom units; the creation of 57 additional parking spaces and associated site work, on a 14.998 acres property located at 0 Hamilton Avenue in the R-6 zone. (Staff: PL) (Must open by 6/23/2016) (Maximum extension available to 8/27/2016) (Continued from the 6/7/2016 meeting) (Seated: Maitland, Alban, Yeskey [for Levy], Fox, and Ramer)
Planning and Zoning Staff; application PLPZ 2016 00263, for a text amendment, to clarify language and only restrict liquor permits within CGB and CGBR zones for Section 6-194 LOCATION OF ALCOHOLIC ESTABLISHMENTS of the Town of Greenwich Building Zone Regulations as follows: **TEXT IN BOLD TO BE ADDED. [TEXT IN BRACKETS TO BE DELETED]** (Staff: KD) (Must open by 7/21/2016) (Maximum extension available to 9/24/2016) (Postponed at the 6/7/2016 meeting)

Sec. 6-194. LOCATION OF ALCOHOLIC ESTABLISHMENTS (11/17/97, 9/23/2014)

[(a) Every part of the location of such use in a building in which alcoholic beverages are consumed on the premises shall be (1,000) feet from any other location of such use in a building where alcoholic beverages are consumed on the premises under any class of permit as defined by the Liquor Control Act, except for restaurants with wine and beer or liquor permits in the GB Zone and LBR Zone or package store or grocery/beer permits.]

[(b) In the CGBR zone, the distance shall be at least four hundred (400) feet distant from any other location of such use in a building where alcoholic beverages are consumed on the premises under any class of permit except for package store or grocery/beer permits. Public areas of a tavern or restaurant selling alcoholic beverages under any permit as defined by the Liquor Control Act in the CGBR and CGIO zones are restricted to the ground floor of the building. (See Sec. 6-103.1 (B))]

(a) Within the CGB zone, there shall be at least one thousand (1,000) feet between commercial establishments where alcoholic beverages are sold under any class of permit defined under the Connecticut Liquor Control Act that permits alcohol consumption on the premises, which therefore excludes those establishments that sell alcohol under package store or grocery/beer permits.

(b) Within the CGBR zone, there shall be at least one thousand (400) feet between commercial establishments where alcoholic beverages are sold under any class of permit defined under the Connecticut Liquor Control Act that permits alcohol consumption on the premises, which therefore excludes those establishments that sell alcohol under package store or grocery/beer permits.

(c) Public areas of a tavern or restaurant selling alcoholic beverages under any permit as defined by the Liquor Control Act in the CGBR and CGIO zones are restricted to the ground floor of the building (See Sec. 6-103.1 (B)). For definitions of tavern, restaurant, café permit see the Connecticut Liquor Control Act.

(d) No Café Permits are permitted anywhere. No Club Liquor Licenses are
Permitted other than for Non-Profit Clubs.

**Planning and Zoning Staff:** application PLPZ 2016 00264, for a text amendment, to amend language for Section 6-127 HEIGHT EXCEPTIONS of the Town of Greenwich Building Zone Regulations as follows: **TEXT IN BOLD TO BE ADDED**, [TEXT IN BRACKETS TO BE DELETED], (Staff: KD) (Must open by 7/21/2016) (Maximum extension available to 9/24/2016) (Postponed at the 6/7/2016 meeting)

Sec. 6-127. HEIGHT EXCEPTIONS.

The building height limitations of this Article shall not apply to church spires, belfries, radio towers, cupolas, domes, monuments, water towers, chimneys, flues, or flag poles; to a parapet wall extending not more than four (4) feet above the limiting height of the buildings on which it rests, provided, however, that the Planning and Zoning Commission, or their designee, after giving due consideration to the Standards of Sec. 6-15 and 6-17 and after consultation with the Architectural Review Committee, may authorize an increase in the height of any such parapet wall in the event such increase is desirable in order to make mechanical equipment less visible and make the proposed building architecturally more compatible with surrounding buildings or the surrounding streetscape; to ventilators, skylights, air conditioning equipment, water tanks, bulkheads, roof-mounted satellite earth stations subject to provisions of Sec. 6-140.1., necessary mechanical appurtenances and similar features not used for human occupancy and usually extended above the roof level, provided that the total area covered by all such features shall, with the exception of bulkheads for stair towers, be enclosed in a single structure not exceeding twenty-five percent (25%) of the roof area, height of such structure shall not be more than seventeen (17) feet above the roof level, and the structure shall be set back one (1) foot for each one (1) foot of height above roof level on those sides of the building having street frontage. (10/07/85)]

(a) **The following exceptions apply to the maximum building height limitations of this Article:**

1. **Church spires, belfries, or radio towers:** No height limits
2. **Solar panels on a flat roof:** No more than (6) six feet above height limits
3. **Roof parapets:** No more than four (4) feet above height limits
4. **Stair and elevator access to the roof:** Shall be set back one (1) foot from the roof’s edge for each one (1) foot of height above the roof level on all sides of the building. The requirements in side yards do not apply to structures in CGBR and LBR 1 and LBR 2. Height of stair access shall not exceed nine (9) feet. Height of elevator enclosure shall not exceed fifteen feet, six inches (15’6”). If there is a common lobby for stairs and elevator the combined area shall not exceed 300 square feet in size.
5. **Facilities on a roof including but not limited to barbeques,**
planters and spas: Shall not exceed four (4) feet in height and shall be set back two (2) feet on all sides of the building for each one (1) foot of height. If such objects are screened by a four (4) foot parapet wall, the setback shall not apply.

(6) Cupolas, domes, clerestories, chimneys, skylight, roof-mounted flags or flues:
(A) Height shall not be more than twenty five percent (25%) above the height limits.
(B) The cumulative square foot area of these structures shall not exceed 5% of the footprint of the roof area of the building on which it is located, or 100 square feet, whichever is less.

(7) Necessary mechanical appurtenances: Shall not exceed 15 feet above the roof level, shall be set back one (1) foot for each one (1) foot of height above roof level on all sides of the building, shall not exceed twenty-five percent (25%) of the roof area, and shall be enclosed in a single structure.

Planning and Zoning Staff; application PLPZ 2016 00265, for a text amendment, to amend Section 6-14.1 COMMISSION REVIEW OF SITE PLAN APPLICATIONS and Section 6-17 AUTHORIZATION OF USE BY SPECIAL PERMIT of the Town of Greenwich Building Zone Regulations as follows:

TEXT IN BOLD TO BE ADDED, [TEXT IN BRACKETS TO BE DELETED], (Staff: KD) (Must open by 7/21/2016) (Maximum extension available to 9/24/2016) (Postponed at the 6/7/2016 meeting)

Sec. 6-14.1. COMMISSION REVIEW OF SITE PLAN APPLICATIONS.
[(e) Any site plan approval granted by the Commission, on which materially significant construction has not started within three years of such Commission approval, and is thereafter continued, shall become null and void. All construction must be completed within five years of such approval. Failure to complete all work within such five year period shall result in automatic expiration of the approval of such site plan. (2/7/2001)]

(e) Failure to complete all approved work under any site plan approval granted by the Commission within five years of the approval shall result in automatic expiration of the approval. The Commission may grant one or more extensions of time to complete all work not to exceed ten years from the date the site plan was approved.

Sec. 6-17. AUTHORIZATION OF USE BY SPECIAL PERMIT.
[(f) Any special permit granted by the Commission and not exercised within a period of three (3) years from date of decision shall become null and void.]

(f) Any special permit granted by the Commission shall expire when the corresponding site plan approval expires as noted in Sec 6-14.1(e).
Planning and Zoning Staff; application PLPZ 2016 00266, for a text amendment, regarding Section 6-110(g)(4) INCENTIVES to provide additional incentives in the LBR-2 Zone and Section 6-110(h)(4)(i) RESALE RESTRICTIONS to direct the reference to the correct section of the Town of Greenwich Building Zone Regulations as follows: **TEXT IN BOLD TO BE ADDED, [TEXT IN BRACKETS TO BE DELETED]** (Staff: KD) (Must open by 7/21/2016) (Maximum extension available to 9/24/2016) (Postponed at the 6/7/2016 meeting)

6-110(g) Incentives

(4) For the LBR-2 business zone [no] **an increase [in]** by one (1) story only over the number of stories otherwise allowed in this zone shall be permitted **and** [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;

6-110(h)(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)] 6-110(h)(3)(ii) above.
TOWN OF GREENWICH
PLANNING AND ZONING COMMISSION

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

June 21, 2016
TENTATIVE AGENDA

REGULAR MEETING 7:00 PM

1. 269 Palmer Hill Road LLC; request to extend the original ninety (90) days filing period for an additional ninety (90) days for application PLPZ 2016 00031 a final subdivision to subdivide one 9.8606 acre property into six lots and 1.5048 acres of set aside on property located at 269 Palmer Hill Road in the RA-1 zone approved at the 3/8/2016 meeting of the Planning and Zoning Commission. (Staff: PL) (Page Number: )

2. Katherine & Thomas Fleming, Trustees and Backcountry Calhoun LLC; application PLPZ 2016 00244 for a final subdivision for an equal area exchange consisting of 435 sq. ft. to correct an encroachment on which the driveway currently encroaches on properties located at 21 and 29 Calhoun Drive in the RA-1 zone. (Staff: MA) (Must decide by 6/25/2016) (Maximum extension available to 8/24/2016) (Page Number: )

PUBLIC HEARING 7:15 PM

3. Post Road Iron Works, Inc., Carriero Family Ltd. Partnership, William S. Gasparrini and Janice S. Gasparrini and Carriero Family Ltd. Partnership, William S. Gasparrini and Carriero Family Ltd. Partnership, William S. Gasparrini et al; application PLPZ 2016 00016, for a text amendment, per Section 6-22 of the Town of Greenwich Building Zone Regulations to create a new housing opportunity development zone “(HODZ)” and create new regulatory language under and new Division of the Town’s Building Zone Regulations (to be Division 22, Sections 6-210 through 6-216). (Staff: KD) (Must close by 7/9/2016) (Maximum extension granted to 7/9/2016) (Continued from the 4/5/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Ramer) (Page Number: )

See Appendix “A” of this Agenda for complete language
4. **Post Road Iron Works, Inc., Carriero Family Ltd. Partnership, William S. Gasparrini and Janice S. Gasparrini and Carriero Family Ltd. Partnership, William S. Gasparrini and Carriero Family Ltd. Partnership, William S. Gasparrini et al.;** application PLPZ 2016 00017 for a Zoning Map Amendment, to re-zone six (6) properties located at 345 West Putnam Avenue (Tax ID 07-1148/S), 37 Oak Street (Tax ID 07-1425), 26 Hemlock Drive (Tax ID 07-2033/S), 0 West Putnam Avenue (Tax ID 07-1135/S, 07-2190/S, and 07-1136/S) currently in the GB and RA-1 zones to the newly proposed HODZ zone (as shown on a re-zoning map on file in the Town Clerk’s Office) (pursuant to pending text amendment application PLPZ 2016 00016) per Sections 6-22 of the Town of Greenwich Building Zone Regulations. *(Staff: KD) (Must close by 7/9/2016) (Maximum extension granted to 7/9/2016) (Continued from the 4/5/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Ramer) (Page Number: )*

5. **Post Road Iron Works, Inc., Carriero Family Ltd. Partnership, William S. Gasparrini and Janice S. Gasparrini and Carriero Family Ltd. Partnership, William S. Gasparrini and Carriero Family Ltd. Partnership, William S. Gasparrini et al;** applications PLPZ 2016 00015 and PLPZ 2016 00157 for a final site plan and special permit, to demolish the current buildings and construct a 397,485 sq. ft., 355 unit multi-family residential building with parking beneath for 559 vehicles, related site and stormwater drainage improvements, and where 30% of the proposed units (107 of the 355 total units) would be restricted affordable housing units for 40 years pursuant to Section 8-30g of the Connecticut General Statutes as a Set-Aside Affordable Housing Development and on six (6) properties located at 345 West Putnam Avenue (Tax ID 07-1148/S) , 37 Oak Street (Tax ID 07-1425), 26 Hemlock Drive (Tax ID 07-2033/S), 0 West Putnam Avenue (Tax ID 07-1135/S, 07-2109/S and 07-1136/S) totaling 5.011 acres, currently in the GB and RA-1 zones and pursuant to pending text and zoning map amendment applications PLPZ 2016 00016 and PLPZ 2016 00017 for inclusion into a new zone entitled the Housing Opportunity Development Zone (“HODZ”). *(Staff: KD) (Must close by 7/9/2016) (Maximum extension granted to 7/9/2016) (Continued from the 4/5/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Ramer) (Page Number: )

**REGULAR MEETING CONTINUED**

6. DISCUSSION ITEMS:
7. DECISION ITEMS:

(a) **Town of Greenwich Board of Education – New Lebanon School;**
application PLPZ 2016 00142, for a **special permit only**, to demolish the existing New Lebanon School building and replace it with a new 61,230 sq. ft. school building, expand onsite parking to 85 parking spaces, expand parent pick up, drop-off and bus lane capacity, emergency access to the north side of the building, two playground areas, site lighting, landscaping, stormwater management and sewer improvements on a 7.6 acres property located at 25 Mead Ave in the R-6 zone. *(Staff: PL) (Must close by 7/9/2016) (Maximum extension granted) (Left open at the 3/31/2016 meeting and postponed at the 5/3/2016 meeting) (Seated: Ramer (for Heller), Maitland, Alban, Levy, and Fox) (Moved to final site plan at the 6/7/2016 meeting) (Seated: Maitland, Alban, Yeskey [for Levy], Fox, and Ramer)*

(b) **River Road Development LLC;** applications PLPZ 2016 00038 and PLPZ 2016 00039, for a **final coastal site plan and special permit**, to construct a 20,603 sq. ft. building, over 40,000 cubic feet in building volume, for a rowing club and related rowing and water dependent activities; replace the existing docks and floats with new docks conducive to launching rowing vessels, construct 66 parking spaces and 3 handicapped parking spaces and associated site and stormwater drainage improvements on a 1.36 acre property located at 89 River Road in the WB zone. *(Staff: PL) (Must decide by 6/16/2016) (Maximum extension granted) (Continued from the 3/8/2016 and 5/3/16 meetings) (Seated: Maitland, Alban, Macri (for Levy), Fox, and Ramer) (Closed at the 6/7/2016 meeting, no action taken)*

8. APPROVAL OF MINUTES:

June 7, 2016

9. 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:

24 East Elm Street LLC; application PLPZ 2016 00074, for a re-zoning, to re-zone the property as a HO zone (as shown on a re-zoning map on file in the Town Clerk’s Office) on a 0.309 acre property located at 24 East Elm Street in the CGB zone. (Staff: CT) (Must close by 7/9/2016) (Maximum extension granted) (Left Open at the 3/31/2016 meeting) (Seated: Ramer (for Heller), Maitland, Alban, Levy, and Fox)

24 East Elm Street LLC; applications PLPZ 2016 00072 and PLPZ 2016 00073, for a preliminary site plan and special permit, to: permit a zone change to an historic overlay per Section 6-109.1(5)(a); protect and preserve the exterior of the principal structure; construct a compatible addition to the rear of the building with the new addition to be used as office use and the existing building remaining as a retail use, on a 0.309 acre property located at 24 East Elm Street in the CGB zone. (Staff: CT) (Must close by 7/9/2016) (Maximum extension granted) (Left Open at the 3/31/2016 meeting) (Seated: Ramer (for Heller), Maitland, Alban, Levy, and Fox)

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(a) Within the CGB zone, there shall be at least one thousand (1,000) feet between commercial establishments where alcoholic beverages are sold under any class of permit defined under the Connecticut Liquor Control Act that permits alcohol consumption on the premises, which therefore excludes those establishments that sell alcohol under package store or grocery/beer permits.

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2. **Solar panels on a flat roof:** No more than (6) six feet above height limits
3. **Roof parapets:** No more than four (4) feet above height limits
4. **Stair and elevator access to the roof:** Shall be set back one (1) foot from the roof’s edge for each one (1) foot of height above the roof level on all sides of the building. The requirements in side yards do not apply to structures in CGBR and LBR 1 and LBR 2. Height of stair access shall not exceed nine (9) feet. Height of elevator enclosure shall not exceed fifteen feet, six inches (15’6”). If there is a common lobby for stairs and elevator the combined area shall not exceed 300 square feet in size.
5. **Facilities on a roof including but not limited to barbeques,**
planters and spas: Shall not exceed four (4) feet in height and shall be set back two (2) feet on all sides of the building for each one (1) foot of height. If such objects are screened by a four (4) foot parapet wall, the setback shall not apply.

(6) Cupolas, domes, clerestories, chimneys, skylight, roof-mounted flags or flues:
   (A) Height shall not be more than twenty five percent (25%) above the height limits.
   (B) The cumulative square foot area of these structures shall not exceed 5% of the footprint of the roof area of the building on which it is located, or 100 square feet, whichever is less.

(7) Necessary mechanical appurtenances: Shall not exceed 15 feet above the roof level, shall be set back one (1) foot for each one (1) foot of height above roof level on all sides of the building, shall not exceed twenty-five percent (25%) of the roof area, and shall be enclosed in a single structure.

Planning and Zoning Staff; application PLPZ 2016 00265, for a text amendment, to amend Section 6-14.1 COMMISSION REVIEW OF SITE PLAN APPLICATIONS and Section 6-17 AUTHORIZATION OF USE BY SPECIAL PERMIT of the Town of Greenwich Building Zone Regulations as follows:

TEXT IN BOLD TO BE ADDED, [TEXT IN BRACKETS TO BE DELETED],

Sec. 6-14.1. COMMISSION REVIEW OF SITE PLAN APPLICATIONS.
[(e) Any site plan approval granted by the Commission, on which materially significant construction has not started within three years of such Commission approval, and is thereafter continued, shall become null and void. All construction must be completed within five years of such approval. Failure to complete all work within such five year period shall result in automatic expiration of the approval of such site plan. (2/7/2001)]

(e) Failure to complete all approved work under any site plan approval granted by the Commission within five years of the approval shall result in automatic expiration of the approval. The Commission may grant one or more extensions of time to complete all work not to exceed ten years from the date the site plan was approved.

Sec. 6-17. AUTHORIZATION OF USE BY SPECIAL PERMIT.
[(f) Any special permit granted by the Commission and not exercised within a period of three (3) years from date of decision shall become null and void.]

(f) Any special permit granted by the Commission shall expire when the corresponding site plan approval expires as noted in Sec 6-14.1(e).
Planning and Zoning Staff; application PLPZ 2016 00266, for a text amendment, regarding Section 6-110(g)(4) INCENTIVES to provide additional incentives in the LBR-2 Zone and Section 6-110(h)(4)(i) RESALE RESTRICTIONS to direct the reference to the correct section of the Town of Greenwich Building Zone Regulations as follows: TEXT IN BOLD TO BE ADDED, [TEXT IN BRACKETS TO BE DELETED] (Staff: KD) (Must open by 7/21/2016) (Maximum extension available to 9/24/2016) (Postponed at the 6/7/2016 meeting)

6-110(g) Incentives

(4) For the LBR-2 business zone [no] an increase [in] by one (1) story only over the number of stories otherwise allowed in this zone shall be permitted and [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;

6-110(h)(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)] 6-110(h)(3)(ii) above.
Appendix A
TEXT IN BOLD TO BE ADDED as follows:

DIVISION 22
HOUSING OPPORTUNITY DEVELOPMENT ZONE

6-210 **Purpose:** The Housing Opportunity Development Zone ("HODZ") is a zone established to meet the housing needs of the community by increasing the availability of affordable housing and providing an alternative to single family home ownership.

6-211 **Definitions:** The following definitions shall apply to development in the HODZ.

A. "Affordable Housing Law" means the provisions of (i) Connecticut General Statutes §§8-30g through §8-30i, inclusive, and (ii) Regulations of Connecticut Agencies, §§8-30g-1 through 8-30g-11, inclusive, in effect on the date any affordable housing application, as defined in C.G.S. §8-30g(a)(2), is delivered to the Greenwich Planning and Zoning Department.

B. "Floor Area, Gross" for a building in the HODZ shall include all the floor space contained within the exterior walls of the building with no deduction for any interior walls but shall not include (i) any area within a building devoted to off-street parking or loading and (ii) the area of any inner courts.

C. "Housing Opportunity Development" ("HOD") means a proposed multifamily affordable housing development on property zoned HODZ which is either "assisted housing" or a "set aside development" as those terms are defined in C.G.S. §8-30g(a) (3) and (6) respectively.

D. "Housing Opportunity Unit" means a housing unit for which the maximum rent or maximum sale price is calculated and maintained for the requisite period so that qualified persons and families pay thirty
percent (30%) or less of their annual income in accordance with the provisions of Affordable Housing Law.

E. “Lot Area” shall mean the gross horizontal area contained within the perimeter property lines of a lot, or an assemblage of lots, without diminution or deduction.

6-212 Permitted Uses in the HODZ: Subject to approval of a site plan by the Planning and Zoning Commission, the following principal and accessory uses shall be permitted in the HODZ:

A. A HOD. The housing units in a HOD may either be sold or rented.

B. Accessory buildings, structures and uses customarily associated with multifamily residential development including, without limitation, tennis courts, swimming pools, recreation facilities and buildings, community and meeting rooms, model units, management/leasing office, maintenance, storage and utility buildings, parking garages.

C. Accessory signs, including, but not limited to, directional and informational signs necessary for the public safety or convenience, one or more wall signs and a free-standing sign at each entrance to a HOD for the identification of the residential community.

D. Off-street parking facilities for residents and visitors.

E. Home occupation or home office for residents subject to, and in accordance with, the provisions of Section 6-95(b) of the Greenwich Building Zone Regulations.

6-213 General Provisions:

A. Property shall be rezoned to HODZ if the applicant demonstrates: (i) a need for affordable housing opportunities in Greenwich, (ii) that the property which is the subject of a zone change application consists of no less than three (3) acres, no more than ten (10) acres and is presently located in a residential zone, a business or commercial zone, or an industrial zone that does not prohibit all residential uses, (iii) that the property which is the subject of a zone change application has access to a public water supply and is served by a public sanitary sewer system and (iv) that the property which is the subject of a zone change application has access to a public street.

B. A change of zone to HODZ shall not require a change to the town’s Plan of Conservation and Development.
C. Notwithstanding any provision of the Greenwich Building Zone Regulations to the contrary, a HOD shall not require approval of a special permit or special exception.

D. If there is an inconsistency or conflict between any provision, standard, requirement or procedure in any other section of the Greenwich Building Zone Regulations and the provisions, standards, requirements and procedures of this Division 22, the provisions, standards, requirements and procedures of this Division 22 shall control and apply to the proposed (i) change of zone to HODZ and (ii) development of a HOD.

E. Inner courts shall be allowed in the HODZ for all multifamily residential buildings, regardless of the height or the number of stories of such building, in accordance with, but not more stringent than, the applicable provisions of the State of Connecticut Building Code.

F. Except as otherwise provided in this Division 22, all development in the HODZ shall comply with the Area and Building Requirements set forth in Section 6-216 of this Division 22.

G. The definition of “Lot Frontage” in Section 6-5 of the Greenwich Building Zone Regulations shall not apply to property in the HODZ zone.

H. The Planning and Zoning Commission shall review and approve the site plan for a HOD in accordance with the standards set forth in Connecticut General Statutes §8-30g provided the standards of this Division 22 are satisfied.

6-214 Site Plan Application:

A. No application for preliminary site plan approval shall be required for a HOD.


C. In addition to the requirements of Section 6-214(B), an application for final site plan approval of a HOD should include, as applicable: (i) a soil and erosion control plan and narrative, (ii) a storm water management report, (iii) coastal area management report, and (iv) a traffic study.
D. Each application for final site plan approval of a HOD shall include a proposed Affordability Plan which demonstrates, among other things, compliance with applicable Affordable Housing Law, including, without limitation, the following:

i. that Housing Opportunity Units shall be of a construction quality and size that is comparable to market-rate units within the HOD, shall be dispersed throughout the HOD and allocated pro-rata among the various unit types; i.e. studio, one, two and three bedroom housing units.

ii. if the HOD is to be built in phases, the Housing Opportunity Units will be built on a pro rata basis as construction proceeds.

iii. that Housing Opportunity Units shall be occupied only as the primary residence of the purchaser or tenant, as applicable. Subletting shall be prohibited by any lease for a Housing Opportunity Unit.

iv. that the applicant or its successor may change the designation of which housing units within a HOD shall be set aside as Housing Opportunity Units, provided that the minimum thirty percent (30%) set aside shall be maintained for a forty (40) year period as provided by Section 8-30g(a)(1)(B) of the Connecticut General Statutes, and provided further that the HOD as a whole shall continue to comply with the provisions of this Section 6-214(D).

v. that the forty (40) year affordability period shall be calculated separately for each Housing Opportunity Unit and shall begin on the date a Housing Opportunity Unit is first leased or sold to a qualified household, as applicable.

vi. that at the same time that the market-rate units in a HOD are first advertised to the general public, notice of availability of Housing Opportunity Units shall be provided by advertising such availability in the real estate section of a newspaper of general circulation in the Town of Greenwich, and by providing written notice to the Town of Greenwich Town Clerk, Mayor, and the Greenwich Planning and Zoning Commission.

vii. that the Planning and Zoning Commission may, as a condition of final site plan approval, require an annual report from the applicant or its successors verifying unit occupant income and
HOD compliance with the applicable requirements of this Section 6-214(D).

viii. that the Planning and Zoning Commission may require the applicant to provide a draft of a proposed deed, restrictive covenant, apartment lease, declaration of common interest community or other legal document reasonably requested by the Commission, as applicable, to demonstrate compliance of the HOD with the requirements of this Division 22. Such proposed documents may be incorporated by the Commission as a condition of approval of a HOD.

E. All principal residential buildings in a HOD shall be equipped with internal fire suppression (sprinkler) systems, in accordance with, but not more stringent than, the applicable provisions of the State of Connecticut Building Code.

F. When possible, site improvements and storm water management systems for a HOD shall incorporate low impact design features and best management practices.

G. No application for final site plan approval of a HOD shall be referred to, or require the approval of, the Architectural Review Committee.

6-215 General Standards for Site Plan Approval:

A. A HOD may not be located on less than three (3) or on more than ten (10) acres of land in the HODZ and must have access to an improved public street.

B. A minimum of thirty percent (30%) of the housing units in a HOD shall be designated as Housing Opportunity Units.

C. Except as provided in Section 6-215(S), all principal residential buildings shall be setback a minimum of twenty (20) feet from a perimeter property line and a minimum of fifty (50) feet from a public street.

D. Except as provided in Section 6-215(E), all accessory structures shall be setback a minimum of fifteen (15) feet from either (i) a perimeter property line or (ii) a public street.

E. There shall be no minimum setback from either a perimeter property line or a public street for the following: pedestrian sidewalks, parking spaces, internal roadways or driveways, fences and retaining walls,
gates, transformers and switching gear, storm water facilities and structures, underground galleys, vaults and pipes.

F. The height of retaining walls independent of a building, including any fencing or guard rails along the top of a retaining wall, shall not exceed twenty (20) feet.

G. A HOD shall be supplied with adequate water from a public water supply and connected to a public sanitary sewerage system.

H. All utilities (except for transformers, switch gear and meters) within a HOD shall be placed underground.

I. 1.5 off-street parking spaces shall be required for each housing unit in a HOD, which number of parking spaces shall include visitor parking. The number, size, designation, location and markings of parking spaces for the handicapped shall be as per the State of Connecticut Building Code. Handicapped parking spaces shall be included in the total number of required parking spaces and shall not be in addition thereto.

J. Sidewalks shall be provided within a HOD in order to provide a safe and convenient pedestrian network. Sidewalks shall be a minimum of four feet wide and constructed of cement concrete unless an alternative surface is approved by the Planning and Zoning Commission.

K. All internal driveways or roadways (other than for gated emergency access, which shall be a minimum of twenty feet (20 feet) in width) shall be a minimum of twenty-two feet (22') in width and designed to accommodate two-way traffic.

L. Internal driveways or roadways shall be designed to facilitate traffic circulation and emergency vehicle movement. There shall be at least two means of access from a public street into a HOD.

M. Any reports and recommendations concerning an application for final site plan approval for a HOD from Town of Greenwich Engineering, Sewer, Health, Traffic, Building, Public Works, Fire, Planning or other town agency or official shall be advisory only.

N. The maximum number of housing units in a HOD shall be determined as follows:
   (i) for property with direct access to West Putnam Avenue or other urban principal arterial street designated by the CT Department of Transportation, 75 housing units per acre of lot area; and (ii) for all other property, 35 housing units per acre of lot area.
O. Filling with, and removal of, rock and other earthen materials, and the onsite processing of same, shall be permitted in connection with the development of a lot pursuant to, and in accordance with, an approved final site plan in the HODZ.

P. Rooftop mechanical equipment other than solar panels or wind turbines shall be screened from view.

Q. The building height limitations for a HOD shall not apply to chimneys; flues; flag poles; parapet walls extending not more than five (5) feet above the limiting height of the building on which they rest; ventilators; skylights; air conditioning equipment; necessary mechanical equipment or appurtenances not used for human occupancy and usually extending above the roof level, including, without limitation, elevator enclosures and stair towers; and satellite earth stations.

R. The use of any basement area for accessory residential services including, without limitation, resident storage, trash rooms, parking and loading areas, mechanical equipment and elevator and stair lobbies, shall not cause the basement to be defined as a “story.”

S. Architectural projections, including, but not limited to bays, overhangs, balconies, accent trims, cornices and eaves may project or extend up to five (5) feet into any required yard or court.

T. Free standing fences used for landscaping purposes shall not exceed six feet (6 feet) without the approval of the Planning and Zoning Commission.

U. Landscaping for a HOD shall be designed to provide an aesthetically pleasing environment for residents and abutting properties and not to act as a building screen.

6-216 Area and Building Requirements: The following area and building requirements apply to the HODZ:

A. Minimum/Maximum Lot Area: 3.0 acres/10.0 acres

B. Maximum Floor Area Ratio (excluding all parking structures):
   i. for a HOD with direct access to West Putnam Avenue or other urban principal arterial street designated by the CT Dept. of Transportation: 2.0
   ii. for all other HOD’s: 1.0

C. Minimum Yard Requirements:
   
   (1) Principal Buildings:
(2) Accessory Buildings:

i. front yard 15 feet
ii. side yard 15 feet
iii. rear yard 15 feet

D. Maximum Building Height: 80 feet and 7 stories (subject to the provisions of Sections 6-215(Q and R))

E. Maximum Lot Coverage: 80%

F. Maximum Building Coverage: 50%

G. Minimum Street Frontage: 50 feet

H. Minimum Lot Shape, exclusive of access ways: 150 feet diameter circle

I. Allowed signs in the HODZ shall comply with the following standards:

i. Free standing signs may be either ground signs or pole signs; the area of each sign face shall not exceed 50 sq. ft. and the maximum height shall not exceed 15 ft. above the surface of the ground;

ii. Each face of a directional or informational sign shall not exceed 10 sq. ft.;

iii. Wall signs shall not exceed 50 sq. ft. each;

iv. All signs on a lot, excluding directional, window and door signs, shall not exceed 2 sq. ft. for each foot of building frontage;

v. Signs permitted by, and in accordance with, Sections 6-164(a)(F) and 6-164(a)(G) of the Greenwich Building Zone Regulations shall be allowed in the HODZ;
vi. The provisions of Sections 6-166 and 6-168 of the Greenwich Building Zone Regulations shall be applicable to all signs in a HOD.