

## 1. Meeting Materials

### Documents:

[AUGUST 1, 2017 FINAL AGENDA.PDF](#)  
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TENTATIVE AGENDA

FINAL AGENDA

ACTION AGENDA

# TOWN OF GREENWICH PLANNING AND ZONING COMMISSION

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

**August 1, 2017**  
**FINAL AGENDA**

## REGULAR MEETING 6:30 PM

1. **Fairview Country Club, Inc. and Convent of the Sacred Heart;** application PLPZ 2017 00333, for a final subdivision to convey 0.818 acres of the 9.295 acres “Gorge Parcel” owned by the Convent of the Sacred Heart to the 198.73 acres “Fairview Country Club” parcel at 1241 King Street on properties located at 0 and 1241 King Street in the RA-4 Zone. *(Staff: CT) (Must decide by 8/28/2017) (Maximum extension available to 10/27/2017) (Page Number: 20)*
2. **BR & GK Real Estate, LLC;** application PLPZ 2017 00334, for a final site plan, to convert an existing office space on the first floor of the building into a pre-school for sixteen (16) children, ages three (3) and under, and four (4) staff, to be operated by Chabad Lubavitch of Greenwich, build a new exterior staircase to the first floor, and reconfigure the existing rear staircase on a 5,909 sq. ft. property located at 6 Lincoln Avenue in the CGB zone. *(Staff: MA) (Must decide by 9/14/2017) (Maximum extension available to 11/18/2017) (Page Number: 99)*
3. **1073 King Street, LLC;** application PLPZ 2017 00193, for a final site plan to construct an addition to the existing dwelling, driveways, parking areas; related drainage and septic systems improvements; and new signage to operate a retail-food establishment and office use on a 28,648 sq. ft. property located at 1073 King Street currently in the RA-2 zone but requesting a building zone map amendment to re-zone the subject property to the LBR-1 Zone (per application PLPZ 2017 00194). *(Staff: KD) (Must decide by 8/4/2017) (Extension granted to 8/4/2017) (Maximum extension available to 9/9/2017) (Continued from the 6/27/2017 meeting) (Seated: Maitland, Alban, Goss [for Levy], Fox, and Macri) (Page Number: 138)*

## PUBLIC HEARING 7:15 PM

4. **J&J Greenwich, LLC**; applications PLPZ 2017 00195 and PLPZ 2017 00196, for a final site plan and special permit, to merge 1137 East Putnam Avenue and 5 Sheephill Road; remove the existing structures; and construct a new four-story, 40,931 sq. ft. mixed-use building with moderate-income housing units on properties located at 5 Sheephill Road and 1137 East Putnam Avenue in the LB zone. (Staff: KD) (**Must close by 8/1/2017**) (Maximum extension available to 10/5/2017) (Continued from the 6/27/2017 meeting) (Seated: Maitland, Alban, Goss [for Levy], Fox, and Macri) (Page Number: 151)
5. **143 Sound Beach Avenue Associates LP**; applications PLPZ 2017 00317 and PLPZ 2017 00318, for a final coastal site plan and special permit, to construct a 60 unit multi-family residential building with parking for 47 vehicles, related site and stormwater drainage improvements, and where 30% of the proposed units would be restricted affordable housing units for 40 years pursuant to Section 8-30g of the Connecticut General Statutes on a 18,391 sq. ft. property located at 143 Sound Beach Avenue in the LBR-2 zone. (Staff: KD) (**Must open by 8/31/2017**) (Maximum extension available to 11/4/2017) (Page Number: 167)
6. **Bryan & Aysha French**; applications PLPZ 2017 00177 and PLPZ 2017 00178, for a final site plan and special permit, to extend the second floor toward the rear and over the exiting footprint, construct a new detached garage in the rear of the parcel, construct two small decks, expand the driveway in the rear yard, and related site and drainage improvements on a 10,000 sq. ft. property located at 54 and 56 Prospect Street in the R-6 zone. (Staff: AP) (**Must open by 8/17/2017**) (Maximum extension available to 10/21/2017) (Page Number: 313)
7. **Brandon and Blair Hall**; applications PLPZ 2017 00150 and PLPZ 2017 00151, for a final site plan and special permit, to remove the existing features on-site and construct a new single family dwelling, pool, pool house, sports court, paved driveway, and related site and drainage improvements on a 2.6884-acres property located at 41 Rock Ridge Avenue in the RA-2 zone. (Staff: MA) (**Must close by 8/2/2017**) (Extension to close granted to 8/2/17) (Maximum extension available to 9/21/2017) (Continued from the 6/13/2017, and 7/18/2017 meetings) (Seated: Maitland, Alban, Levy, Yeskey [for Fox at the 7/18/2017 meeting], and Macri) (Page Number: 340)
8. **Planning and Zoning Staff**; application PLPZ 2017 00299 for a text amendment, to amend Sections 6-5 and 6-134 as detailed below: **TEXT IN BOLD TO BE ADDED** [TEXT IN BRACKETS TO BE DELETED] (Staff: KD) (**Must close by 8/22/2017**) (Extension available to 10/26/2017) (Continued from the 7/18/2017 meeting) (Seated: Maitland, Alban, Levy, Yeskey [for Fox], and Macri) (Page Number: 370)

### Section 6-5. DEFINITIONS

(a) As used in this Article:

(2.2) Attic. An attic is the space between the top of the ceiling joists of the top story and the bottom of the roof rafters. (4/14/2010)

(3.3) Basement. A basement is that portion of a building that is partly or completely below the grade plane. [See Sec. 6-45.1 “Story Above Grade” to determine when basement is counted as a story. (11/25/2008)]

(9) Building Height [shall mean] is the vertical distance measured from the grade plane to the highest point of the roof. See Diagram No. 1 (4/30/2002)

[(22) Floor Area, Gross for buildings in non-residential zones shall include all the floor space contained within the exterior walls of the building with no deduction for any interior walls. Floor area, gross, shall not include areas below grade when devoted to the following uses: (A) Mechanical spaces, (B) Parking, (C) Storage (when related to the principal use of the building) but shall include all other below grade areas. An area below grade shall mean that portion of a building partially underground having  $\frac{1}{2}$  or more than  $\frac{1}{2}$  of its clear height below the grade plane. (6/11/86) (4/30/2002)]

**(22) Floor Area, Gross shall mean the sum of all floor area on a property as calculated in accordance with Section 6-134.** [for buildings in any residential zone shall include all interior areas between the interior surfaces of the perimeter walls of the building. No deductions shall be made for anything between the interior surfaces of the perimeter walls including, but not limited to, interior walls, staircases, chimneys, mechanical spaces, structural elements and closets. In the event there is an open atrium space, the open area in the upper level or levels is not counted when calculating Gross Floor Area (GFA). (4/30/2002)

(A) With respect to the inclusion of Attic space within Gross Floor Area the following shall apply:

The area of the attic floor that is below a plane that is seven (7') feet above the finished attic floor shall be included within Gross Floor Area, except as noted in (a) and (b) below, whether or not the attic area is accessible by pull-down stair, permanent stairs or can be accessed from an adjoining room. See Diagram No. 2

(a) Notwithstanding the foregoing, for buildings existing as of the effective date of this amendment, where the attic space has been solely accessible via “pull down” stairs or ceiling scuttle and the attic floor has not been included in the determination of Gross Floor Area for purposes of calculating Floor Area Ratio, such floor area shall continue not to be included in the determination of Gross Floor Area for purposes of calculating Floor Area Ratio. If, any time after the effective date of this amendment, access to such attic space is made available via fixed stairs or through an adjacent room, the floor area of such attic space shall be included in the determination of Gross Floor Area as provided in Sec. 6-5(22.1)(A) above.

(b) For areas below dormers, whether individual or shed type dormers, which have a ceiling height of five (5) feet or more, such areas shall be included in the determination of Gross Floor Area for purposes of calculating Floor Area Ratio and Story as defined in Sec. 6-5 (45). See Diagram No. 2. (4/30/2002)

(B) With respect to the inclusion of Basement within Gross Floor Area, the following shall apply:

1. Where the finished surface of the floor above the basement is less than three (3) feet above the grade plane and at all points the floor of the basement is more than four (4) feet below the grade plane the basement shall not be included within Gross Floor Area. See Diagram No. 3.

2. Where the finished surface of the floor above the basement is more than three (3) feet and less than five (5) feet above the grade plane, then 50% of the remaining space, after the exclusions stated below shall be included when calculating Gross Floor Area:

(a) Crawl spaces, space for parking, space for laundry equipment and space for building mechanical equipment shall not be included within Gross Floor Area. See Diagram No. 3.

(b) The following standards shall be applied in calculating the area to be excluded from Gross Floor Area:

- 300 sq. ft. per vehicle; no tandem spaces permitted
- 100 sq. ft. of space for laundry equipment
- 100 sq. ft. of space for mechanical equipment

3. Where the finished surface of the floor above the basement is more than five (5) feet above the grade plane, then 100% of the space, excluding crawl space, shall be included when calculating Gross Floor Area. See Diagram No. 3. (4/19/2006)

(C) The effect of Subsection (A) and (B) above shall not preserve legally non-conforming square footage in excess of the maximum floor area ratio. Basement and attic areas, which, as a result of these amendments, are no longer included in floor area ratio may be replicated only to the extent that they do not exceed the floor area ratio limitations. (4/30/2002)]

(23) Floor Area Ratio shall mean the ratio of the aggregate [Gross Floor Area] **Floor Area, Gross** of all buildings on a lot (including accessory structures having walls and a roof, such as pool houses, sheds, and garages) to the total area of the lot excluding underwater coastal lands as described in Sec. 6-138 and excluding that land over which a right-of-way for a private road exists. (11/25/2008)

(24) Floor Area, Usable shall mean 75% of the [Gross Floor Area] **Floor Area, Gross** as defined in (22) above. (6/11/86)

(26) Grade Plane. A reference plane representing the weighted average of the finished ground level adjoining the building at all exterior walls as set forth below: If retaining walls are constructed to create the finished grade used to determine the grade plane, the height and spacing of the retaining walls must be in

compliance with [Sec. 6-134(b)]. **Sec. 6-134(d), 6-134(e), and/or 6-134(f) (see Diagram #1 and 1a).** If the finished grade slopes downward from the exterior walls, the reference plane shall be established as follows: (5/4/2005)

-If any portion of the building, not including projections permitted by Sec. 6-128, is [ten (10)] **six (6)** feet or less from the lot line, the reference plane with respect to that portion of the building shall be established by the lowest points within the area between the building and the lot line; and

-If any portion of the building, not including projections permitted by Sec. 6-128, is more than [ten (10)] **six (6)** feet from the lot line, the reference plane with respect to that portion of the building shall be established by the lowest points within the area, which is [ten] **six (6)** feet from the building.

-If fill is added to create the finished grade, establishment of the reference plane shall be determined by measurement of the actual finished grade after fill is added.

-If a retaining wall is placed on a property line and the property line is [ten (10)] **six (6)** feet or less from the building, the lowest finished grade on either side of the wall shall be used to calculate the reference plane.  
(4/30/2002)

-If the structure is in the Flood Hazard Overlay Zone, see also Section 6-139.1(c)(22.1) (6/17/2014)

(45) Story shall mean that portion of a building above the basement, [except as further defined in Sec. 6-5 (45.1)], included between the upper surface of a floor and the upper surface of the floor or roof next above it. In the CGBR zone, that portion of the building considered below grade shall also be defined as a "story" if it is habitable floor area used for other than storage, parking or mechanical space. [A "half-story" is any space under the gable, hip or gambrel roof, the gross floor area of which, including dormers as described in Section 6-5 (22.1) (A) 1 (b), does not exceed forty (40) percent of the floor area next below when measured at a plane seven feet zero inches (7'0") above the floor directly below the roof. It shall be counted as a full story if the said forty (40) percent is exceeded. See Diagram No. 4. (4/30/2002)]

**(45.1) Half-Story. A "half-story" is any space under the gable, hip or gambrel roof, the gross floor area of which, including dormers, does not exceed 40% of the floor area immediately below in the R-6 through RA-1 zones, and 50% of the floor area immediately below in the RA-2 and RA-4 zones and in the commercial zones when measured at a plane seven feet above the floor directly below the roof. For areas below dormers, whether individual or shed type dormers, which have a ceiling height of five (5) feet or more, such areas shall be included in the determination of Gross Floor, Area for purposes of calculating a Story as defined in Sec. 6-5(45). See Diagram No. 4. (4/30/2002)**

[(45.1)] **(45.2)** Story Above Grade shall be any story having its finished floor surface entirely above the grade plane except that a basement shall be considered as a Story Above Grade when the finished surface of the floor above the basement is:

1. More than five (5) feet above the grade plane; or
- [2. More than five (5) feet above the finished grade at the wall of the building for more than thirty (30) percent of the total linear measurement of the perimeter wall of the building; or]
- [3.] **2.** More than [fourteen (14)] **twelve (12)** feet above the finished grade at the perimeter of the building at any point. See Diagram No. 5.  
(4/30/2002; 9/28/2010)

#### **Sec. 6-134. MEASUREMENTS.**

**(a) For buildings in any residential zone, the Floor Area, Gross shall include all interior areas between the interior surfaces of the perimeter walls of the building. No deductions shall be made for anything between the interior surfaces of the perimeter walls including, but not limited to, interior walls, staircases chimneys, mechanical spaces, structural elements and closets. In the event there is an open atrium space or elevator shaft, the open area in the upper level or levels is not counted when calculating Gross Floor Area (GFA). The open area shall count on at least one level. (4/30/2002). The inclusion or exclusion of a Basement in the measure of "Floor Area, Gross," is as follows:**

- 1) Where the finished surface of the floor above the basement is less than three (3) feet above the grade plane and at all points the floor of the basement is more than four (4) feet below the grade plane the basement shall not be included within Gross Floor Area. See Diagram No. 3.; or**
- 2) Where the finished surface of the floor above the basement is more than three (3) feet and less than five (5) feet above the grade plane, then 50% of the remaining space, after the exclusions stated below shall be included when calculating Gross Floor Area:**
  - A. Crawl spaces, space for parking, space for laundry equipment and space for building mechanical equipment shall not be included within Gross Floor Area. See Diagram No. 3.**
  - B. The following standards shall be applied in calculating the area to be excluded from Gross Floor Area:**
    - i. 300 sq. ft. per vehicle; no tandem spaces permitted**
    - ii. 100 sq. ft. of space for laundry equipment**
    - iii. 100 sq. ft. of space for mechanical equipment; or**
- 3) Where the finished surface of the floor above the basement is more than five (5) feet above the grade plane, then 100% of the space, excluding crawl space, shall be included when calculating Gross Floor Area. See Diagram No. 3. (4/19/2006)**

- 4) The effect of Subsection (1) and (2) above shall not preserve legally non-conforming square footage in excess of the maximum Floor Area Ratio.
- (b) For buildings in non-residential zones, the Floor Area, Gross shall include all the floor space contained within the exterior walls of the building with no deduction for any interior walls. Floor area, gross, shall not include areas below grade when devoted to the following uses: (A) Mechanical spaces, (B) Parking, (C) Storage (when related to the principal use of the building) but shall include all other below grade areas. An area below grade shall mean that portion of a building partially underground having  $\frac{1}{2}$  or more than  $\frac{1}{2}$  of its clear height below the grade plane. (6/11/86) (4/30/2002)
- (c) Attic space is excluded from "Floor Area, Gross," when:
  - 1) The property is in a residential zone and is used for residential uses.
  - 2) The space meets the definition of half-story; and
  - 3) There is a common intersection of the exterior roof, the roof rafter, and the ceiling joists (see Diagram #4); and
- (d) Walls that are used to determine grade plane are subject to the following height and distance limits:
  - 1) R-6, R-7 zone: 2'6" high with at least 6' width between the walls
  - 2) R-12, R-20 zone: 3' high with at least 10' width between walls
  - 3) RA-1 zone: 3'6" high with at least 15' width between walls
  - 4) RA-2, RA-4 zone: 4' high with at least 15' width between walls
- (e) Multiple retaining walls shall be spaced so that the minimum height and width is provided, as noted in 6-134(d), between the back of the first wall to the face of the second wall (see Diagram #1). Multiple walls may be eliminated if the lowest grade plane wall is built and the slope of fill from top of this wall to a point which is six (6) feet from foundation wall does not exceed:
  - 1) R-6, R-7 zone: slope not to exceed 33%\*
  - 2) R-12, R-20 zone: slope not to exceed 26%\*
  - 3) RA-1 zone: slope not to exceed 21%\*
  - 4) RA-2, RA-4 zone: slope not to exceed 24%\*

\*There shall be no more than 2% slope within the grade plane envelope (six (6) feet out from the building (see Diagram 1A)).
- (f) Grade Plane walls in all non-residential zones, the height of the retaining wall above the next outward level shall not be greater than five (5) feet. Multiple retaining walls shall be spaced so that a minimum five (5) foot wide horizontal strip is provided between the back of the first wall to the face of the second wall. (4/19/2006)
- (g) Window wells shall not be calculated as the lowest point for grade plane purposes if the inside dimension along the foundation wall does not exceed six (6) feet and the dimension outward from the foundation is not greater than required by building code egress purposes. Egress window wells are not permitted within five (5) feet of the property lines.
- (h) [(a)] All measurements specified in this Article involving distances between similar uses or between a use and a zone boundary line shall be measured along



the center line of the adjacent and intervening street or streets with terminal points located as follows:

- (1) In the case of a gasoline filling or service station, the nearest edge of the premises at street frontage extended at right angles to the center line of the street.
- (2) In the case of all other uses, the inside face of the building wall surrounding the use extended at right angles to the center line of the street.
- (3) In the case of a zone boundary line, the point where the boundary line intersects with the center line of the street along which the measurement is taken.

[(b) When determining Grade Plane if fill is retained by a retaining wall, the height of the retaining wall above the next outward level shall not be greater than five (5) feet. Multiple retaining walls shall be spaced so that a minimum five (5) foot wide horizontal strip is provided between the face of each wall and the face of the next wall. (4/19/2006)]

*NOTE: All diagrams are available to view at [www.greenwichct.org](http://www.greenwichct.org) or in the Planning and Zoning Office.*

9. **56 OFP, LLC**; applications PLPZ 2017 00177 and PLPZ 2017 00178, for a final site plan and special permit, to construct a new multi-family building to contain eight (8) units and a sixteen (16) car parking garage, six (6) surface parking spaces and related site and drainage improvements, on a 34,380.31 sq. ft. property located at 56 Old Field Point Road in the R-6 zone. (*Staff: PL*) (**Must close by 8/2/2017**) (*Maximum extension available to 9/21/2017*) (*Continued from the 6/13/2017 meeting*) (*Seated: Maitland, Alban, Levy, Fox, and Macri*) (*Page Number: 382*)
10. **Greenwich Avenue – Annex, Willgreen Holdings, LLC**; applications PLPZ 2017 00206, PLPZ 2017 00207, for a preliminary site plan and special permit, to convert the vacant 2<sup>nd</sup> floor of the annex building into two apartments, remove the existing car elevator, and associated bulkhead, construct a new fire stair and elevator, and remove a fire escape that extends onto the municipal parking lot to the west, on a 18,268 sq. ft. property located at 140 Greenwich Avenue in the CGBR zone. (*Staff: AP*) (**Must close by 8/1/2017**) (*Maximum extension available to 10/5/2017*) (*Continued from the 6/27/2017 meeting*) (*Seated: Maitland, Alban, Goss [for Levy], Fox, and Macri*) (*Page Number: 517*)

## REGULAR MEETING CONTINUED

11. **DISCUSSION ITEMS:**

12. **DECISION ITEMS:**

- a. **Stanwich Congregational Church, and Greenwich Center for Hope and Renewal (GCHR);** applications PLPZ 2017 00006 and PLPZ 2017 00007, for a final site plan and special permit, to permit the use of the Church property by a charitable institution providing counseling services in accordance with Section 6-94(b)(1) on property located at 237 Taconic Road in the RA-4 zone. *(Staff: MK) (Must decide by 8/17/2017) (Maximum extension available to 8/19/2017) (Closed at the 6/13/2017 meeting with no action taken) (Seated: Maitland, Alban, Levy, Fox, and Macri)*
- b. **20 Idar Court, LLC;** applications PLPZ 2017 00020 and PLPZ 2017 00021, for a final site plan and special permit, to construct a 7,765 sq. ft. three (3) unit residence with parking for eight (8) vehicles, new driveway areas, and stormwater management improvements on a 14,663 sq. ft. property located at 20 Idar Court in the R-6 zone. *(Staff: CT) (Closed at the 6/27/2017 meeting, no action taken) (Must decide by 8/31/2017) (Maximum Extension available to 9/9/2017) (Continued from the 6/1/2017 and 6/13/2017 meetings) (Seated: Maitland, Alban, Levy, Fox, and Macri) (Seated at the 6/27/2017 meeting: Maitland, Alban, Goss [for Levy], Fox, and Macri)*
- c. **1073 King Street, LLC;** application PLPZ 2017 00194, for a Building Zone Map Amendment, to re-zone the property from RA-2 to LBR-1 zone, as shown on a re-zoning map on file in the Town Clerk's Office for a 28,648 sq. ft. property located at 1073 King Street in the RA-2 zone. *(Staff: KD) (Must decide by 8/31/2017) (Maximum extension available to 9/9/2017) (Closed at the 6/27/2017 meeting) (Seated: Maitland, Alban, Goss [for Levy], Fox, and Macri)*
- d. **Peterson Equities, LTD, and Sharon R. Gillespie, Executrix of the Estate of Roselyn E. Peterson;** applications PLPZ 2017 00061 and PLPZ 2017 00062, for a final site plan and special permit, to remove three (3) existing multi-family residential buildings; and construct two (2) new multi-family residential buildings, each to contain six (6) units, above a common parking garage for twenty-two (22) vehicles, roof-top recreation facilities; and related site and drainage improvements, on properties located at 71 Sound View Drive, 115 and 125 Field Point Road, totaling 1.299-acres in size in the R-6 zone. *(Staff: PL) (Must decide by 9/14/2017) (Maximum extension available to 9/30/2017) (Closed at the 7/11/2017 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri)*

13. **APPROVAL OF MINUTES:**

July 11, 2017  
July 18, 2017

14. **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:**

**Oneida Indian Harbor LLC;** applications PLPZ 2017 00225 and PLPZ 2017 00226, for a final coastal site plan and special permit, to renovate an existing 2 ½ story, 8,752 sq. ft. single family home, construct an addition and new accessory building increasing the gross floor area to 12,575.21 sq. ft., new patio areas, a parking court and resurfacing of the existing driveway on a 3.057-acres property located at 58 Oneida Drive in the R-20 zone. *(Staff: MK) (Must close by 10/5/2017) (Maximum extension granted) (Continued from the 6/27/2017 meeting) (Seated: Maitland, Alban, Goss [for Levy], Fox, and Macri)*

**259 Millbank Avenue, LLC, 261 Millbank Avenue, LLC, 263 Millbank Avenue, LLC, Virginia T. Lauricella, Wilma E. Lauricella, Marie L. Krumeich, Martin Rader, Trustee, Santina Kerry, Donna Simmons, Anthony Dennis, and Carole McCabe;** application PLPZ 2017 00264 for a final subdivision to merge the properties located at 255, 257, 259, 261 & 263 Millbank Avenue and 71 Havemeyer Place in the R-6 zone. *(Staff: PL) (Must decide by 9/8/2017) (Extension to decide granted to 9/8/17. Maximum extension available to 9/28/2017) (Continued from the 7/11/2017 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri)*

**259 Millbank Avenue, LLC, 261 Millbank Avenue, LLC, 263 Millbank Avenue, LLC, Virginia T. Lauricella, Wilma E. Lauricella, Marie L. Krumeich, Martin Rader, Trustee, Santina Kerry, Donna Simmons, Anthony Dennis, and Carole McCabe;** applications PLPZ 2017 00262 and PLPZ 2017 00263, for a final site plan and special permit, to demolish five (5) single-family homes and one (1) multifamily home, and construct a new nineteen (19) unit multi-family dwelling, underground parking for thirty-six (36) vehicles, on-grade parking for eighteen (14) vehicles, landscaping and related site improvements on properties totaling 84,767 square feet and located at 255, 257, 259, 261, and 263 Millbank Avenue, and 71 Havemeyer Place in the R-6 zone. *(Staff: PL) (Must close by 9/8/2017) (Extension to close granted to 9/8/2017. Maximum extension available to 10/19/2017) (Continued from the 7/11/2017 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri)*

**The Anthis Corporation;** applications PLPZ 2017 00268 and PLPZ 2017 00269, for a final site plan and special permit, to change uses in the building and convert the basement level to active commercial space related to the first floor use, remove commercial use from the second floor and convert it to storage, employee

lounge and administrative office to be used in connection with the first and basement floor use, and convert the third floor to a single residential dwelling unit on a 3,482 square foot property located at 33 Lewis Street in the CGBR zone. (Staff: MK) (Must close by 9/8/2017) (Extension to close granted to 9/8/2017. Maximum extension available to 10/19/2017)

**Tom Kennedy et. al;** applications PLPZ 2017 00211 and PLPZ 2017 00212, for a final site plan and special permit, to construct additions to the existing two-family house, construct a new driveway, two (2) garage spaces, four (4) parking surface parking spaces and associated site and drainage improvements on a 16,297 sq. ft. property located at 58 Spring Street in the R-6 zone. (Staff: CT) (Must close by 8/1/2017) (Maximum extension available to 10/5/2017) (Continued from the 6/27/2017 meeting) (Seated: Maitland, Alban, Goss [for Levy], Fox, and Macri)

**Windy Knolls Greenwich, LLC;** applications PLPZ 2017 00249 and PLPZ 2017 00250, for a final site plan and special permit, to construct a three-family dwelling, new driveway, parking for eight (8) vehicles and associated site improvements on a 14,465 square feet property located at 42 Windy Knolls in the R-6 zone. (Staff: MA) (Must close by 9/20/2017) (Extension to close granted to 9/20/2017. Maximum extension available to 10/19/2017) (Continued from the 7/11/2017 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri)

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3. **1073 King Street, LLC;** application PLPZ 2017 00193, for a final site plan to construct an addition to the existing dwelling, driveways, parking areas; related drainage and septic systems improvements; and new signage to operate a retail-food establishment and office use on a 28,648 sq. ft. property located at 1073 King Street currently in the RA-2 zone but requesting a building zone map amendment to re-zone the subject property to the LBR-1 Zone (per application PLPZ 2017 00194). (Staff: KD) (**Must decide by 8/4/2017**) (Extension granted to 8/4/2017) (Maximum extension available to 9/9/2017) (Continued from the 6/27/2017 meeting) (Seated: Maitland, Alban, Goss [for Levy], Fox, and Macri)

## PUBLIC HEARING 7:15 PM

4. **J&J Greenwich, LLC;** applications PLPZ 2017 00195 and PLPZ 2017 00196, for a final site plan and special permit, to merge 1137 East Putnam Avenue and 5 Sheephill Road; remove the existing structures; and construct a new four-story, 40,931 sq. ft. mixed-use building with moderate-income housing units on properties located at 5 Sheephill Road and 1137 East Putnam Avenue in the LB zone. *(Staff: KD) (Must close by 8/1/2017) (Maximum extension available to 10/5/2017) (Continued from the 6/27/2017 meeting) (Seated: Maitland, Alban, Goss [for Levy], Fox, and Macri)*
5. **143 Sound Beach Avenue Associates LP;** applications PLPZ 2017 00317 and PLPZ 2017 00318, for a final coastal site plan and special permit, to construct a 60 unit multi-family residential building with parking for 47 vehicles, related site and stormwater drainage improvements, and where 30% of the proposed units would be restricted affordable housing units for 40 years pursuant to Section 8-30g of the Connecticut General Statutes on a 18,391 sq. ft. property located at 143 Sound Beach Avenue in the LBR-2 zone. *(Staff: KD) (Must open by 8/31/2017) (Maximum extension available to 11/4/2017)*
6. **Bryan & Aysha French;** applications PLPZ 2017 00177 and PLPZ 2017 00178, for a final site plan and special permit, to extend the second floor toward the rear and over the exiting footprint, construct a new detached garage in the rear of the parcel, construct two small decks, expand the driveway in the rear yard, and related site and drainage improvements on a 10,000 sq. ft. property located at 54 and 56 Prospect Street in the R-6 zone. *(Staff: AP) (Must open by 8/17/2017) (Maximum extension available to 10/21/2017)*
7. **Brandon and Blair Hall;** applications PLPZ 2017 00150 and PLPZ 2017 00151, for a final site plan and special permit, to remove the existing features on-site and construct a new single family dwelling, pool, pool house, sports court, paved driveway, and related site and drainage improvements on a 2.6884-acres property located at 41 Rock Ridge Avenue in the RA-2 zone. *(Staff: MA) (Must close by 8/2/2017) (Extension to close granted to 8/2/17) (Maximum extension available to 9/21/2017) (Continued from the 6/13/2017, and 7/18/2017 meetings) (Seated: Maitland, Alban, Levy, Yeskey [for Fox at the 7/18/2017 meeting], and Macri)*
8. **Planning and Zoning Staff;** application PLPZ 2017 00299 for a text amendment, to amend Sections 6-5 and 6-134 as detailed below: **TEXT IN BOLD TO BE ADDED** [TEXT IN BRACKETS TO BE DELETED] *(Staff: KD) (Must close by 8/22/2017) (Extension available to 10/26/2017) (Continued from the 7/18/2017 meeting) (Seated: Maitland, Alban, Levy, Yeskey [for Fox], and Macri)*

### Section 6-5. DEFINITIONS

- (a) As used in this Article:

(2.2) Attic. An attic is the space between the top of the ceiling joists of the top story and the bottom of the roof rafters. (4/14/2010)

(3.3) Basement. A basement is that portion of a building that is partly or completely below the grade plane. [See Sec. 6-45.1 “Story Above Grade” to determine when basement is counted as a story. (11/25/2008)]

(9) Building Height [shall mean] is the vertical distance measured from the grade plane to the highest point of the roof. See Diagram No. 1 (4/30/2002)

[(22) Floor Area, Gross for buildings in non-residential zones shall include all the floor space contained within the exterior walls of the building with no deduction for any interior walls. Floor area, gross, shall not include areas below grade when devoted to the following uses: (A) Mechanical spaces, (B) Parking, (C) Storage (when related to the principal use of the building) but shall include all other below grade areas. An area below grade shall mean that portion of a building partially underground having  $\frac{1}{2}$  or more than  $\frac{1}{2}$  of its clear height below the grade plane. (6/11/86) (4/30/2002)]

**(22) Floor Area, Gross shall mean the sum of all floor area on a property as calculated in accordance with Section 6-134.** [for buildings in any residential zone shall include all interior areas between the interior surfaces of the perimeter walls of the building. No deductions shall be made for anything between the interior surfaces of the perimeter walls including, but not limited to, interior walls, staircases, chimneys, mechanical spaces, structural elements and closets. In the event there is an open atrium space, the open area in the upper level or levels is not counted when calculating Gross Floor Area (GFA). (4/30/2002)

(A) With respect to the inclusion of Attic space within Gross Floor Area the following shall apply:

The area of the attic floor that is below a plane that is seven (7') feet above the finished attic floor shall be included within Gross Floor Area, except as noted in (a) and (b) below, whether or not the attic area is accessible by pull-down stair, permanent stairs or can be accessed from an adjoining room. See Diagram No. 2

(a) Notwithstanding the foregoing, for buildings existing as of the effective date of this amendment, where the attic space has been solely accessible via “pull down” stairs or ceiling scuttle and the attic floor has not been included in the determination of Gross Floor Area for purposes of calculating Floor Area Ratio, such floor area shall continue not to be included in the determination of Gross Floor Area for purposes of calculating Floor Area Ratio. If, any time after the effective date of this amendment, access to such attic space is made available via fixed stairs or through an adjacent room, the floor area of such attic space shall be included in the determination of Gross Floor Area as provided in Sec. 6-5(22.1)(A) above.

(b) For areas below dormers, whether individual or shed type dormers, which have a ceiling height of five (5) feet or more, such areas shall be included in the

determination of Gross Floor Area for purposes of calculating Floor Area Ratio and Story as defined in Sec. 6-5 (45). See Diagram No. 2. (4/30/2002)

(B) With respect to the inclusion of Basement within Gross Floor Area, the following shall apply:

1. Where the finished surface of the floor above the basement is less than three (3) feet above the grade plane and at all points the floor of the basement is more than four (4) feet below the grade plane the basement shall not be included within Gross Floor Area. See Diagram No. 3.

2. Where the finished surface of the floor above the basement is more than three (3) feet and less than five (5) feet above the grade plane, then 50% of the remaining space, after the exclusions stated below shall be included when calculating Gross Floor Area:

(a) Crawl spaces, space for parking, space for laundry equipment and space for building mechanical equipment shall not be included within Gross Floor Area. See Diagram No. 3.

(b) The following standards shall be applied in calculating the area to be excluded from Gross Floor Area:

- 300 sq. ft. per vehicle; no tandem spaces permitted
- 100 sq. ft. of space for laundry equipment
- 100 sq. ft. of space for mechanical equipment

3. Where the finished surface of the floor above the basement is more than five (5) feet above the grade plane, then 100% of the space, excluding crawl space, shall be included when calculating Gross Floor Area. See Diagram No. 3. (4/19/2006)

(C) The effect of Subsection (A) and (B) above shall not preserve legally non-conforming square footage in excess of the maximum floor area ratio. Basement and attic areas, which, as a result of these amendments, are no longer included in floor area ratio may be replicated only to the extent that they do not exceed the floor area ratio limitations. (4/30/2002)]

(23) Floor Area Ratio shall mean the ratio of the aggregate [Gross Floor Area] **Floor Area, Gross** of all buildings on a lot (including accessory structures having walls and a roof, such as pool houses, sheds, and garages) to the total area of the lot excluding underwater coastal lands as described in Sec. 6-138 and excluding that land over which a right-of-way for a private road exists. (11/25/2008)

(24) Floor Area, Usable shall mean 75% of the [Gross Floor Area] **Floor Area, Gross** as defined in (22) above. (6/11/86)

(26) Grade Plane. A reference plane representing the weighted average of the finished ground level adjoining the building at all exterior walls as set forth below: If retaining walls are constructed to create the finished grade used to determine the grade plane, the height and spacing of the retaining walls must be in compliance with [Sec. 6-134(b)].**Sec. 6-134(d), 6-134(e), and/or 6-134(f)** (see



**Diagram #1 and 1a).** If the finished grade slopes downward from the exterior walls, the reference plane shall be established as follows: (5/4/2005)

-If any portion of the building, not including projections permitted by Sec. 6-128, is [ten (10)] **six (6)** feet or less from the lot line, the reference plane with respect to that portion of the building shall be established by the lowest points within the area between the building and the lot line; and

-If any portion of the building, not including projections permitted by Sec. 6-128, is more than [ten (10)] **six (6)** feet from the lot line, the reference plane with respect to that portion of the building shall be established by the lowest points within the area, which is [ten] **six (6)** feet from the building.

-If fill is added to create the finished grade, establishment of the reference plane shall be determined by measurement of the actual finished grade after fill is added.

-If a retaining wall is placed on a property line and the property line is [ten (10)] **six (6)** feet or less from the building, the lowest finished grade on either side of the wall shall be used to calculate the reference plane.  
(4/30/2002)

-If the structure is in the Flood Hazard Overlay Zone, see also Section 6-139.1(c)(22.1) (6/17/2014)

(45) Story shall mean that portion of a building above the basement, [except as further defined in Sec. 6-5 (45.1)], included between the upper surface of a floor and the upper surface of the floor or roof next above it. In the CGBR zone, that portion of the building considered below grade shall also be defined as a "story" if it is habitable floor area used for other than storage, parking or mechanical space. [A "half-story" is any space under the gable, hip or gambrel roof, the gross floor area of which, including dormers as described in Section 6-5 (22.1) (A) 1 (b), does not exceed forty (40) percent of the floor area next below when measured at a plane seven feet zero inches (7'0") above the floor directly below the roof. It shall be counted as a full story if the said forty (40) percent is exceeded. See Diagram No. 4. (4/30/2002)]

**(45.1) Half-Story. A "half-story" is any space under the gable, hip or gambrel roof, the gross floor area of which, including dormers, does not exceed 40% of the floor area immediately below in the R-6 through RA-1 zones, and 50% of the floor area immediately below in the RA-2 and RA-4 zones and in the commercial zones when measured at a plane seven feet above the floor directly below the roof. For areas below dormers, whether individual or shed type dormers, which have a ceiling height of five (5) feet or more, such areas shall be included in the determination of Gross Floor, Area for purposes of calculating a Story as defined in Sec. 6-5(45). See Diagram No. 4. (4/30/2002)**

[(45.1)] **(45.2) Story Above Grade** shall be any story having its finished floor surface entirely above the grade plane except that a basement shall be considered

as a Story Above Grade when the finished surface of the floor above the basement is:

1. More than five (5) feet above the grade plane; or
- [2. More than five (5) feet above the finished grade at the wall of the building for more than thirty (30) percent of the total linear measurement of the perimeter wall of the building; or]
- [3.] **2. More than [fourteen (14)] twelve (12) feet above the finished grade at the perimeter of the building at any point. See Diagram No. 5.**  
(4/30/2002; 9/28/2010)

#### **Sec. 6-134. MEASUREMENTS.**

**(a) For buildings in any residential zone, the Floor Area, Gross shall include all interior areas between the interior surfaces of the perimeter walls of the building. No deductions shall be made for anything between the interior surfaces of the perimeter walls including, but not limited to, interior walls, staircases chimneys, mechanical spaces, structural elements and closets. In the event there is an open atrium space or elevator shaft, the open area in the upper level or levels is not counted when calculating Gross Floor Area (GFA). The open area shall count on at least one level. (4/30/2002). The inclusion or exclusion of a Basement in the measure of "Floor Area, Gross," is as follows:**

- 1) Where the finished surface of the floor above the basement is less than three (3) feet above the grade plane and at all points the floor of the basement is more than four (4) feet below the grade plane the basement shall not be included within Gross Floor Area. See Diagram No. 3.; or**
- 2) Where the finished surface of the floor above the basement is more than three (3) feet and less than five (5) feet above the grade plane, then 50% of the remaining space, after the exclusions stated below shall be included when calculating Gross Floor Area:**
  - A. Crawl spaces, space for parking, space for laundry equipment and space for building mechanical equipment shall not be included within Gross Floor Area. See Diagram No. 3.**
  - B. The following standards shall be applied in calculating the area to be excluded from Gross Floor Area:**
    - i. 300 sq. ft. per vehicle; no tandem spaces permitted**
    - ii. 100 sq. ft. of space for laundry equipment**
    - iii. 100 sq. ft. of space for mechanical equipment; or**
- 3) Where the finished surface of the floor above the basement is more than five (5) feet above the grade plane, then 100% of the space, excluding crawl space, shall be included when calculating Gross Floor Area. See Diagram No. 3. (4/19/2006)**

- 4) **The effect of Subsection (1) and (2) above shall not preserve legally non-conforming square footage in excess of the maximum Floor Area Ratio.**
- (b) **For buildings in non-residential zones, the Floor Area, Gross shall include all the floor space contained within the exterior walls of the building with no deduction for any interior walls. Floor area, gross, shall not include areas below grade when devoted to the following uses: (A) Mechanical spaces, (B) Parking, (C) Storage (when related to the principal use of the building) but shall include all other below grade areas. An area below grade shall mean that portion of a building partially underground having  $\frac{1}{2}$  or more than  $\frac{1}{2}$  of its clear height below the grade plane. (6/11/86) (4/30/2002)**
- (c) **Attic space is excluded from "Floor Area, Gross," when:**
  - 1) **The property is in a residential zone and is used for residential uses.**
  - 2) **The space meets the definition of half-story; and**
  - 3) **There is a common intersection of the exterior roof, the roof rafter, and the ceiling joists (see Diagram #4); and**
- (d) **Walls that are used to determine grade plane are subject to the following height and distance limits:**
  - 1) **R-6, R-7 zone: 2'6" high with at least 6' width between the walls**
  - 2) **R-12, R-20 zone: 3' high with at least 10' width between walls**
  - 3) **RA-1 zone: 3'6" high with at least 15' width between walls**
  - 4) **RA-2, RA-4 zone: 4' high with at least 15' width between walls**
- (e) **Multiple retaining walls shall be spaced so that the minimum height and width is provided, as noted in 6-134(d), between the back of the first wall to the face of the second wall (see Diagram #1). Multiple walls may be eliminated if the lowest grade plane wall is built and the slope of fill from top of this wall to a point which is six (6) feet from foundation wall does not exceed:**
  - 1) **R-6, R-7 zone: slope not to exceed 33%\***
  - 2) **R-12, R-20 zone: slope not to exceed 26%\***
  - 3) **RA-1 zone: slope not to exceed 21%\***
  - 4) **RA-2, RA-4 zone: slope not to exceed 24%\***

**\*There shall be no more than 2% slope within the grade plane envelope (six (6) feet out from the building (see Diagram 1A)).**
- (f) **Grade Plane walls in all non-residential zones, the height of the retaining wall above the next outward level shall not be greater than five (5) feet. Multiple retaining walls shall be spaced so that a minimum five (5) foot wide horizontal strip is provided between the back of the first wall to the face of the second wall. (4/19/2006)**
- (g) **Window wells shall not be calculated as the lowest point for grade plane purposes if the inside dimension along the foundation wall does not exceed six (6) feet and the dimension outward from the foundation is not greater than required by building code egress purposes. Egress window wells are not permitted within five (5) feet of the property lines.**
- (h) [(a)] **All measurements specified in this Article involving distances between similar uses or between a use and a zone boundary line shall be measured along**

the center line of the adjacent and intervening street or streets with terminal points located as follows:

- (1) In the case of a gasoline filling or service station, the nearest edge of the premises at street frontage extended at right angles to the center line of the street.
- (2) In the case of all other uses, the inside face of the building wall surrounding the use extended at right angles to the center line of the street.
- (3) In the case of a zone boundary line, the point where the boundary line intersects with the center line of the street along which the measurement is taken.

[(b) When determining Grade Plane if fill is retained by a retaining wall, the height of the retaining wall above the next outward level shall not be greater than five (5) feet. Multiple retaining walls shall be spaced so that a minimum five (5) foot wide horizontal strip is provided between the face of each wall and the face of the next wall. (4/19/2006)]

*NOTE: All diagrams are available to view at [www.greenwichct.org](http://www.greenwichct.org) or in the Planning and Zoning Office.*

9. **56 OFP, LLC**; applications PLPZ 2017 00177 and PLPZ 2017 00178, for a final site plan and special permit, to construct a new multi-family building to contain eight (8) units and a sixteen (16) car parking garage, six (6) surface parking spaces and related site and drainage improvements, on a 34,380.31 sq. ft. property located at 56 Old Field Point Road in the R-6 zone. (Staff: PL) (**Must close by 8/2/2017**) (Maximum extension available to 9/21/2017) (Continued from the 6/13/2017 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri)
10. **Greenwich Avenue – Annex, Willgreen Holdings, LLC**; applications PLPZ 2017 00206, PLPZ 2017 00207, for a preliminary site plan and special permit, to convert the vacant 2<sup>nd</sup> floor of the annex building into two apartments, remove the existing car elevator, and associated bulkhead, construct a new fire stair and elevator, and remove a fire escape that extends onto the municipal parking lot to the west, on a 18,268 sq. ft. property located at 140 Greenwich Avenue in the CGBR zone. (Staff: AP) (**Must close by 8/1/2017**) (Maximum extension available to 10/5/2017) (Continued from the 6/27/2017 meeting) (Seated: Maitland, Alban, Goss [for Levy], Fox, and Macri)

## REGULAR MEETING CONTINUED

11. **DISCUSSION ITEMS:**

12. **DECISION ITEMS:**

- a. **Stanwich Congregational Church, and Greenwich Center for Hope and Renewal (GCHR);** applications PLPZ 2017 00006 and PLPZ 2017 00007, for a final site plan and special permit, to permit the use of the Church property by a charitable institution providing counseling services in accordance with Section 6-94(b)(1) on property located at 237 Taconic Road in the RA-4 zone. (Staff: MK) (**Must decide by 8/17/2017**) (Maximum extension available to 8/19/2017) (Closed at the 6/13/2017 meeting with no action taken) (Seated: Maitland, Alban, Levy, Fox, and Macri)
- b. **20 Idar Court, LLC;** applications PLPZ 2017 00020 and PLPZ 2017 00021, for a final site plan and special permit, to construct a 7,765 sq. ft. three (3) unit residence with parking for eight (8) vehicles, new driveway areas, and stormwater management improvements on a 14,663 sq. ft. property located at 20 Idar Court in the R-6 zone. (Staff: CT) (Closed at the 6/27/2017 meeting, no action taken) (**Must decide by 8/31/2017**) (Maximum Extension available to 9/9/2017) (Continued from the 6/1/2017 and 6/13/2017 meetings) (Seated: Maitland, Alban, Levy, Fox, and Macri) (Seated at the 6/27/2017 meeting: Maitland, Alban, Goss [for Levy], Fox, and Macri)
- c. **1073 King Street, LLC;** application PLPZ 2017 00194, for a Building Zone Map Amendment, to re-zone the property from RA-2 to LBR-1 zone, as shown on a re-zoning map on file in the Town Clerk's Office for a 28,648 sq. ft. property located at 1073 King Street in the RA-2 zone. (Staff: KD) (**Must decide by 8/31/2017**) (Maximum extension available to 9/9/2017) (Closed at the 6/27/2017 meeting) (Seated: Maitland, Alban, Goss [for Levy], Fox, and Macri)
- d. **Peterson Equities, LTD, and Sharon R. Gillespie, Executrix of the Estate of Roselyn E. Peterson;** applications PLPZ 2017 00061 and PLPZ 2017 00062, for a final site plan and special permit, to remove three (3) existing multi-family residential buildings; and construct two (2) new multi-family residential buildings, each to contain six (6) units, above a common parking garage for twenty-two (22) vehicles, roof-top recreation facilities; and related site and drainage improvements, on properties located at 71 Sound View Drive, 115 and 125 Field Point Road, totaling 1.299-acres in size in the R-6 zone. (Staff: PL) (**Must decide by 9/14/2017**) (Maximum extension available to 9/30/2017) (Closed at the 7/11/2017 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri)

13. **APPROVAL OF MINUTES:**

July 11, 2017  
July 18, 2017

14. **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:**

**Oneida Indian Harbor LLC;** applications PLPZ 2017 00225 and PLPZ 2017 00226, for a final coastal site plan and special permit, to renovate an existing 2 ½ story, 8,752 sq. ft. single family home, construct an addition and new accessory building increasing the gross floor area to 12,575.21 sq. ft., new patio areas, a parking court and resurfacing of the existing driveway on a 3.057-acres property located at 58 Oneida Drive in the R-20 zone. *(Staff: MK) (Must close by 10/5/2017) (Maximum extension granted) (Continued from the 6/27/2017 meeting) (Seated: Maitland, Alban, Goss [for Levy], Fox, and Macri)*

**259 Millbank Avenue, LLC, 261 Millbank Avenue, LLC, 263 Millbank Avenue, LLC, Virginia T. Lauricella, Wilma E. Lauricella, Marie L. Krumeich, Martin Rader, Trustee, Santina Kerry, Donna Simmons, Anthony Dennis, and Carole McCabe;** application PLPZ 2017 00264 for a final subdivision to merge the properties located at 255, 257, 259, 261 & 263 Millbank Avenue and 71 Havemeyer Place in the R-6 zone. *(Staff: PL) (Must decide by 9/8/2017) (Extension to decide granted to 9/8/17. Maximum extension available to 9/28/2017) (Continued from the 7/11/2017 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri)*

**259 Millbank Avenue, LLC, 261 Millbank Avenue, LLC, 263 Millbank Avenue, LLC, Virginia T. Lauricella, Wilma E. Lauricella, Marie L. Krumeich, Martin Rader, Trustee, Santina Kerry, Donna Simmons, Anthony Dennis, and Carole McCabe;** applications PLPZ 2017 00262 and PLPZ 2017 00263, for a final site plan and special permit, to demolish five (5) single-family homes and one (1) multifamily home, and construct a new nineteen (19) unit multi-family dwelling, underground parking for thirty-six (36) vehicles, on-grade parking for eighteen (14) vehicles, landscaping and related site improvements on properties totaling 84,767 square feet and located at 255, 257, 259, 261, and 263 Millbank Avenue, and 71 Havemeyer Place in the R-6 zone. *(Staff: PL) (Must close by 9/8/2017) (Extension to close granted to 9/8/2017. Maximum extension available to 10/19/2017) (Continued from the 7/11/2017 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri)*

**The Anthis Corporation;** applications PLPZ 2017 00268 and PLPZ 2017 00269, for a final site plan and special permit, to change uses in the building and convert the basement level to active commercial space related to the first floor use, remove commercial use from the second floor and convert it to storage, employee

lounge and administrative office to be used in connection with the first and basement floor use, and convert the third floor to a single residential dwelling unit on a 3,482 square foot property located at 33 Lewis Street in the CGBR zone. (Staff: MK) (Must close by 9/8/2017) (Extension to close granted to 9/8/2017. Maximum extension available to 10/19/2017)

**Tom Kennedy et. al;** applications PLPZ 2017 00211 and PLPZ 2017 00212, for a final site plan and special permit, to construct additions to the existing two-family house, construct a new driveway, two (2) garage spaces, four (4) parking surface parking spaces and associated site and drainage improvements on a 16,297 sq. ft. property located at 58 Spring Street in the R-6 zone. (Staff: CT) (Must close by 8/1/2017) (Maximum extension available to 10/5/2017) (Continued from the 6/27/2017 meeting) (Seated: Maitland, Alban, Goss [for Levy], Fox, and Macri)

**Windy Knolls Greenwich, LLC;** applications PLPZ 2017 00249 and PLPZ 2017 00250, for a final site plan and special permit, to construct a three-family dwelling, new driveway, parking for eight (8) vehicles and associated site improvements on a 14,465 square feet property located at 42 Windy Knolls in the R-6 zone. (Staff: MA) (Must close by 9/20/2017) (Extension to close granted to 9/20/2017. Maximum extension available to 10/19/2017) (Continued from the 7/11/2017 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri)

TENTATIVE AGENDA

FINAL AGENDA

ACTION AGENDA

# TOWN OF GREENWICH PLANNING AND ZONING COMMISSION

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

**August 1, 2017**  
**ACTION AGENDA**  
**WITH DECISIONS**

*Regular Members Present and Seated: Richard Maitland, Margarita Alban, Peter Levy, Andrew Fox, and Nicholas Macri*

*Alternate Member Present: Victoria Goss*

*Alternate Member Absent: Dennis Yeskey*

*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 6:30 PM**

1. **Fairview Country Club, Inc. and Convent of the Sacred Heart;** application PLPZ 2017 00333, for a final subdivision to convey 0.818 acres of the 9.295 acres “Gorge Parcel” owned by the Convent of the Sacred Heart to the 198.73 acres “Fairview Country Club” parcel at 1241 King Street on properties located at 0 and 1241 King Street in the RA-4 Zone. (*Staff: CT*) (**Must decide by 8/28/2017**) (*Maximum extension available to 10/27/2017*) (*Page Number: 20*)

Motion to find not a subdivision or re-subdivision

Moved by Alban, seconded by Macri

Voting in favor: Maitland, Alban, Levy, Goss (*for Fox who recused*), and Macri

5-0

2. **BR & GK Real Estate, LLC;** application PLPZ 2017 00334, for a final site plan, to convert an existing office space on the first floor of the building into a pre-school for sixteen (16) children, ages three (3) and under, and four (4) staff, to be operated by Chabad Lubavitch of Greenwich, build a new exterior staircase to the first floor, and reconfigure the existing rear staircase on a 5,909 sq. ft. property located at 6 Lincoln Avenue in the CGB zone. (*Staff: MA*) (**Must decide by 9/14/2017**) (*Maximum extension available to 11/18/2017*) (*Page Number: 99*)

Motion to approve final site plan with modifications

Moved by Alban, seconded by Fox

Voting in favor: Maitland, Alban, Levy, Fox, and Macri

5-0



3. **1073 King Street, LLC**; application PLPZ 2017 00193, for a final site plan to construct an addition to the existing dwelling, driveways, parking areas; related drainage and septic systems improvements; and new signage to operate a retail-food establishment and office use on a 28,648 sq. ft. property located at 1073 King Street currently in the RA-2 zone but requesting a building zone map amendment to re-zone the subject property to the LBR-1 Zone (per application PLPZ 2017 00194). (Staff: KD) (**Must decide by 8/4/2017**) (Extension granted to 8/4/2017) (Maximum extension available to 9/9/2017) (Continued from the 6/27/2017 meeting) (Seated: Maitland, Alban, Goss [for Levy], Fox, and Macri) (Page Number: 138)

Motion to approve final site plan with modifications

Moved by Alban, seconded by Fox

Voting in favor: Maitland, Alban, Levy, Fox, and Macri

5-0

Note: Vote regarding re-zoning preceded the vote on PLPZ 2017 00193

### **PUBLIC HEARING 7:15 PM**

4. **J&J Greenwich, LLC**; applications PLPZ 2017 00195 and PLPZ 2017 00196, for a final site plan and special permit, to merge 1137 East Putnam Avenue and 5 Sheephill Road; remove the existing structures; and construct a new four-story, 40,931 sq. ft. mixed-use building with moderate-income housing units on properties located at 5 Sheephill Road and 1137 East Putnam Avenue in the LB zone. (Staff: KD) (**Must close by 8/1/2017**) (Maximum extension available to 10/5/2017) (Continued from the 6/27/2017 meeting) (Seated: Maitland, Alban, Goss [for Levy], Fox, and Macri) (Page Number: 151)

Closed – No Action Taken

5. **143 Sound Beach Avenue Associates LP**; applications PLPZ 2017 00317 and PLPZ 2017 00318, for a final coastal site plan and special permit, to construct a 60 unit multi-family residential building with parking for 47 vehicles, related site and stormwater drainage improvements, and where 30% of the proposed units would be restricted affordable housing units for 40 years pursuant to Section 8-30g of the Connecticut General Statutes on a 18,391 sq. ft. property located at 143 Sound Beach Avenue in the LBR-2 zone. (Staff: KD) (**Must open by 8/31/2017**) (Maximum extension available to 11/4/2017) (Page Number: 167)

Left Open

6. **Bryan & Aysha French;** applications PLPZ 2017 00289 and PLPZ 2017 00290, for a final site plan and special permit, to extend the second floor toward the rear and over the exiting footprint, construct a new detached garage in the rear of the parcel, construct two small decks, expand the driveway in the rear yard, and related site and drainage improvements on a 10,000 sq. ft. property located at 54 and 56 Prospect Street in the R-6 zone. *(Staff: AP) (Must open by 8/17/2017) (Maximum extension available to 10/21/2017) (Page Number: 313)*

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

7. **Brandon and Blair Hall;** applications PLPZ 2017 00150 and PLPZ 2017 00151, for a final site plan and special permit, to remove the existing features on-site and construct a new single family dwelling, pool, pool house, sports court, paved driveway, and related site and drainage improvements on a 2.6884-acres property located at 41 Rock Ridge Avenue in the RA-2 zone. *(Staff: MA) (Must close by 8/2/2017) (Extension to close granted to 8/2/17) (Maximum extension available to 9/21/2017) (Continued from the 6/13/2017, and 7/18/2017 meetings) (Seated: Maitland, Alban, Levy, Yeskey [for Fox at the 7/18/2017 meeting], and Macri) (Page Number: 340)*

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

8. **Planning and Zoning Staff;** application PLPZ 2017 00299 for a text amendment, to amend Sections 6-5 and 6-134 as detailed below: **TEXT IN BOLD TO BE ADDED** [TEXT IN BRACKETS TO BE DELETED] *(Staff: KD) (Must close by 8/22/2017) (Extension available to 10/26/2017) (Continued from the 7/18/2017 meeting) (Seated: Maitland, Alban, Levy, Yeskey [for Fox], and Macri) (Page Number: 370)*

Motion to approve the text amendment with modifications as follows: a) make change from Gross Floor Area to Floor Area, Gross in 6-5 (45.1) and 6-134(a), 6-134(a)(1), 6-134(a)(2), 6-134(a)(2)(A), 6-134(a)(2)(B), 6-134 (a)(3), 6-134(b); and b) add “and in multi-family zones” to 6-134(f) after *Grade Plane walls in all non-residential zones.*  
Moved by Alban, seconded by Fox  
Voting in favor: Maitland, Alban, Levy, Fox, and Macri  
5-0

Section 6-5. DEFINITIONS

(a) As used in this Article:

(2.2) Attic. An attic is the space between the top of the ceiling joists of the top story and the bottom of the roof rafters. (4/14/2010)

(3.3) Basement. A basement is that portion of a building that is partly or completely below the grade plane. [See Sec. 6-45.1 “Story Above Grade” to determine when basement is counted as a story. (11/25/2008)]

(9) Building Height [shall mean] is the vertical distance measured from the grade plane to the highest point of the roof. See Diagram No. 1 (4/30/2002)

[(22) Floor Area, Gross for buildings in non-residential zones shall include all the floor space contained within the exterior walls of the building with no deduction for any interior walls. Floor area, gross, shall not include areas below grade when devoted to the following uses: (A) Mechanical spaces, (B) Parking, (C) Storage (when related to the principal use of the building) but shall include all other below grade areas. An area below grade shall mean that portion of a building partially underground having  $\frac{1}{2}$  or more than  $\frac{1}{2}$  of its clear height below the grade plane. (6/11/86) (4/30/2002)]

**(22) Floor Area, Gross shall mean the sum of all floor area on a property as calculated in accordance with Section 6-134.** [for buildings in any residential zone shall include all interior areas between the interior surfaces of the perimeter walls of the building. No deductions shall be made for anything between the interior surfaces of the perimeter walls including, but not limited to, interior walls, staircases, chimneys, mechanical spaces, structural elements and closets. In the event there is an open atrium space, the open area in the upper level or levels is not counted when calculating Gross Floor Area (GFA). (4/30/2002)

(A) With respect to the inclusion of Attic space within Gross Floor Area the following shall apply:

The area of the attic floor that is below a plane that is seven (7') feet above the finished attic floor shall be included within Gross Floor Area, except as noted in (a) and (b) below, whether or not the attic area is accessible by pull-down stair, permanent stairs or can be accessed from an adjoining room. See Diagram No. 2 (a) Notwithstanding the foregoing, for buildings existing as of the effective date of this amendment, where the attic space has been solely accessible via “pull down” stairs or ceiling scuttle and the attic floor has not been included in the determination of Gross Floor Area for purposes of calculating Floor Area Ratio, such floor area shall continue not to be included in the determination of Gross Floor Area for purposes of calculating Floor Area Ratio. If, any time after the effective date of this amendment, access to such attic space is made available via fixed stairs or through an adjacent room, the floor area of such attic space shall be included in the determination of Gross Floor Area as provided in Sec. 6-5(22.1)(A) above.

(b) For areas below dormers, whether individual or shed type dormers, which have a ceiling height of five (5) feet or more, such areas shall be included in the determination of Gross Floor Area for purposes of calculating Floor Area Ratio and Story as defined in Sec. 6-5 (45). See Diagram No. 2. (4/30/2002)

(B) With respect to the inclusion of Basement within Gross Floor Area, the following shall apply:

1. Where the finished surface of the floor above the basement is less than three (3) feet above the grade plane and at all points the floor of the basement is more than four (4) feet below the grade plane the basement shall not be included within Gross Floor Area. See Diagram No. 3.

2. Where the finished surface of the floor above the basement is more than three (3) feet and less than five (5) feet above the grade plane, then 50% of the remaining space, after the exclusions stated below shall be included when calculating Gross Floor Area:

(a) Crawl spaces, space for parking, space for laundry equipment and space for building mechanical equipment shall not be included within Gross Floor Area. See Diagram No. 3.

(b) The following standards shall be applied in calculating the area to be excluded from Gross Floor Area:

- 300 sq. ft. per vehicle; no tandem spaces permitted
- 100 sq. ft. of space for laundry equipment
- 100 sq. ft. of space for mechanical equipment

3. Where the finished surface of the floor above the basement is more than five (5) feet above the grade plane, then 100% of the space, excluding crawl space, shall be included when calculating Gross Floor Area. See Diagram No. 3. (4/19/2006)

(C) The effect of Subsection (A) and (B) above shall not preserve legally non-conforming square footage in excess of the maximum floor area ratio. Basement and attic areas, which, as a result of these amendments, are no longer included in floor area ratio may be replicated only to the extent that they do not exceed the floor area ratio limitations. (4/30/2002)]

(23) Floor Area Ratio shall mean the ratio of the aggregate [Gross Floor Area] **Floor Area, Gross** of all buildings on a lot (including accessory structures having walls and a roof, such as pool houses, sheds, and garages) to the total area of the lot excluding underwater coastal lands as described in Sec. 6-138 and excluding that land over which a right-of-way for a private road exists. (11/25/2008)

(24) Floor Area, Usable shall mean 75% of the [Gross Floor Area] **Floor Area, Gross** as defined in (22) above. (6/11/86)

(26) Grade Plane. A reference plane representing the weighted average of the finished ground level adjoining the building at all exterior walls as set forth below: If retaining walls are constructed to create the finished grade used to determine the grade plane, the height and spacing of the retaining walls must be in

compliance with [Sec. 6-134(b)].**Sec. 6-134(d), 6-134(e), and/or 6-134(f) (see Diagram #1 and 1a).** If the finished grade slopes downward from the exterior walls, the reference plane shall be established as follows: (5/4/2005)

-If any portion of the building, not including projections permitted by Sec. 6-128, is [ten (10)] **six (6)** feet or less from the lot line, the reference plane with respect to that portion of the building shall be established by the lowest points within the area between the building and the lot line; and

-If any portion of the building, not including projections permitted by Sec. 6-128, is more than [ten (10)] **six (6)** feet from the lot line, the reference plane with respect to that portion of the building shall be established by the lowest points within the area, which is [ten] **six (6)** feet from the building.

-If fill is added to create the finished grade, establishment of the reference plane shall be determined by measurement of the actual finished grade after fill is added.

-If a retaining wall is placed on a property line and the property line is [ten (10)] **six (6)** feet or less from the building, the lowest finished grade on either side of the wall shall be used to calculate the reference plane.  
(4/30/2002)

-If the structure is in the Flood Hazard Overlay Zone, see also Section 6-139.1(c)(22.1) (6/17/2014)

(45) Story shall mean that portion of a building above the basement, [except as further defined in Sec. 6-5 (45.1)], included between the upper surface of a floor and the upper surface of the floor or roof next above it. In the CGBR zone, that portion of the building considered below grade shall also be defined as a "story" if it is habitable floor area used for other than storage, parking or mechanical space. [A "half-story" is any space under the gable, hip or gambrel roof, the gross floor area of which, including dormers as described in Section 6-5 (22.1) (A) 1 (b), does not exceed forty (40) percent of the floor area next below when measured at a plane seven feet zero inches (7'0") above the floor directly below the roof. It shall be counted as a full story if the said forty (40) percent is exceeded. See Diagram No. 4. (4/30/2002)]

**(45.1) Half-Story. A "half-story" is any space under the gable, hip or gambrel roof, the gross floor area of which, including dormers, does not exceed 40% of the floor area immediately below in the R-6 through RA-1 zones, and 50% of the floor area immediately below in the RA-2 and RA-4 zones and in the commercial zones when measured at a plane seven feet above the floor directly below the roof. For areas below dormers, whether individual or shed type dormers, which have a ceiling height of five (5) feet or more, such areas shall be included in the determination of Gross Floor, Area for purposes of calculating a Story as defined in Sec. 6-5(45). See Diagram No. 4. (4/30/2002)**

[(45.1)] **(45.2)** Story Above Grade shall be any story having its finished floor surface entirely above the grade plane except that a basement shall be considered as a Story Above Grade when the finished surface of the floor above the basement is:

1. More than five (5) feet above the grade plane; or
- [2. More than five (5) feet above the finished grade at the wall of the building for more than thirty (30) percent of the total linear measurement of the perimeter wall of the building; or]
- [3.] **2.** More than [fourteen (14)] **twelve (12)** feet above the finished grade at the perimeter of the building at any point. See Diagram No. 5.  
(4/30/2002; 9/28/2010)

#### **Sec. 6-134. MEASUREMENTS.**

**(a) For buildings in any residential zone, the Floor Area, Gross shall include all interior areas between the interior surfaces of the perimeter walls of the building. No deductions shall be made for anything between the interior surfaces of the perimeter walls including, but not limited to, interior walls, staircases chimneys, mechanical spaces, structural elements and closets. In the event there is an open atrium space or elevator shaft, the open area in the upper level or levels is not counted when calculating Gross Floor Area (GFA). The open area shall count on at least one level. (4/30/2002). The inclusion or exclusion of a Basement in the measure of "Floor Area, Gross," is as follows:**

- 1) Where the finished surface of the floor above the basement is less than three (3) feet above the grade plane and at all points the floor of the basement is more than four (4) feet below the grade plane the basement shall not be included within Gross Floor Area. See Diagram No. 3.; or**
- 2) Where the finished surface of the floor above the basement is more than three (3) feet and less than five (5) feet above the grade plane, then 50% of the remaining space, after the exclusions stated below shall be included when calculating Gross Floor Area:**
  - A. Crawl spaces, space for parking, space for laundry equipment and space for building mechanical equipment shall not be included within Gross Floor Area. See Diagram No. 3.**
  - B. The following standards shall be applied in calculating the area to be excluded from Gross Floor Area:**
    - i. 300 sq. ft. per vehicle; no tandem spaces permitted**
    - ii. 100 sq. ft. of space for laundry equipment**
    - iii. 100 sq. ft. of space for mechanical equipment; or**
- 3) Where the finished surface of the floor above the basement is more than five (5) feet above the grade plane, then 100% of the space, excluding crawl space, shall be included when calculating Gross Floor Area. See Diagram No. 3. (4/19/2006)**

- 4) **The effect of Subsection (1) and (2) above shall not preserve legally non-conforming square footage in excess of the maximum Floor Area Ratio.**
- (b) **For buildings in non-residential zones, the Floor Area, Gross shall include all the floor space contained within the exterior walls of the building with no deduction for any interior walls. Floor area, gross, shall not include areas below grade when devoted to the following uses: (A) Mechanical spaces, (B) Parking, (C) Storage (when related to the principal use of the building) but shall include all other below grade areas. An area below grade shall mean that portion of a building partially underground having  $\frac{1}{2}$  or more than  $\frac{1}{2}$  of its clear height below the grade plane. (6/11/86) (4/30/2002)**
- (c) **Attic space is excluded from "Floor Area, Gross," when:**
  - 1) **The property is in a residential zone and is used for residential uses.**
  - 2) **The space meets the definition of half-story; and**
  - 3) **There is a common intersection of the exterior roof, the roof rafter, and the ceiling joists (see Diagram #4); and**
- (d) **Walls that are used to determine grade plane are subject to the following height and distance limits:**
  - 1) **R-6, R-7 zone: 2'6" high with at least 6' width between the walls**
  - 2) **R-12, R-20 zone: 3' high with at least 10' width between walls**
  - 3) **RA-1 zone: 3'6" high with at least 15' width between walls**
  - 4) **RA-2, RA-4 zone: 4' high with at least 15' width between walls**
- (e) **Multiple retaining walls shall be spaced so that the minimum height and width is provided, as noted in 6-134(d), between the back of the first wall to the face of the second wall (see Diagram #1). Multiple walls may be eliminated if the lowest grade plane wall is built and the slope of fill from top of this wall to a point which is six (6) feet from foundation wall does not exceed:**
  - 1) **R-6, R-7 zone: slope not to exceed 33%\***
  - 2) **R-12, R-20 zone: slope not to exceed 26%\***
  - 3) **RA-1 zone: slope not to exceed 21%\***
  - 4) **RA-2, RA-4 zone: slope not to exceed 24%\***

**\*There shall be no more than 2% slope within the grade plane envelope (six (6) feet out from the building (see Diagram 1A)).**
- (f) **Grade Plane walls in all non-residential zones, the height of the retaining wall above the next outward level shall not be greater than five (5) feet. Multiple retaining walls shall be spaced so that a minimum five (5) foot wide horizontal strip is provided between the back of the first wall to the face of the second wall. (4/19/2006)**
- (g) **Window wells shall not be calculated as the lowest point for grade plane purposes if the inside dimension along the foundation wall does not exceed six (6) feet and the dimension outward from the foundation is not greater than required by building code egress purposes. Egress window wells are not permitted within five (5) feet of the property lines.**
- (h) [(a)] **All measurements specified in this Article involving distances between similar uses or between a use and a zone boundary line shall be measured along**

the center line of the adjacent and intervening street or streets with terminal points located as follows:

- (1) In the case of a gasoline filling or service station, the nearest edge of the premises at street frontage extended at right angles to the center line of the street.
- (2) In the case of all other uses, the inside face of the building wall surrounding the use extended at right angles to the center line of the street.
- (3) In the case of a zone boundary line, the point where the boundary line intersects with the center line of the street along which the measurement is taken.

[(b) When determining Grade Plane if fill is retained by a retaining wall, the height of the retaining wall above the next outward level shall not be greater than five (5) feet. Multiple retaining walls shall be spaced so that a minimum five (5) foot wide horizontal strip is provided between the face of each wall and the face of the next wall. (4/19/2006)]

*NOTE: All diagrams are available to view at [www.greenwichct.org](http://www.greenwichct.org) or in the Planning and Zoning Office.*

9. **56 OFP, LLC**; applications PLPZ 2017 00177 and PLPZ 2017 00178, for a final site plan and special permit, to construct a new multi-family building to contain eight (8) units and a sixteen (16) car parking garage, six (6) surface parking spaces and related site and drainage improvements, on a 34,380.31 sq. ft. property located at 56 Old Field Point Road in the R-6 zone. (*Staff: PL*) (**Must close by 8/2/2017**) (*Maximum extension available to 9/21/2017*) (*Continued from the 6/13/2017 meeting*) (*Seated: Maitland, Alban, Levy, Fox, and Macri*) (*Page Number: 382*)

Left Open – Extension Granted to September 8, 2017

10. **Greenwich Avenue – Annex, Willgreen Holdings, LLC**; applications PLPZ 2017 00206, PLPZ 2017 00207, for a preliminary site plan and special permit, to convert the vacant 2<sup>nd</sup> floor of the annex building into two apartments, remove the existing car elevator, and associated bulkhead, construct a new fire stair and elevator, and remove a fire escape that extends onto the municipal parking lot to the west, on a 18,268 sq. ft. property located at 140 Greenwich Avenue in the CGBR zone. (*Staff: AP*) (**Must close by 8/1/2017**) (*Maximum extension available to 10/5/2017*) (*Continued from the 6/27/2017 meeting*) (*Seated: Maitland, Alban, Goss [for Levy], Fox, and Macri*) (*Page Number: 517*)

Motion to move to final site plan with modifications

Moved by Alban, seconded by Fox

Voting in favor: Maitland, Alban, Goss (*for Levy*), Fox, and Macri

5-0

No action on special permit



## REGULAR MEETING CONTINUED

11. **DISCUSSION ITEMS:**

12. **DECISION ITEMS:**

- a. **Stanwich Congregational Church, and Greenwich Center for Hope and Renewal (GCHR);** applications PLPZ 2017 00006 and PLPZ 2017 00007, for a final site plan and special permit, to permit the use of the Church property by a charitable institution providing counseling services in accordance with Section 6-94(b)(1) on property located at 237 Taconic Road in the RA-4 zone. *(Staff: MK) (Must decide by 8/17/2017) (Maximum extension available to 8/19/2017) (Closed at the 6/13/2017 meeting with no action taken) (Seated: Maitland, Alban, Levy, Fox, and Macri)*

Withdrawn by Applicant

- b. **20 Idar Court, LLC;** applications PLPZ 2017 00020 and PLPZ 2017 00021, for a final site plan and special permit, to construct a 7,765 sq. ft. three (3) unit residence with parking for eight (8) vehicles, new driveway areas, and stormwater management improvements on a 14,663 sq. ft. property located at 20 Idar Court in the R-6 zone. *(Staff: CT) (Closed at the 6/27/2017 meeting, no action taken) (Must decide by 8/31/2017) (Maximum Extension available to 9/9/2017) (Continued from the 6/1/2017 and 6/13/2017 meetings) (Seated: Maitland, Alban, Levy, Fox, and Macri) (Seated at the 6/27/2017 meeting: Maitland, Alban, Goss [for Levy], Fox, and Macri)*

Motion to approve final site plan and special permit with modifications  
Moved by Alban, no second, motion failed

Motion to deny final site plan and special permit

Moved by Alban, seconded by Macri

Voting for denial: Maitland, Alban, Goss (*for Levy*), Fox, and Macri  
5-0

Applications are denied

- c. **1073 King Street, LLC;** application PLPZ 2017 00194, for a Building Zone Map Amendment, to re-zone the property from RA-2 to LBR-1 zone, as shown on a re-zoning map on file in the Town Clerk's Office for a 28,648 sq. ft. property located at 1073 King Street in the RA-2 zone. *(Staff: KD) (Must decide by 8/31/2017) (Maximum extension available to 9/9/2017) (Closed at the 6/27/2017 meeting) (Seated: Maitland, Alban, Goss [for Levy], Fox, and Macri)*

Motion to approve the Building Zone Map amendment  
Moved by Alban, seconded by Fox  
Voting in favor: Maitland, Alban, Goss (*for Levy*), Fox, and Macri  
5-0

- d. **Peterson Equities, LTD, and Sharon R. Gillespie, Executrix of the Estate of Roselyn E. Peterson;** applications PLPZ 2017 00061 and PLPZ 2017 00062, for a final site plan and special permit, to remove three (3) existing multi-family residential buildings; and construct two (2) new multi-family residential buildings, each to contain six (6) units, above a common parking garage for twenty-two (22) vehicles, roof-top recreation facilities; and related site and drainage improvements, on properties located at 71 Sound View Drive, 115 and 125 Field Point Road, totaling 1.299-acres in size in the R-6 zone. (*Staff: PL*) (*Must decide by 9/14/2017*) (*Maximum extension available to 9/30/2017*) (*Closed at the 7/11/2017 meeting*) (*Seated: Maitland, Alban, Levy, Fox, and Macri*)

Motion to approve final site plan and special permit with modifications  
Moved by Maitland, seconded by Alban  
Voting in favor: Maitland, Alban, Levy, and Fox  
Voting against: Macri  
4-1

13. **APPROVAL OF MINUTES:**

July 11, 2017

Motion to approve minutes of July 11, 2017  
Moved by Fox, seconded by Maitland  
Voting in favor: Maitland, Alban, Levy, Fox, and Macri  
5-0

July 18, 2017

No Action on minutes of July 18, 2017

14. **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:**

**Oneida Indian Harbor LLC;** applications PLPZ 2017 00225 and PLPZ 2017 00226, for a final coastal site plan and special permit, to renovate an existing 2 ½ story, 8,752 sq. ft. single family home, construct an addition and new accessory building increasing the gross floor area to 12,575.21 sq. ft., new patio areas, a parking court and resurfacing of the existing driveway on a 3.057-acres property located at 58 Oneida Drive in the R-20 zone. (Staff: MK) (Must close by 10/5/2017) (Maximum extension granted) (Continued from the 6/27/2017 meeting) (Seated: Maitland, Alban, Goss [for Levy], Fox, and Macri)

**259 Millbank Avenue, LLC, 261 Millbank Avenue, LLC, 263 Millbank Avenue, LLC, Virginia T. Lauricella, Wilma E. Lauricella, Marie L. Krumeich, Martin Rader, Trustee, Santina Kerry, Donna Simmons, Anthony Dennis, and Carole McCabe;** application PLPZ 2017 00264 for a final subdivision to merge the properties located at 255, 257, 259, 261 & 263 Millbank Avenue and 71 Havemeyer Place in the R-6 zone. (Staff: PL) (Must decide by 9/8/2017) (Extension to decide granted to 9/8/17. Maximum extension available to 9/28/2017) (Continued from the 7/11/2017 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri)

**259 Millbank Avenue, LLC, 261 Millbank Avenue, LLC, 263 Millbank Avenue, LLC, Virginia T. Lauricella, Wilma E. Lauricella, Marie L. Krumeich, Martin Rader, Trustee, Santina Kerry, Donna Simmons, Anthony Dennis, and Carole McCabe;** applications PLPZ 2017 00262 and PLPZ 2017 00263, for a final site plan and special permit, to demolish five (5) single-family homes and one (1) multifamily home, and construct a new nineteen (19) unit multi-family dwelling, underground parking for thirty-six (36) vehicles, on-grade parking for eighteen (14) vehicles, landscaping and related site improvements on properties totaling 84,767 square feet and located at 255, 257, 259, 261, and 263 Millbank Avenue, and 71 Havemeyer Place in the R-6 zone. (Staff: PL) (Must close by 9/8/2017) (Extension to close granted to 9/8/2017. Maximum extension available to 10/19/2017) (Continued from the 7/11/2017 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri)

**The Anthis Corporation;** applications PLPZ 2017 00268 and PLPZ 2017 00269, for a final site plan and special permit, to change uses in the building and convert the basement level to active commercial space related to the first floor use, remove commercial use from the second floor and convert it to storage, employee lounge and administrative office to be used in connection with the first and basement floor use, and convert the third floor to a single residential dwelling unit on a 3,482 square foot property located at 33 Lewis Street in the CGBR zone. (Staff: MK) (Must close by 9/8/2017) (Extension to close granted to 9/8/2017. Maximum extension available to 10/19/2017)

**Tom Kennedy et. al;** applications PLPZ 2017 00211 and PLPZ 2017 00212, for a final site plan and special permit, to construct additions to the existing two-family house, construct a new driveway, two (2) garage spaces, four (4) parking surface parking spaces and associated site and drainage improvements on a 16,297 sq. ft. property located at 58 Spring Street in the R-6 zone. *(Staff: CT) (Must close by 8/1/2017) (Maximum extension available to 10/5/2017) (Continued from the 6/27/2017 meeting) (Seated: Maitland, Alban, Goss [for Levy], Fox, and Macri)*

**Windy Knolls Greenwich, LLC;** applications PLPZ 2017 00249 and PLPZ 2017 00250, for a final site plan and special permit, to construct a three-family dwelling, new driveway, parking for eight (8) vehicles and associated site improvements on a 14,465 square feet property located at 42 Windy Knolls in the R-6 zone. *(Staff: MA) (Must close by 9/20/2017) (Extension to close granted to 9/20/2017. Maximum extension available to 10/19/2017) (Continued from the 7/11/2017 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri)*