1. Meeting Materials

Documents:

NOVEMBER 15, 2016 TENTATIVE AGENDA.PDF
NOVEMBER 15, 2016 ACTION AGENDA.PDF
NOVEMBER 15, 2016 FINAL AGENDA.PDF
TOWN OF GREENWICH
PLANNING AND ZONING COMMISSION

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

November 15, 2016
TENTATIVE AGENDA

REGULAR MEETING 7:00 PM

1. **Mark Mega:** application PLPZ 2016 00448 for a final subdivision to merge two (2) parcels, Lot 27 and Lot 28 into one (1) parcel totaling 11,485 sq. ft. on properties located at 16 Smith Street North in the R-6 zone. *(Staff: CT)* *(Must Decide by 11/15/2016)* *(Maximum Extension Available to 12/23/2016)* *(Postponed at the 10/4/2016 meeting)*

PUBLIC HEARING 7:05 PM

2. **Greenwich Association of Realtors:** application PLPZ 2016 00443, for a text amendment to amend Section 6-5 and Diagram 6-205 of the Town of Greenwich Building Zone Regulations as follows:  **TEXT IN BOLD TO BE ADDED** *[TEXT IN BRACKETS TO BE DELETED]* *(Staff: PL)* *(Must open by 11/15/2016)* *(Extension to open granted to 11/15/16)* *(Maximum extension available to 1/16/2017)*

Section 6-5. DEFINITIONS

(a) As used in this Article:

(22.1) **Floor Area, Gross** 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] ceiling plane of seven (7') feet or more shall be included in the Gross Floor Area, and the area of the attic floor under a dormer that is below a ceiling plane of five (5') feet or more shall be included in the Gross Floor Area, subjected to the following:

(1) **If the total of the attic Gross Floor Area less than 50% of the Gross Floor Area of the floor below, the attic Gross Floor Area shall not be included in the Floor Area Ratio calculation.**

(2) **Any attic floor area exceeding 50% to the floor below shall be included in the Floor Area Ratio calculation, unless it rendered uninhabitable through the use of engineered trusses or other required structural elements.**

*See diagram No. 2.*

(a) Notwithstanding the foregoing, for buildings existing as to 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 the 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 is made available via fixed stairs or through an adjacent room, the floor area of such attic space **in excess of 50% of the floor area of the floor next below** shall be included in the determination of Gross Floor Area as provided in Sec. 6-5(a)(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 pursuant to Sec. 6-5(22.1)(A) above 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)] **five (5) 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 in 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 1% of the space, excluding crawl space, shall be included when calculating Gross Floor Area. See Diagram No. 3 (4/19/2006)]

(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)] **fifty (50)** 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)] **fifty (50)** percent is exceeded. See Diagram No. 4. (4/30/2002)

(45.1) **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)] **fifty (50)** percent of the total linear measurement of the perimeter wall of the building; or
3. More than fourteen (14) feet above the finished grade at the perimeter of the building at any point. See Diagram No. 5. (4/30/2002; 9/28/2010)

Diagram 6-205. Schedule of Required Open Spaces, Limiting Heights and Bulk of Buildings

- Maximum building height to be increased to 37.5 feet in the R-6, R-7 and R-12 zones to account for the 2-foot adjustment under Section 6-5(22.1)(B) [Change to §6-205].
3. **BAMSE 23 Woodland Drive LLC;** applications PLPZ 2016 00495 and PLPZ 2016 00496, for a **final site plan and special permit,** to construct a two-family residence on the portion of the property that is in the R-6 zone, and construct a single family residence on the portion of the property that is in the GB zone on a 9,548 square foot property located at 23 Woodland Drive in the GB and R-6 zones. *(Staff: PL) (Must open by 11/24/16) (Maximum extension available to 1/28/2017)*

4. **Nutmeg Real Estate LLC;** applications PLPZ 2016 00497 and PLPZ 2016 00498, for a **final site plan and special permit,** to construct a two-family residence on the portion of the property that is in the R-6 zone, and construct a single family residence on the portion of the property that is in the GB zone on a 9,679 square foot property located at 25 Woodland Drive in the GB and R-6 zones. *(Staff: PL) (Must open by 11/24/16) (Maximum extension available to 1/28/2017)*

**REGULAR MEETING CONTINUED**

5. **Apadana Realty Company II, LLC;** application PLPZ 2016 00470 for a **final site plan** for a change of use from retail to school on property located at 539 East Putnam Avenue, Cos Cob in the LB zone. *(Staff: MK) (Must decide by 00/00/2016) (Maximum extension available to 1/28/2017) (Continued from the 9/20/2016 meeting) (Seated: Maitland, Alban, Levy, Goss (for Fox who recused), and Ramer) (Moved to final at the 10/18/2016 meeting, no action on special permit)*

6. **DISCUSSION ITEMS:**

7. **DECISION ITEMS:**

   (a) **Bruce Museum Inc., the operator, and the Town of Greenwich;** application PLPZ 2016 00408, for a **special permit only,** to expand and make additions to the existing Bruce Museum Building, related site improvements including new parking areas, stormwater management infrastructure and landscaping on property located at 1 Museum Drive in the R-6 zone. *(Staff: PL) (Must decide by 11/22/2016) (Maximum extension available to 1/28/2017) (Continued from the 9/20/2016 meeting) (Seated: Maitland, Alban, Levy, Goss (for Fox who recused), and Ramer) (Moved to final at the 10/18/2016 meeting, no action on special permit)*

8. **APPROVAL OF MINUTES:**

   November 1, 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:

Planning and Zoning Staff; application PLPZ 2016 00410, for a text amendment, to modify Section 6-17.2 of the Town of Greenwich Building Zone Regulations as follows: [TEXT IN BRACKETS TO BE DELETED] (Staff: KD) (Must decide by 1/16/2017) (Maximum extension taken) (Continued from the 9/8/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Ramer)

[Sec. 6-17.2. PROCEDURE FOR THE SUBDIVISION OF LAND IN MIXED USE – CONDOMINIUM DEVELOPMENTS.

(a) Where the Planning and Zoning Commission has granted site plan approval or special permit approval for a mixed use development or a residential or non-residential single use development, and where the owner or developer wishes to create separate condominium, then a division of the approved tract into two parcels or lots for the purpose of sale or building development may be permitted by the Commission after the filing of an amended site plan and a certified map to be filed in the Town Clerk's Office showing such division, referring to the site plan number and containing a notation that the property shown thereon is subject to the site plan approved for said property. Any conveyance relating to said approval or any portion thereof shall make reference to said certified map.

The amended site plan shall not be changed without the prior approval of the Commission by way of special permit procedure or site plan review.

Cross-easements shall be provided to enable each parcel or lot to be a self-sufficient entity.

For the purpose of compliance with these regulations such a divided tract development shall be considered a single lot. (6/30/92)

(b) A division into two or more parcels or lots may only be effected by the procedures set forth in the subdivision regulations. (4/24/2013)]

J&J Greenwich, LLC; applications PLPZ 2016 00369 and PLPZ 2016 00370, for a final site plan and special permit, to: merge two (2) properties; 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 11/2/2016) (Extension to close granted to 11/30/16) (Maximum extension available to 12/29/2016) (Continued from the 9/20/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Ramer)
J&J Greenwich, LLC; application PLPZ 2016 00416, for a zoning text amendment, to amend the language of Section 6-110(g) “Incentives” under the “Use regulations and special requirements for dwelling units in Business Zones” of the Town of Greenwich Building Zone Regulations as follows: (Staff: KD) (Must close by 11/30/2016) (Extension to close granted to 11/30/16) (Maximum extension available to 12/29/2016) (Continued from the 9/20/2016 meeting) (Seated: Matilland, Alban, Levy, Fox, and Ramer)

Amend Sec. 6-110 (3) as follows: [TEXT IN BRACKETS TO BE DELETED], TEXT IN BOLD TO BE ADDED

For the GB, GBO, CGBR, and CGB [and LB] business zones only, an increase by one (1) story only over the number of stories otherwise allowed in these zones; for the LB business zone only, an increase by one and a half (1 1/2) stories only over the number of stories otherwise allowed in the LB business zone; and an increase in the height of a building up to 47 1/2 feet: all as measured according to the requirements of the particular underlying business zone;

Add Subsection (9) as follows: TEXT IN BOLD TO BE ADDED

A waiver of the prohibition that no entrance to or exit from a business use shall be located on any street frontage opposite a residence zone where the lot containing the business use has frontage in a business zone.

Bruce Museum; application PLPZ 2016 00282 for a municipal improvement to approve the lease agreement between the State of Connecticut and the Town of Greenwich and the Bruce Museum for use of approximately 14,970 sq. ft. land on the Southeasterly side of Interstate Route 95 to be used for motor vehicle parking and landscaping associated with Bruce Park and the Bruce Museum located at 1 Museum Drive in the R-6 zone. (Staff: PL) (Motion to defer decision and follow the timeline of the final coastal site plan/special permit at the 8/2/2016 meeting) (Continued from the 8/2/2016 and 9/20/2016 meetings) (Seated: Matilland, Alban, Levy, Goss (for Fox who recused), and Ramer) (Second motion to defer the MI for 90 days at the 10/18/2016 meeting)

Bruce Museum; application PLPZ 2016 00492 for a municipal improvement to expand and make improvements to the Bruce Museum per the Town Charter and located at 1 Museum Drive in the R-6 zone. (Staff: PL) (Must act by 10/27/2016) (Maximum available to defer 1/25/2017) (Continued from the 9/20/2016 meeting) (Seated: Matilland, Alban, Levy, Goss (for Fox who recused), and Ramer) (Second motion to defer the MI for 90 days at the 10/18/2016 meeting)

New Lebanon School Building Committee, for the Town of Greenwich Board of Education; applications PLPZ 2016 00463 and PLPZ 2016 00464, for a final site plan and special permit, to demolish the existing New Lebanon School building and replace it with a new 60,759 sq. ft. school building, expand onsite
pork to 74 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 Avenue in the R-6 zone.  
(Staff: PL) (Must close by 11/22/2016) (Maximum extension available to 1/26/2017) (Continued from the 10/18/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Ramer)

Adrian Owles & Mary McNiff; application PLPZ 2016 00484 for a final coastal site plan to construct a new 5,407 sq. ft. single family residence, pool, driveway relocation, and other associated site grading and drainage on a 18,462 sq. ft. property located at 27 Nawthorne Road in the R-12 zone.  
(Staff: MK) (Must decide by 11/30/2016) (Extension granted to 11/30/16. Maximum extension available to 1/28/2017) (Continued from the 11/1/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri [for Ramer])

The School of Rock; application PLPZ 2016 00506 for a final site plan for a change of use of space on the second floor of a building from use group 1 (hair salon/personal service establishment) to use group 4 (music school) on property located at 1200 East Putnam Avenue, Riverside in the LB zone.  
(Staff: MK) (Must decide by 1/28/17) (Maximum extension granted) (Continued from the 11/1/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri [for Ramer])

Old Track Properties, LLC; applications PLPZ 2016 00432 and PLPZ 2016 00433, for a final site plan and special permit, to change the approved group fitness center use to a residential use and infill the space on the first floor to add six (6) residential units above the number of residential units originally approved by the Commission for the building one (1) of which would be a moderate income unit which would increase the unit count and total gross floor area on property located at 16 Old Track Road in the GB zone.  
(Staff: MK) (Must close by 1/12/2017) (Maximum extension granted) (Continued from the 10/4/2016 meeting) (Postponed at the 11/1/2016 meeting – maximum extension granted) (Seated: Maitland, Alban, Levy, Fox, and Ramer)

CRK, LLC; applications PLPZ 2016 00465 and PLPZ 2016 00467, for a preliminary coastal site plan and special permit, to re-zone the property from R-7 to HRO (as shown on a re-zoning map on file in the Town Clerk’s office) to retain the existing building and construct an addition to the building for four (4) squash courts and employee housing on a 25,443 sq. ft. property located at 50 River Road, Cos Cob in the R-7 zone.  
(Staff: PL) (Must close by 2/9/2017) (Maximum extension granted) (Continued from the 11/1/2016 meeting where the application was converted to a preliminary coastal site plan) (Seated: Maitland, Alban, Levy, Fox, and Macri [for Ramer])
TOWN OF GREENWICH
PLANNING AND ZONING COMMISSION

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

November 15, 2016

ACTION AGENDA
WITH DECISIONS

Regular Members Present and Seated: Richard Maitland, Margarita Alban, Peter Levy, and Andrew Fox,
Regular Member Absent: Nancy Ramer
Alternate Members Present: Nicholas Macri, Dennis Yeskey (seated for Ramer), 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. Mark Mega; application PLPZ 2016 00448 for a final subdivision to merge two (2) parcels, Lot 27 and Lot 28 into one (1) parcel totaling 11,485 sq. ft. on properties located at 16 Smith Street North in the R-6 zone. (Staff: CT) (Must Decide by 11/15/2016) (Maximum Extension Available to 12/23/2016) (Postponed at the 10/4/2016 meeting) (Page Number: 12)

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

PUBLIC HEARING 7:05 PM

2. Greenwich Association of Realtors; application PLPZ 2016 00443, for a text amendment to amend Section 6-5 and Diagram 6-205 of the Town of Greenwich Building Zone Regulations as follows: TEXT IN BOLD TO BE ADDED [TEXT IN BRACKETS TO BE DELETED] (Staff: PL) (Must open by 11/15/2016) (Extension to open granted to 11/15/16) (Maximum extension
Section 6-5. DEFINITIONS
(a) As used in this Article:

(22.1) **Floor Area, Gross** 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] ceiling plane of seven (7') feet or more shall be included in the Gross Floor Area, and the area of the attic floor under a dormer that is below a ceiling plane of five (5) feet or more shall be included in the Gross Floor Area, subjected to the following:

(1) If the total of the attic Gross Floor Area less than 50% of the Gross Floor Area of the floor below, the attic Gross Floor Area shall not be included in the Floor Area Ratio calculation.

(2) Any attic floor area exceeding 50% to the floor below shall be included in the Floor Area Ratio calculation, unless it rendered uninhabitable through the use of engineered trusses or other required structural elements.

See diagram No. 2.

(a) Notwithstanding the foregoing, for buildings existing as to 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 the 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 in excess of 50% of the floor area of the floor next
below shall be included in the determination of Gross Floor Area as provided in Sec. 6-5(a)(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 pursuant to Sec. 6-5(22.1)(A) above 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) five (5) 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 in 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 1% of the space, excluding crawl space, shall be included when calculating Gross Floor Area. See Diagram No. 3 (4/19/2006)

(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)] fifty (50) 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)] fifty (50) percent is exceeded. See Diagram No. 4. (4/30/2002)

(45.1) 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.] 1. More than five (5) feet above the finished grade at the wall of the building for more than [thirty (30)] fifty (50) percent of the total linear measurement of the perimeter wall of the building; or

Diagram 6-205. Schedule of Required Open Spaces, Limiting Heights and Bulk of Buildings

- Maximum building height to be increased to 37.5 feet in the R-6, R-7 and R-12 zones to account for the 2-foot adjustment under Section 6-5(22.1)(B) [Change to §6-205].

Left Open

3. **BAMSE 23 Woodland Drive LLC;** applications PLPZ 2016 00495 and PLPZ 2016 00496, for a final site plan and special permit, to construct a two-family residence on the portion of the property that is in the R-6 zone, and construct a single family residence on the portion of the property that is in the GB zone on a 9,548 square foot property located at 23 Woodland Drive in the GB and R-6 zones. *(Staff: PL) (Must open by 11/24/16) (Maximum extension available to 1/28/2017) (Page Number: 45)*

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4. **Nutmeg Real Estate LLC;** applications PLPZ 2016 00497 and PLPZ 2016 00498, for a final site plan and special permit, to construct a two-family residence on the portion of the property that is in the R-6 zone, and construct a single family residence on the portion of the property that is in the GB zone on a 9,679 square foot property located at 25 Woodland Drive in the GB and R-6 zones. *(Staff: PL) (Must open by 11/24/16) (Maximum extension available to 1/28/2017) (Page Number: 105)*

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**REGULAR MEETING CONTINUED**

5. **Apadana Realty Company II, LLC;** application PLPZ 2016 00470 for a final site plan for a change of use from retail to school on property located at 539 East Putnam Avenue, Cos Cob in the LB zone. *(Staff: MK) (Must decide by 00/00/00)*

Remained an administrative final site plan – No review by Commission
6. DISCUSSION ITEMS:

7. DECISION ITEMS:

(a) Bruce Museum Inc., the operator, and the Town of Greenwich; application PLPZ 2016 00408, for a special permit only, to expand and make additions to the existing Bruce Museum Building, related site improvements including new parking areas, stormwater management infrastructure and landscaping on property located at 1 Museum Drive in the R-6 zone. (Staff: PL) (Must decide by 11/22/2016) (Maximum extension available to 1/28/2017) (Continued from the 9/20/2016 meeting) (Seated: Maitland, Alban, Levy, Goss (for Fox who recused), and Ramer) (Moved to final at the 10/18/2016 meeting, no action on special permit)

Withdrawn by Applicant

8. APPROVAL OF MINUTES:

November 1, 2016

Motion to approve minutes of November 1, 2016
Moved by Fox, seconded by Levy
Voting in favor: Maitland, Alban, Levy, Fox, and Yeskey (for 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:

Planning and Zoning Staff; application PLPZ 2016 00410, for a text amendment, to modify Section 6-17.2 of the Town of Greenwich Building Zone Regulations as follows: [TEXT IN BRACKETS TO BE DELETED] (Staff: KD) (Must decide by 1/16/2017) (Maximum extension taken) (Continued from the 9/8/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Ramer)

[Sec. 6-17.2. PROCEDURE FOR THE SUBDIVISION OF LAND IN MIXED
USE – CONDOMINIUM DEVELOPMENTS.

(a) Where the Planning and Zoning Commission has granted site plan approval or special permit approval for a mixed use development or a residential or non-residential single use development, and where the owner or developer wishes to create separate condominium, then a division of the approved tract into two parcels or lots for the purpose of sale or building development may be permitted by the Commission after the filing of an amended site plan and a certified map to be filed in the Town Clerk’s Office showing such division, referring to the site plan number and containing a notation that the property shown thereon is subject to the site plan approved for said property. Any conveyance relating to said approval or any portion thereof shall make reference to said certified map.

The amended site plan shall not be changed without the prior approval of the Commission by way of special permit procedure or site plan review.

Cross-easements shall be provided to enable each parcel or lot to be a self-sufficient entity.

For the purpose of compliance with these regulations such a divided tract development shall be considered a single lot. (6/30/92)

(b) A division into two or more parcels or lots may only be effected by the procedures set forth in the subdivision regulations. (4/24/2013)

J&J Greenwich, LLC; applications PLPZ 2016 00369 and PLPZ 2016 00370, for a final site plan and special permit, to: merge two (2) properties; 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 11/2/2016) (Extension to close granted to 11/30/16) (Maximum extension available to 12/29/2016) (Continued from the 9/20/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Ramer)

J&J Greenwich, LLC; application PLPZ 2016 00416, for a zoning text amendment, to amend the language of Section 6-110(g) “Incentives” under the “Use regulations and special requirements for dwelling units in Business Zones” of the Town of Greenwich Building Zone Regulations as follows: (Staff: KD) (Must close by 11/30/2016) (Extension to close granted to 11/30/16) (Maximum extension available to 12/29/2016) (Continued from the 9/20/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Ramer)

Amend Sec. 6-110 (3) as follows: [TEXT IN BRACKETS TO BE DELETED], TEXT IN BOLD TO BE ADDED

For the GB, GBO, CGBR, and CGB [and LB] business zones only, an increase by one (1) story only over the number of stories otherwise allowed in these zones; for the LB business zone only, an increase by one and a half (1 ½) stories only over the number of stories otherwise allowed in the LB business zone; and an increase in the height of a building up to 47 ½ feet: all as measured according to the requirements of the particular underlying
business zone;

Add Subsection (9) as follows: **TEXT IN BOLD TO BE ADDED**

A waiver of the prohibition that no entrance to or exit from a business use shall be located on any street frontage opposite a residence zone where the lot containing the business use has frontage in a business zone.

**Bruce Museum;** application PLPZ 2016 00282 for a municipal improvement to approve the lease agreement between the State of Connecticut and the Town of Greenwich and the Bruce Museum for use of approximately 14,970 sq. ft. land on the Southeasterly side of Interstate Route 95 to be used for motor vehicle parking and landscaping associated with Bruce Park and the Bruce Museum located at 1 Museum Drive in the R-6 zone. *(Staff: PL) (Motion to defer decision and follow the timeline of the final coastal site plan/special permit at the 8/2/2016 meeting) (Continued from the 8/2/2016 and 9/20/2016 meetings) (Seated: Maitland, Alban, Levy, Goss (for Fox who recused), and Ramer) (Second motion to defer the MI for 90 days at the 10/18/2016 meeting)*

**Bruce Museum;** application PLPZ 2016 00492 for a municipal improvement to expand and make improvements to the Bruce Museum per the Town Charter and located at 1 Museum Drive in the R-6 zone. *(Staff: PL) (Motion to defer decision and follow the timeline of the final coastal site plan/special permit at the 8/2/2016 meeting) (Continued from the 9/20/2016 meeting) (Seated: Maitland, Alban, Levy, Goss (for Fox who recused), and Ramer) (Second motion to defer the MI for 90 days at the 10/18/2016 meeting)*

**New Lebanon School Building Committee, for the Town of Greenwich Board of Education;** applications PLPZ 2016 00463 and PLPZ 2016 00464, for a final site plan and special permit, to demolish the existing New Lebanon School building and replace it with a new 60,759 sq. ft. school building, expand onsite parking to 74 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 Avenue in the R-6 zone. *(Staff: PL) (Motion to defer decision and follow the timeline of the final coastal site plan/special permit at the 8/2/2016 meeting) (Continued from the 10/18/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Ramer)*

**Adrian Owles & Mary McNiff;** application PLPZ 2016 00484 for a final coastal site plan to construct a new 5,407 sq. ft. single family residence, pool, driveway relocation, and other associated site grading and drainage on a 18,462 sq. ft. property located at 27 Nawthorne Road in the R-12 zone. *(Staff: MK) (Motion to defer decision and follow the timeline of the final coastal site plan/special permit at the 8/2/2016 meeting) (Continued from the 11/1/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Ramer)*
The School of Rock; application PLPZ 2016 00506 for a final site plan for a change of use of space on the second floor of a building from use group 1 (hair salon/personal service establishment) to use group 4 (music school) on property located at 1200 East Putnam Avenue, Riverside in the LB zone. *(Staff: MK) (Must decide by 1/28/17) (Maximum extension granted) (Continued from the 11/1/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri [for Ramer]*)

Old Track Properties, LLC; applications PLPZ 2016 00432 and PLPZ 2016 00433, for a final site plan and special permit, to change the approved group fitness center use to a residential use and infill the space on the first floor to add six (6) residential units above the number of residential units originally approved by the Commission for the building one (1) of which would be a moderate income unit which would increase the unit count and total gross floor area on property located at 16 Old Track Road in the GB zone. *(Staff: MK) (Must close by 1/12/2017) (Maximum extension granted) (Continued from the 10/4/2016 meeting) (Postponed at the 11/1/2016 meeting – maximum extension granted) (Seated: Maitland, Alban, Levy, Fox, and Ramer)*

CRK, LLC; applications PLPZ 2016 00465 and PLPZ 2016 00467, for a preliminary coastal site plan and special permit, to re-zone the property from R-7 to HRO (as shown on a re-zoning map on file in the Town Clerk’s office) to retain the existing building and construct an addition to the building for four (4) squash courts and employee housing on a 25,443 sq. ft. property located at 50 River Road, Cos Cob in the R-7 zone. *(Staff: PL) (Must close by 2/9/2017) (Maximum extension granted) (Continued from the 11/1/2016 meeting where the application was converted to a preliminary coastal site plan) (Seated: Maitland, Alban, Levy, Fox, and Macri [for Ramer]*)
TOWN OF GREENWICH
PLANNING AND ZONING COMMISSION

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

November 15, 2016
FINAL AGENDA

REGULAR MEETING 7:00 PM

1. **Mark Mega;** application PLPZ 2016 00448 for a final subdivision to merge two (2) parcels, Lot 27 and Lot 28 into one (1) parcel totaling 11,485 sq. ft. on properties located at 16 Smith Street North in the R-6 zone. *(Staff: CT) (Must Decide by 11/15/2016) (Maximum Extension Available to 12/23/2016) (Postponed at the 10/4/2016 meeting)* *(Page Number: 12)*

PUBLIC HEARING 7:05 PM

2. **Greenwich Association of Realtors;** application PLPZ 2016 00443, for a text amendment to amend Section 6-5 and Diagram 6-205 of the Town of Greenwich Building Zone Regulations as follows: **TEXT IN BOLD TO BE ADDED [TEXT IN BRACKETS TO BE DELETED]** *(Staff: PL) (Must open by 11/15/2016) (Extension to open granted to 11/15/16) (Maximum extension available to 1/16/2017)* *(Page Number: 30)*

Section 6-5. DEFINITIONS
(a) As used in this Article:

(22.1) **Floor Area, Gross** 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] ceiling plane of seven (7') feet or more shall be included in the Gross Floor Area, and the area of the attic floor under a dormer that is below a ceiling plane of five (5) feet or more shall be included in the Gross Floor Area, subjected to the following:

1. If the total of the attic Gross Floor Area less than 50% of the Gross Floor Area of the floor below, the attic Gross Floor Area shall not be included in the Floor Area Ratio calculation.
2. Any attic floor area exceeding 50% to the floor below shall be included in the Floor Area Ratio calculation, unless it rendered uninhabitable through the use of engineered trusses or other required structural elements.

See diagram No. 2.

(a) Notwithstanding the foregoing, for buildings existing as to 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 the 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 is made available via fixed stairs or through an adjacent room, the floor area of such attic space in excess of 50% of the floor area of the floor next below shall be included in the determination of Gross Floor Area as provided in Sec. 6-5(a)(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 pursuant to Sec. 6-5(22.1)(A) above 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)] five (5) 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 in 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 1% of the space, excluding crawl
space, shall be included when calculating Gross Floor Area. See Diagram
No. 3 (4/19/2006)]

(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)] fifty (50) 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)] fifty
(50) percent is exceeded. See Diagram No. 4. (4/30/2002)

(45.1) 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.] 1. More than five (5) feet above the finished grade at the wall of the building
for more than [thirty (30)] fifty (50) percent of the total linear measurement of
the perimeter wall of the building; or
[3.] 2. More than fourteen (14) feet above the finished grade at the perimeter of
the building at any point. See Diagram No. 5. (4/30/2002; 9/28/2010)

Diagram 6-205. Schedule of Required Open Spaces, Limiting Heights and Bulk of
Buildings

- Maximum building height to be increased to 37.5 feet in the R-6, R-7 and R-12
zones to account for the 2-foot adjustment under Section 6-5(22.1)(B) [Change to
§6-205].
3. **BAMSE 23 Woodland Drive LLC;** applications PLPZ 2016 00495 and PLPZ 2016 00496, for a final site plan and special permit, to construct a two-family residence on the portion of the property that is in the R-6 zone, and construct a single family residence on the portion of the property that is in the GB zone on a 9,548 square foot property located at 23 Woodland Drive in the GB and R-6 zones. *(Staff: PL) (Must open by 11/24/16) (Maximum extension available to 1/28/2017) (Page Number: 45)*

4. **Nutmeg Real Estate LLC;** applications PLPZ 2016 00497 and PLPZ 2016 00498, for a final site plan and special permit, to construct a two-family residence on the portion of the property that is in the R-6 zone, and construct a single family residence on the portion of the property that is in the GB zone on a 9,679 square foot property located at 25 Woodland Drive in the GB and R-6 zones. *(Staff: PL) (Must open by 11/24/16) (Maximum extension available to 1/28/2017) (Page Number: 105)*

**REGULAR MEETING CONTINUED**

5. **Apadana Realty Company II, LLC;** application PLPZ 2016 00470 for a final site plan for a change of use from retail to school on property located at 539 East Putnam Avenue, Cos Cob in the LB zone. *(Staff: MK) (Must decide by 00/00/00)*

   Application PLPZ 2016 00470 remained an administrative final site plan

6. **DISCUSSION ITEMS:**

7. **DECISION ITEMS:**

   (a) **Bruce Museum Inc., the operator, and the Town of Greenwich;** application PLPZ 2016 00408, for a special permit only, to expand and make additions to the existing Bruce Museum Building, related site improvements including new parking areas, stormwater management infrastructure and landscaping on property located at 1 Museum Drive in the R-6 zone. *(Staff: PL) (Must decide by 11/22/2016) (Maximum extension available to 1/28/2017) (Continued from the 9/20/2016 meeting) (Seated: Maitland, Alban, Levy, Goss (for Fox who recused), and Ramer) (Moved to final at the 10/18/2016 meeting, no action on special permit)*

8. **APPROVAL OF MINUTES:**

   November 1, 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:

Planning and Zoning Staff; application PLPZ 2016 00410, for a text amendment, to modify Section 6-17.2 of the Town of Greenwich Building Zone Regulations as follows: [TEXT IN BRACKETS TO BE DELETED] (Staff: KD) (Must decide by 1/16/2017) (Maximum extension taken) (Continued from the 9/8/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Ramer)

[Sec. 6-17.2. PROCEDURE FOR THE SUBDIVISION OF LAND IN MIXED USE – CONDOMINIUM DEVELOPMENTS.
(a) Where the Planning and Zoning Commission has granted site plan approval or special permit approval for a mixed use development or a residential or non-residential single use development, and where the owner or developer wishes to create separate condominium, then a division of the approved tract into two parcels or lots for the purpose of sale or building development may be permitted by the Commission after the filing of an amended site plan and a certified map to be filed in the Town Clerk’s Office showing such division, referring to the site plan number and containing a notation that the property shown thereon is subject to the site plan approved for said property. Any conveyance relating to said approval or any portion thereof shall make reference to said certified map.

The amended site plan shall not be changed without the prior approval of the Commission by way of special permit procedure or site plan review.

Cross-easements shall be provided to enable each parcel or lot to be a self-sufficient entity.

For the purpose of compliance with these regulations such a divided tract development shall be considered a single lot. (6/30/92)
(b) A division into two or more parcels or lots may only be effected by the procedures set forth in the subdivision regulations. (4/24/2013)]

J&J Greenwich, LLC; applications PLPZ 2016 00369 and PLPZ 2016 00370, for a final site plan and special permit, to: merge two (2) properties; 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 11/2/2016) (Extension to close granted to 11/30/16) (Maximum extension available to 12/29/2016) (Continued from the 9/20/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Ramer)
J&J Greenwich, LLC; application PLPZ 2016 00416, for a zoning text amendment, to amend the language of Section 6-110(g) “Incentives” under the “Use regulations and special requirements for dwelling units in Business Zones” of the Town of Greenwich Building Zone Regulations as follows: (Staff: KD) (Must close by 11/30/2016) (Extension to close granted to 11/30/16) (Maximum extension available to 12/29/2016) (Continued from the 9/20/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Ramer)

Amend Sec. 6-110 (3) as follows: [TEXT IN BRACKETS TO BE DELETED], TEXT IN BOLD TO BE ADDED

For the GB, GBO, CGBR, and CGB [and LB] business zones only, an increase by one (1) story only over the number of stories otherwise allowed in these zones; for the LB business zone only, an increase by one and a half (1 ½) stories only over the number of stories otherwise allowed in the LB business zone; and an increase in the height of a building up to 47 ½ feet: all as measured according to the requirements of the particular underlying business zone;

Add Subsection (9) as follows: TEXT IN BOLD TO BE ADDED

A waiver of the prohibition that no entrance to or exit from a business use shall be located on any street frontage opposite a residence zone where the lot containing the business use has frontage in a business zone.

Bruce Museum; application PLPZ 2016 00282 for a municipal improvement to approve the lease agreement between the State of Connecticut and the Town of Greenwich and the Bruce Museum for use of approximately 14,970 sq. ft. land on the Southeasterly side of Interstate Route 95 to be used for motor vehicle parking and landscaping associated with Bruce Park and the Bruce Museum located at 1 Museum Drive in the R-6 zone. (Staff: PL) (Motion to defer decision and follow the timeline of the final coastal site plan/special permit at the 8/2/2016 meeting) (Continued from the 8/2/2016 and 9/20/2016 meetings) (Seated: Maitland, Alban, Levy, Goss (for Fox who recused), and Ramer) (Second motion to defer the MI for 90 days at the 10/18/2016 meeting)

Bruce Museum; application PLPZ 2016 00492 for a municipal improvement to expand and make improvements to the Bruce Museum per the Town Charter and located at 1 Museum Drive in the R-6 zone. (Staff: PL) (Must act by 10/27/2016) (Maximum available to defer 1/25/2017) (Continued from the 9/20/2016 meeting) (Seated: Maitland, Alban, Levy, Goss (for Fox who recused), and Ramer) (Second motion to defer the MI for 90 days at the 10/18/2016 meeting)

New Lebanon School Building Committee, for the Town of Greenwich Board of Education; applications PLPZ 2016 00463 and PLPZ 2016 00464, for a final site plan and special permit, to demolish the existing New Lebanon School
building and replace it with a new 60,759 sq. ft. school building, expand onsite parking to 74 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 Avenue in the R-6 zone. (Staff: PL) (Must close by 11/22/2016) (Maximum extension available to 1/26/2017) (Continued from the 10/18/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Ramer)

Adrian Owles & Mary McNiff; application PLPZ 2016 00484 for a final coastal site plan to construct a new 5,407 sq. ft. single family residence, pool, driveway relocation, and other associated site grading and drainage on a 18,462 sq. ft. property located at 27 Nawthorne Road in the R-12 zone. (Staff: MK) (Must decide by 11/30/2016) (Extension granted to 11/30/16. Maximum extension available to 1/28/2017) (Continued from the 11/1/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri [for Ramer])

The School of Rock; application PLPZ 2016 00506 for a final site plan for a change of use of space on the second floor of a building from use group 1 (hair salon/personal service establishment) to use group 4 (music school) on property located at 1200 East Putnam Avenue, Riverside in the LB zone. (Staff: MK) (Must decide by 1/28/17) (Maximum extension granted) (Continued from the 11/1/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri [for Ramer])

Old Track Properties, LLC; applications PLPZ 2016 00432 and PLPZ 2016 00433, for a final site plan and special permit, to change the approved group fitness center use to a residential use and infill the space on the first floor to add six (6) residential units above the number of residential units originally approved by the Commission for the building one (1) of which would be a moderate income unit which would increase the unit count and total gross floor area on property located at 16 Old Track Road in the GB zone. (Staff: MK) (Must close by 1/12/2017) (Maximum extension granted) (Continued from the 10/4/2016 meeting) (Postponed at the 11/1/2016 meeting – maximum extension granted) (Seated: Maitland, Alban, Levy, Fox, and Macri [for Ramer])

CRK, LLC; applications PLPZ 2016 00465 and PLPZ 2016 00467, for a preliminary coastal site plan and special permit, to re-zone the property from R-7 to HRO (as shown on a re-zoning map on file in the Town Clerk’s office) to retain the existing building and construct an addition to the building for four (4) squash courts and employee housing on a 25,443 sq. ft. property located at 50 River Road, Cos Cob in the R-7 zone. (Staff: PL) (Must close by 2/9/2017) (Maximum extension granted) (Continued from the 11/1/2016 meeting where the application was converted to a preliminary coastal site plan) (Seated: Maitland, Alban, Levy, Fox, and Macri [for Ramer])