

1. Meeting Materials

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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

November 29, 2016

FINAL AGENDA

REGULAR MEETING 7:00 PM

1. **TMK Sports & Entertainment;** application PLPZ 2016 00595 for a final site plan to extend Administrative Site Plan PLPZ #2016 00575 beyond 14 days for a temporary structure and the hosting of a special event, The Greenwich Reindeer Festival and Santa's Village, on a 19.42 acre property located at 437 North Street in the RA-1 Zone. (Staff: MK) (Must decide by 1/19/2017) (Maximum extension available to 3/25/2017) (Page Number: 11)
2. **Lauren E. Jones;** application PLPZ 2016 00528 for a final coastal site plan for a modification to the dwelling already under construction, build a new pool, modify the driveway, landscaping and a drainage system to accommodate the changes on a 0.965-acre property located at 95 Club Road in the RA-1 zone. (Staff: PL) (Must decide by 12/22/2016) (Maximum extension available to 2/25/2017) (Page Number: 32)
3. **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 11/30/2016) (Maximum extension available to 1/28/2017) (Continued from the 11/1/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri [for Ramer]) (Page Number: 74)

PUBLIC HEARING 7:15 PM

4. **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 1/26/2017) (Maximum extension granted) (Continued from the 10/18/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Ramer) (Page Number: 138)*

5. **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 11/30/2016) (Extension to close granted to 11/30/2016) (Maximum extension available to 12/29/2016) (Continued from the 9/20/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Ramer) (Page Number: 332)*

6. **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 11/30/2016) (Maximum extension available to 12/29/2016) (Continued from the 9/20/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Ramer) (Page Number: 394)*

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.

7. **Nello Frattroli**; applications PLPZ 2016 00509 and PLPZ 2016 00510, for a final site plan and special permit, to create a division of ownership under Section 6-17.2 on a 18,186 sq. ft. property located at 71 Valley Road in the R-6 zone. *(Staff: MK) (Must open by 12/8/2016) (Maximum extension available to 2/11/2017) (Page Number:396)*
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9. **CNS 537, LLC**; applications PLPZ 2016 00552 and PLPZ 2016 00553, for a final site plan and special permit, to construct a 656 sq. ft. pool house, tennis court, and in-ground swimming pool to a property that would be in excess of the 150,000 cubic feet in volume threshold on a 2.973 acres property located at 537 North Street in the RA-2 zone. *(Staff: CT) (Must open by 1/5/2017) (Maximum extension available to 3/10/2017) (Page Number: 449)*

REGULAR MEETING CONTINUED

10. **DISCUSSION ITEMS:**
 - a. Budget for FY 2017/18 for Planning and Zoning, Zoning Enforcement, and Land Use Departments.
11. **DECISION ITEMS:**
12. **APPROVAL OF MINUTES:**

November 15, 2016
13. **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)]

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*)

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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])*

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 close by 12/20/2016) (Extension to open granted to 11/15/16) (Maximum extension available to 2/20/2017) (Continued from the 11/15/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Yeskey [for Ramer])*

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].

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 close by 12/20/16) (Maximum extension available to 1/28/2017) (Continued from the 2/23/2017 meeting) (Seated: Maitland, Alban, Levy, Fox, and Yeskey [for Ramer])*

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 12/20/2016) (Maximum extension available to 2/23/2017) (Continued from the 11/15/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Yeskey [for Ramer])*

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(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].

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 close by 12/20/16) (Maximum extension available to 1/28/2017) (Continued from the 2/23/2017 meeting) (Seated: Maitland, Alban, Levy, Fox, and Yeskey [for Ramer])

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 12/20/2016) (Maximum extension available to 2/23/2017) (Continued from the 11/15/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Yeskey [for Ramer])

TENTATIVE AGENDA

FINAL AGENDA

ACTION AGENDA

TOWN OF GREENWICH PLANNING AND ZONING COMMISSION

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

November 29, 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, and Victoria Goss (seated for Ramer)

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. **TMK Sports & Entertainment;** application PLPZ 2016 00595 for a final site plan to verify compliance with final site plan PLPZ 2013 00441 and special permit PLPZ 2013 00442 approvals for a seasonal event to operate between Thanksgiving and Christmas for a temporary structure and The Greenwich Reindeer Festival and Santa's Village on a 19.42 acre property located at 437 North Street in the RA-1 zone. (Staff: MK) (Must decide by 1/19/2017) (Maximum extension available to 3/25/2017) (Page Number: 11)

Motion to approve seasonal event to operate until 12/24/16 with all structures removed by 12/31/16, which is in keeping with approved use.

Moved by Alban, seconded by Levy

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

5-0

2. **Lauren E. Jones;** application PLPZ 2016 00528 for a final coastal site plan for a modification to the dwelling already under construction, build a new pool, modify the driveway, landscaping and a drainage system to accommodate the changes on a 0.965-acre property located at 95 Club Road in the RA-1 zone. (Staff: PL) (Must decide by 12/22/2016) (Maximum extension available to 2/25/2017) (Page Number: 32)

Motion to approve final coastal site plan with modifications

Moved by Alban, seconded by Fox

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

5-0

3. **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 11/30/2016) (Maximum extension available to 1/28/2017) (Continued from the 11/1/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri [for Ramer]) (Page Number: 74)

Postponed to January 10, 2017

PUBLIC HEARING 7:15 PM

4. **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 1/26/2017) (Maximum extension granted) (Continued from the 10/18/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Ramer) (Page Number: 138)

Postponed to January, 2017

5. **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 11/30/2016**) (*Extension to close granted to 11/30/2016*) (*Maximum extension available to 12/29/2016*) (*Continued from the 9/20/2016 meeting*) (*Seated: Maitland, Alban, Levy, Fox, and Goss [for Ramer]*) (*Page Number: 332*)

Left Open to the December 8, 2016 Meeting

6. **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 11/30/2016*) (*Maximum extension available to 12/29/2016*) (*Continued from the 9/20/2016 meeting*) (*Seated: Maitland, Alban, Levy, Fox, and Goss [for Ramer]*) (*Page Number: 394*)

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;~~

Text with ~~striketrough~~ above as part of this application has been Withdrawn by Applicant

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.

Remaining text above Left Open to the December 8, 2016 Meeting

7. **Nello Frattroli**; applications PLPZ 2016 00509 and PLPZ 2016 00510, for a final site plan and special permit, to create a division of ownership under Section 6-17.2 on a 18,186 sq. ft. property located at 71 Valley Road in the R-6 zone. (Staff: MK) (Must open by 12/8/2016) (Maximum extension available to 2/11/2017) (Page Number:396)

Left Open to January, 2017

8. **North Street Real Estate, LLC**; applications PLPZ 2016 00554 and PLPZ 2016 00555, for a final site plan and special permit, to change the use on a non-conforming property from a personal service business to general office use on a 24,111 sq. ft. property located at 781 North Street in the RA-4 zone. (Staff: CT) (Must open by 1/5/2017) (Maximum extension available to 3/10/2017) (Page Number: 422)

Postponed by Applicant to January, 2017

9. **CNS 537, LLC**; applications PLPZ 2016 00552 and PLPZ 2016 00553, for a final site plan and special permit, to construct a 656 sq. ft. pool house, tennis court, and in-ground swimming pool to a property that would be in excess of the 150,000 cubic feet in volume threshold on a 2.973 acres property located at 537 North Street in the RA-2 zone. (Staff: CT) (Must open by 1/5/2017) (Maximum extension available to 3/10/2017) (Page Number: 449)

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 Goss (for Ramer)
5-0

REGULAR MEETING CONTINUED

10. **DISCUSSION ITEMS:**
- Budget for FY 2017/18 for Planning and Zoning, Zoning Enforcement, and Land Use Departments.
 - Proposed Fee Schedule for 2017

Motion to approve Budget for fiscal year 2017-18 and new Fee Schedule for 2017
Moved by Alban, seconded by Levy
Voting in favor: Maitland, Alban, Levy, Fox, and Goss (for Ramer)
5-0

11. **DECISION ITEMS:**

12. **APPROVAL OF MINUTES:**

November 15, 2016

Motion to approve Minutes of November 15, 2016

Moved by Fox, seconded by Maitland

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

5-0

13. **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)]

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)*

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])

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 close by 12/20/2016) (Extension to open granted to 11/15/16) (Maximum extension available to 2/20/2017) (Continued from the 11/15/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Yeskey [for Ramer])

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.
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 - 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)

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- 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].

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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 12/20/2016) (Maximum extension available to 2/23/2017) (Continued from the 11/15/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Yeskey [for Ramer])