

TENTATIVE AGENDA

FINAL AGENDA

ACTION AGENDA

**TOWN OF GREENWICH
PLANNING AND ZONING COMMISSION
Town Hall Meeting Room
101 Field Point Road, Greenwich, CT**

**March 7, 2017
ACTION AGENDA
WITH DECISIONS**

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

Alternate Members Present: Dennis Yeskey, and Victoria Goss

Staff Members Present: Katie DeLuca, Director Planning and Zoning/Zoning Enforcement Coordinator/Town Planner, and Patrick LaRow, Deputy Director Planning and Zoning/Assistant Town Planner

REGULAR MEETING 7:00 PM

1. **143 Clapboard Ridge Road, LLC & Thomas N. Keltner, Jr., Trustee;** application PLPZ 2017 00022 for a final subdivision to convey 2,768 sq. ft. of land from the parcel at 143 Clapboard Ridge Road (2.0856-acres now. 2.0221-acres proposed) to 145 Clapboard Ridge Road (2.1123-acres now. 2.1758-acres proposed) located in the RA-2 zone. (Staff: MA) (**Must decide by 3/14/2017**) (Maximum extension available to 5/13/2017) (Page Number: 13)

Motion to find not a subdivision or re-subdivision

Moved by Alban, seconded by Fox

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

5-0

2. **Adrian Owles & Mary McNiff;** application PLPZ 2017 00063 for a final coastal site plan to construct a new 5,209 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 4/27/2017**) (Maximum extension available to 7/1/2017) (Page Number: 159)

Motion to approve final coastal site plan with modifications

Moved by Alban, seconded by Fox

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

5-0

3. **Binney Point LLC**; application PLPZ 2016 00646 for a final coastal site plan to demolish the existing residence, and construct a new single family dwelling at 68 Binney Lane with associated site improvements on 63 and 66 Binney Lane located in the R-12 zone. (Staff: MA) (**Must decide by 3/16/2017**) (Maximum extension available to 5/20/2017)

Postponed by Applicant - Maximum Extension Granted to 5/20/2017

4. **19 South End Court LLC**; application PLPZ 2016 00623 for a final coastal site plan to construct a new single family residence on a 11,700 sq. ft. property located at 19 South End Court in the R-12 zone. (Staff: PL) (**Must decide by 3/16/2017**) (Maximum extension available to 5/20/2017)

Postponed by Applicant – Maximum Extension Granted to 5/20/2017

5. **Brian J. Raabe & Rachel G. Overton**; application PLPZ 2017 00016 for a final site plan to lift the single family dwelling and associated utilities above the required base flood elevation of elevation 17, to a first floor elevation of 17.8 on a 5,343 sq. ft. property located at 6 Oak Lane in the R-12 zone. (Staff: PL) (**Must decide by 4/19/2017**) (Maximum extension available to 5/20/2017) (Continued from the 2/21/2017 meeting) (Seated: Maitland, Alban, Levy, Goss [for Fox], and Macri)

Postponed by Applicant - Extension Granted to 4/19/2017

6. **Il Mandorlo, LLC**; application PLPZ 2016 00594 for a final coastal subdivision to subdivide a 485,041 sq. ft. parcel into two parcels where Parcel "A" would be 327,567 sq. ft., and Parcel "B" would be 157,474 sq. ft., and create one open space parcel of 327,236 sq. ft. (consisting of a tidal lake) on property located at 0 Indian Field Road in the RA-2 zone. (Staff: MK) (**Must decide by 3/8/2017**) (Extension granted to 3/8/2017. Maximum extension available to 3/21/2017) (Continued from the 1/24/2017 meeting) (Seated: Maitland, Alban, Goss [for Levy], Fox, and Macri)

Postponed by Applicant - Maximum Extension Granted to 3/21/2017

PUBLIC HEARING 7:15 PM

7. **Harbor House Inn LLC**; applications PLPZ 2017 00064 and PLPZ 2017 00065, for a final coastal site plan and special permit, to make exterior changes to approved final coastal site plan and special permit, PLPZ 2015 00023 and PLPZ 2015 00024 and construct a stair bulkhead on the existing roof on a 0.5-acre property located at 165 Shore Road in the R-12 zone. (Staff: PL) (Must open by 5/25/2017) (Maximum extension available to 7/29/2017)

Postponed by Applicant

8. **143 Sound Beach Avenue Associates, LP**; applications PLPZ 2016 00648 and PLPZ 2016 00649, for a preliminary coastal site plan and special permit, to remove the existing structures and construct a new four-story, 43,200 sq. ft. moderate-income housing development where 20% of the total number of units would be restricted to moderate income households on property located at 143 Sound Beach Avenue in the LBR-2 zone. (Staff: KD) (Must open by 3/16/2017) (Maximum extension available to 5/20/2017) (Page Number: 214)

Postponed by Applicant – Extension Granted to 4/15/2017

9. **Joel M. Kaye, Trustee**, record owner, a final re-subdivision, PLPZ 2017 00069, to modify an existing conservation easement area created as part of final subdivision #881 from 14.5305-acres to 14.8096-acres on a 21.9106-acres property located at 105 Conyers Farm Drive in the RA-4 zone. (Staff: MK) (Must decide by 4/18/2017) (Maximum extension available to 6/17/2017) (Page Number: 328)

Motion to approve re-subdivision with modifications

Moved by Alban, seconded by Fox

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

5-0

10. **Joel M. Kaye, Trustee**; applications PLPZ 2016 00650 and PLPZ 2016 00651, for a final site plan and special permit, to demolish the existing structures and construct a new single family residence, pool house, associated site work and stormwater management systems the result of which would be in excess of the 150,000 cubic feet building volume threshold on a 21.9106-acres property located at 105 Conyers Farm Drive in the RA-4 zone. (Staff: MK) (Must open by 3/16/2017) (Maximum extension available to 5/20/2017) (Postponed at the 2/21/2017 meeting) (Page Number: 373)

Motion to approve final site plan and special permit with modifications

Moved by Alban, seconded by Fox

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

5-0

11. **500 WPA, LLC**; applications PLPZ 2017 00004 and PLPZ 2017 00005, for a final site plan and special permit, to change the use of the space in the building from general office to medical professional office, and make changes to a non-conforming building to construct a new lobby and elevators, the total of which would be in excess of the 150,000 cubic feet building volume threshold on property located at 500 West Putnam Avenue in the GBO zone. (Staff: CT) (**Must open by 3/16/2017**) (Maximum extension available to 5/20/2017) (Page Number: 446)

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12. **330 Railroad Avenue, LLC**; application PLPZ 2017 00001 for a zoning text amendment, to amend Section 6-167(a) of the Town of Greenwich Building Zone Regulations, as follows: **TEXT IN BOLD TO BE ADDED**, [TEXT IN BRACKETS TO BE DELETED] (Staff: CT) (**Must open by 3/16/2017**) (Maximum extension available to 5/20/2017) (Page Number: 530)

- (a) Free-standing signs, including posts, shall not exceed a height of ten (10) feet in a residential zone, or fifteen (15) feet overall in a business zone above the surface of the ground where located. **Before a Zoning Permit is issued for the installation of** [There shall be a clear space underneath] a free-standing sign located within **any** [the] required [front or street side] yard in a business zone, **sufficient certified information shall be provided to confirm that appropriate sight lines will be maintained.** [so that the sign will not interfere with the vision of a driver approaching a street intersection. The clear space shall be at least seven (7) feet four (4) inches, measured above the center line of the intersecting street as measured in Section 6-126, to the bottom of the sign.]

Left Open – Max Extension Granted

13. **Stanwich Congregational Church, and Greenwich Center for Hope and Renewal (GCHR)**; applications PLPZ 2017 00006 and PLPZ 2017 00007, for a final site plan and special permit, to permit the use of the Church property by a charitable institution providing counseling services in accordance with Section 6-94(b)(1) on property located at 237 Taconic Road in the RA-4 zone. (Staff: MK) (**Must open by 3/16/2017**) (Maximum extension available to 5/20/2017) (Page Number: 546)

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14. **500 Lake Avenue, LLC and Foster Lake, LLC;** application PLPZ 2016 00596, for a final re-subdivision, to subdivide two (2) existing parcels totaling 10.244 acres into three (3) parcels where Lot “1” would be 3.676 acres (3.161 acres for zoning purposes), Lot “2” would be 3.046 acres, and Lot "3" would be 3.522 acres on property located at 0 & 500 Lake Avenue in the RA-2 zone. *(Staff: PL) (Must decide by 3/8/2017) (Maximum extension available to 3/23/2017) (Page Number: 580)*

Left Open – Extension Granted to 3/22/2017

15. **500 Lake Avenue, LLC and Foster Lake, LLC;** applications PLPZ 2016 00597 and PLPZ 2016 00598, for a final site plan and special permit, to construct a new residence, pool, and relocated pool house, on Lot “1” of proposed subdivision PLPZ 2016 00596 to exceed the 150,000 cubic feet volume threshold on property located at 0 & 500 Lake Avenue in the RA-2 zone. *(Staff: PL) (Must open by 3/8/2017) (Maximum extension available to 4/8/2017) (Page Number: 668)*

Left Open

16. **500 Lake Avenue, LLC and Foster Lake, LLC;** applications PLPZ 2016 00599 and PLPZ 2016 00600, for a final site plan and special permit, to construct a new single family dwelling, pool, and pool house on Lot “2” of proposed subdivision PLPZ 2016 00596 to exceed the 150,000 cubic feet volume threshold on property located at 0 & 500 Lake Avenue in the RA-2 zone. *(Staff: PL) (Must open by 3/8/2017) (Maximum extension available to 4/8/2017)*

Withdrawn

17. **500 Lake Avenue, LLC and Foster Lake, LLC;** applications PLPZ 2016 00601 and PLPZ 2016 00602, for a final site plan and special permit, to construct a new single family dwelling, pool, and pool house on Lot “3” of proposed subdivision PLPZ 2016 00596 to exceed the 150,000 cubic feet volume threshold on property located at 0 & 500 Lake Avenue in the RA-2 zone. *(Staff: PL) (Must open by 3/8/2017) (Maximum extension available to 4/8/2017)*

Withdrawn

REGULAR MEETING CONTINUED

18. **DISCUSSION ITEMS:**

19. **DECISION ITEMS:**

- a. **Theresa Hatton (~~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 decide by 3/16/2017, last meeting to decide 3/7/2017**) (*Seated: Maitland, Alban, Levy, Fox, and Yeskey [for Ramer]*) (*Closed at the 1/10/2017 meeting*)

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].

Motion to approve text amendment

Moved by Alban, seconded by Levy

Voting in favor: None

Voting against: Maitland, Alban, Levy, Fox, and Yeskey (*for Ramer*)

0-5

Motion to deny text amendment

Moved by Alban, seconded by Fox

Voting in favor of denial: Maitland, Alban, Levy, Fox, and Yeskey (*for Ramer*)

5-0

Application is denied

20. APPROVAL OF MINUTES:

February 21, 2017

Motion to approve Minutes of February 21, 2017

Moved by Fox, seconded by Levy

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

5-0

21. **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:**

Lexus of Greenwich and 40 Old Field Point Road, LLC; applications PLPZ 2016 00617 and PLPZ 2016 00618, for a final site plan and special permit, to demolish the existing buildings and construct a new 13,911 sq. ft. motor vehicle sales and service building with 13 service bays that would exceed the 40,000 cubic feet in volume threshold of Section 6-101, 79 parking spaces, site lighting, landscaping, and stormwater management improvements on a 34,507 sq. ft. property located at 40 Old Field Point Road in the GB and the GGIO zones. *(Staff: PL) (Must close by 3/22/2017) (Extension to close granted to 3/22/17. Maximum extension available to 5/4/2017) (Continued from the 1/24/2017 meeting) (Seated: Maitland, Alban, Goss [for Levy], Fox, and Macri)*

Orchard Place Associates LLC; applications PLPZ 2016 00612 and PLPZ 2016 00613, for a final site plan and special permit, to make changes to an existing automotive sales and service use and: demolish a portion of the building at 289 Mason Street and renovate the interior; construct and addition to the building at 275 Mason Street and renovate the structure; construct a new parking deck; and make improvements to associated parking areas, on properties located at 275, 289, 309, 315, and 321 Mason Street in the CGB and CGIO zones. *(Staff: PL) (Must close by 3/22/2017) (Extension to close granted to 3/22/17. Maximum extension available to 5/22/2017) (Continued from the 1/24/2017 meeting) (Seated: Maitland, Alban, Goss [for Levy], Fox, and Macri)*

Orchard Place Associates LLC and Bruce Park Associates LLC; applications PLPZ 2016 00614 and PLPZ 2016 00615, for a final site plan and special permit, to renovate an existing motor vehicle sales and service buildings, and construct a new 101 sq. ft. entry tower on properties located at 290 and 294 Mason Street in the CGB and CGIO zones. *(Staff: PL) (Must close by 3/22/2017) (Extension to close granted to 3/22/17. Maximum extension available to 5/22/2017) (Continued from the 1/24/2017 meeting) (Seated: Maitland, Alban, Goss [for Levy], Fox, and Macri)*

Pickwick Properties, LLC; application PLPZ 2017 00051 for a final site plan to reconfigure the landscaping and lighting of the Pickwick Plaza Campus, including installation of a new water feature on a 3.091-acres property located at 1-3 Greenwich Avenue in the CGBR and CGIO zones. *(Staff: CT) (Must decide by 4/27/2017) (Maximum extension available to 7/1/2017) (Postponed at the 2/21/2017 meeting)*