

TENTATIVE AGENDA

FINAL AGENDA

ACTION AGENDA

TOWN OF GREENWICH
PLANNING AND ZONING COMMISSION
Town Hall Meeting Room
101 Field Point Road, Greenwich, CT
January 24, 2017
ACTION AGENDA
WITH DECISIONS

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

Regular Member Absent: Peter Levy

Alternate Members Present: Dennis Yeskey, and Victoria Goss (seated for Levy)

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. **Glenville and Pemberwick Neighborhood Plan**; request for the Planning and Zoning Commission to adopt the Glenville and Pemberwick Neighborhood Plan, which is on file in the Planning and Zoning Office and on the Town's website at: <http://www.greenwichct.org/upload/medialibrary/8fb/december-2016-draft.pdf>
The draft is dated December 2016. (*Page Number: 11*)

Motion to approve plan with modifications as follows:

- 1) The word, "Urban" be removed from the title of Chapter 5 to read:
Chapter Five – Design and Community Charter
- 2) A introductory paragraph be added to Chapter Six: Action Plan, to read:
 - a. In determining the timing and order of the Action Plan items, the Town Planner will be responsible for completing an annual action plan for implementing these recommendations and those of the other approved neighborhood plans in Greenwich. The annual action plan will set timeframes and priorities of all neighborhood planning action items, similar to the process used by the Town's Plan of Conservation and Development (POCD) Plan Implementation Committee (PIC).
- 3) Include the "Byram Watershed Study" to the list of study's noted in Section 1.4. of the plan.

Moved by Alban, seconded by Fox

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

5-0

2. **George Sandor**; a request for an extension of time pursuant to Senate Bill 859, Public Act 11-5 on applications FSP-C #4050 approved at the February 2, 2010 meeting for a final coastal site plan and special permit to construct a new 402 sq. ft. commercial garage in the rear yard of property currently improved with a two family residential building and add two parking spaces to the rear of the primary structure on a property located at 29 North Water Street in the LBR-2 zone. (Staff: MK) (Page Number: 101)

Motion to approve extension of time with original modifications
Moved by Alban, seconded by Fox
Voting in favor: Maitland, Alban, Goss (*for Levy*), Fox, and Macri
5-0

3. **Stephen C. Sutton & Stanford Guy Sutton**; application PLPZ 2016 00622 for a final subdivision for a proposed equal area exchange of 942 sq. ft., between the properties at 517 and 519 East Putnam Avenue in the R-20 zone. (Staff: CT) (Must decide by 2/7/2017) (Maximum extension available to 4/8/2017) (Page Number: 111)

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

4. **Adrian Owles & Mary McNiff**; application PLPZ 2016 00484 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 1/28/2017) (Maximum extension granted) (Page Number: 131)

Application converted to preliminary coastal site plan
Moved to move to final coastal site plan with modifications
Moved by Alban, seconded by Fox
Voting in favor: Maitland, Alban, Goss (*for Levy*), Fox, and Macri
5-0

5. **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 1/25/2017) (Extension to decide was granted to 1/25/2017. Maximum extension available to 3/21/2017) (Page Number: 198)

Left Open – Extension Granted to February 22, 2017

PUBLIC HEARING 7:15 PM

6. **Christopher M. and Francesca J. Santomero**; applications PLPZ 2016 00640 and PLPZ 2016 00641, for final site plan and special permit to amend the approved plans under application PLPZ 2016 00333 and PLPZ 2016 00334 and increase the gross floor area and building volume of the approved home, the result of which would further exceed the 150,000 cubic feet building volume threshold, on a 6.3328 acres property located at 46 Vineyard Lane in the RA-2 zone. *(Staff: MK) (Must open by 3/16/2017) (Maximum extension available to 5/20/2017) (Page Number: 337)*

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

7. **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 and expand the permitted number of employees for the existing retail use which was limited by the Commission under Section 6-141 on a 24,111 sq. ft. property located at 781 North Street in the RA-4 zone. *(Staff: CT) (Must open by 3/10/2017) (Maximum extension granted) (Postponed at the 11/29/2016 meeting) (Page Number: 402)*

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

8. **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 open by 2/11/2017) (Maximum extension available to 4/17/2017) (Page Number: 435)*

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9. **Orchard Place Associates LLC and Greenwich Acura – Service and Parts;** 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 an 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 open by 2/11/2017*) (*Maximum extension available to 4/17/2017*) (*Page Number: 476*)

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10. **Orchard Place Associates LLC and Bruce Park Associates LLC, and Greenwich Acura Sales;** 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 decide by 2/11/2017*) (*Maximum extension available to 4/17/2017*) (*Page Number: 532*)

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REGULAR MEETING CONTINUED

11. DISCUSSION ITEMS:

- a. **Cottage located at 1139 King Street;** discuss a change of use of an existing building from the maintenance headquarters of the Gimbel Estate property as approved in 1988 to a single-family dwelling use. (*Page Number: 570*)

Commission advised applicant to file an application for their review.

12. 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 close by 1/11/2017*) (*Extension to close granted to 1/11/2017*) (*Maximum extension available to 2/20/2017*) (*Continued from the 11/15/2016 meeting*) (*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)

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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].

No Action

13. APPROVAL OF MINUTES:

November 29, 2016
December 8, 2016

Motion to approve minutes of November 29, 2016 and December 8, 2016
Moved by Fox, seconded by Macri
Voting in favor: Maitland, Alban, Goss (*for Levy*), Fox, and Macri
5-0

January 10, 2017

Motion to approve minutes of January 10, 2017
Moved by Fox, seconded by Maitland
Voting in favor: Maitland, Alban, Goss (*for Levy*), Fox, and Macri
5-0

14. OTHER:

- a. Executive Session on pending litigation or personnel matters. - None
- b. Other items as may properly come before the Commission. - None

**APPLICATIONS HEARD PREVIOUSLY THAT WILL BE HEARD ON
SUBSEQUENT MEETINGS:**

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])*

WITHDRAWN

Grencom Associates, LP; application PLPZ 2016 00532 for a final site plan proposed site improvements including the creation of 16 new parking spaces, a new driveway, new pedestrian walkways, new plantings, and upgraded site lighting and storm water management techniques on a 2.2-acres property located at 1445-1455 East Putnam avenue in the R-PHD-SU zone. *(Staff: MK) (Must decide by 2/25/2016) (Maximum extension granted) (Continued from the 12/8/2016 meeting) (Seated: Maitland, Alban, Fox, Yeskey [for vacated seat], and Goss [for Levy])*

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)*

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])*

CRK, LLC; application PLPZ 2016 00550, for a re-zoning, to re-zone coastal property from the R-7 to HRO zone (as shown on a re-zoning map on file in the Town Clerk's office) on property located at 50 River Road 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])

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 close by 3/9/17) (Maximum extension granted) (Continued from the 11/29/16 meeting) (Seated: Maitland, Alban, Levy, Fox, and Goss [for Ramer])

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 2/23/2017) (Maximum extension granted) (Continued from the 11/15/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Yeskey [for Ramer]) (Postponed at the 12/8/2016 meeting)

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 close by 2/23/2017) (Maximum extension granted) (Continued from the 11/15/2016 meeting) (Seated: Maitland, Alban, Levy, Fox, and Yeskey [for Ramer]) (Postponed at the 12/8/2016 meeting)

Network Development Company, LLC; application PLPZ 2016 00589, for a final re-subdivision, to re-subdivide an existing three-lot subdivision approved by the Commission (FRSB 1846 and PLPZ 2014 00359), totaling 80,418 sq. ft. of land into two (2) parcels where Lot "No. 66" would be 21,525 sq. ft. and Lot "No. 68" would be 46,830 sq. ft. (42,489 sq. ft. less access way) and two (2) open space parcels totaling 12,063 sq. ft. (equal to 15% of total lot area) on property located at 66 and 68 Halsey Drive in the R-7 zone. (Staff: PL) (Must decide by 3/18/2017) (Maximum extension granted) (Continued from the 1/10/2017 meeting) (Seated: Maitland, Alban, Levy, Fox, and Macri [for vacated seat])