SITE PLAN FINAL and SPECIAL PERMIT,
PLPZ 2020 00246

Joel P. Berger et. Al

Convert 300 sq. ft. of retail space to a restaurant use for the Bella Nonna Restaurant.

LOCATION: 280 Railroad Avenue
EXISTING ZONING: GB and COZ Zones
FLOOD ZONE: X
PARCEL SIZE: 1.09-acres (47,480.4 sq.ft.)
UTILITIES: Public Water and Town Sewer

Existing Use: Retail Food Establishment
Proposed Use: Restaurant

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<th>PARKING:</th>
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<tr>
<td>Existing Parking for Retail Food Use (for 300 gross sq.ft.):</td>
<td>2 parking spaces</td>
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<td>(300 gross sq.ft. x 0.75 = 225 usable sq.ft.) / 150 = 1.5 spaces, and rounds up to 2 parking spaces) *</td>
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<tr>
<td>Proposed Parking for Restaurant Use (for 300 gross sq.ft., the applicant is proposing 5 new seats):</td>
<td>2 parking spaces</td>
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<td>(5 seats / 3 = 1.67 spaces) x 1.2 = 2.004 parking spaces) *</td>
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*Per Section 6-158 of the Town of Greenwich’s Building Zone Regulations (BZR)

Existing Parking for site: 149 parking spaces **

**As noted in the decision letter from FSP SP #2543 dated 4/26/2005, the site has 149 parking spaces, located on three different parcels, shared by three different buildings, as approved through a parking easement agreement required under Site Plans #769 and #770.

APPLICATION SUMMARY:
Final Site Plan and Special Permit applications are submitted by the applicant to change the use of an existing 300 sq.ft. area of retail space to a restaurant use, and to then connect and expand the existing Bella Nonna Restaurant. The parking under proposed conditions will equal that of existing conditions as the applicant is only proposing an additional 5 seats. This proposal is on a 1.09-acre parcel located at 280 Railroad Avenue in the GB and COZ zones.

ISSUES/RECOMMENDATIONS:
1. The Inland Wetlands Agency (IWWA) issued a greensheet on 8/28/2020 indicating no further effort is needed with wetlands for this application.
2. The Health Department issued comments on 9/22/2020 and notes they will need to do a plan review of the proposal prior to submittal for a building permit.
3. The Zoning Enforcement Officer issued comments on 9/28/2020 and has no concerns at this time.
4. Proposed Floorplan notes “230 sf portion of adjacent retail space converted to restaurant use” where the narrative describes 300 gross sq.ft. and 225 usable sq.ft. The Commission may ask the applicant to clarify this note.
5. Proposed Layout. The “proposed floorplan” does not show the anticipated layout of tables and chairs. The Commission may request the applicant supply such a drawing to show how only 5 additional seats will work with the additional 300 gross sq.ft. of restaurant space. In Section 6-158 “Restaurant (a)” of the BZR, it notes “(a) the seating as presented on the floor plan submitted”.
6. Will Morton’s Rotisserie. The existing floorplan provided notes that it was done for Will Morton’s Rotisserie, and was last revised 4/25/2006. The Commission may ask the applicant to confirm that the plan does in fact show an accurate representation of Bella Nonna Restaurant’s existing table and chair layout.
7. **Survey.** The site survey provided by the applicant is difficult to read. The Commission may request the applicant provide a clearer survey for the file.

**PROPOSAL:**
The applicant is requesting Final Site Plan and Special Permit approval, pursuant to Section 6-12 and 6-17 of the BZR, to convert 300 sq.ft. of retail food establishment to a restaurant use, and to then connect and expand the existing Bella Nonna Restaurant.

The parking under proposed conditions will equal that of existing conditions as the applicant is only proposing an additional 5 seats. The applicant has not yet provided the proposed seating arrangement of the Bella Nonna Restaurant with the additional 300 sq.ft. of restaurant area to show how the additional 5 seats will layout in the space.

This proposal is on a 1.09-acre parcel located at 280 Railroad Avenue in the GB and COZ zones.

**DEPARTMENT COMMENTS:**
- IWWA - see attached green sheet dated 8/28/2020
- ZEO - see attached memo of 9/28/2020
- Health - see attached memo of 9/22/2020
- Sewer - no comment received

**PARKING AND BACKGROUND:**
The last Final Site Plan and Special Permit application filed for this property, FSP SP #2543, was approved with conditions on 4/26/2005 to convert 1,600 sq.ft. of Retail Food Establishment to Restaurant use on behalf of Jeol P. Berger, record owner, and Taj Indian Cuisine, LLP, lessee. Within that application’s decision letter it is noted that the site has 149 parking spaces located on three different parcels that are shared by three different buildings, as approved through a parking easement agreement, that was required under Site Plan #767 and #770.

Within this application, the applicant wants to have no increase in parking demand. Per Section 6-158 of the BZR, existing parking for 300 gross sq.ft. of Retail Food Use would break down to equal 2 parking spaces:

- \( \frac{(300 \text{ gross sq.ft.} \times 0.75 = 225 \text{ usable sq.ft.})}{150} = 1.5 \text{ spaces} \), and rounds up to 2 parking spaces

The applicant proposes 5 new seats within the 300 gross sq.ft. of Restaurant space. Per Section 6-158 of the BZR, this could also break down to equal 2 parking spaces:

- \( (5 \text{ seats} / 3 = 1.67 \text{ spaces}) \times 1.2 = 2.004 \text{ parking spaces} \)

The “proposed floorplan” submitted by the applicant does not show the anticipated layout of tables and chairs. The Commission may request the applicant supply such a drawing to show how only 5 additional seats will work with the additional 300 gross sq.ft. of restaurant space. In Section 6-158 “Restaurant (a)” of the BZR, it notes “(a) the seating as presented on the floor plan submitted”.

**HEALTH DEPARTMENT:** The Health Department notes they will need to do a plan review of the proposal prior to submittal for a building permit.

**COASTAL RESOURCES:** There does not appear to be any coastal impacts since this application does not include any site disturbance.

**UTILITIES:** The site has Town Water and Sewer service.
APPLICABLE ZONING REGULATIONS:

Section 6-5 – Definitions
Section 6-12 (e) – Limitations on Zoning Permit Issuance
Section 6-13 – Site Plan Approval Required by Planning and Zoning Commission
Section 6-14 – [Site Plan] Procedure
Section 6-15 – [Site Plan] Standards
Section 6-16 – Site Plan Changes
Section 6-17 – Authorization of use by Special Permit
Section 6-101 – Special permit required for Business and Residential Zones
Section 6-105 – Use Regulations and Special Permit Requirements for the GB Zone
Section 6-158 – Customer or Patron Parking; Required Spaces
Section 6-205 – Schedule of Required Open Spaces, Limiting Heights and Bulk of Bdgs.
RE: ROUTING - 280 Railroad Avenue - PLPZ 2020 00246

Long, Michael <Michael.Long@greenwichct.org>
Tue 9/22/2020 8:32 AM
To: Dygert, Bianca <bianca.dygert@greenwichct.org>
Bianca, this office will need to do a plan review of the proposal prior to submittal for a building permit.

Michael Long

From: Dygert, Bianca
Sent: Monday, September 21, 2020 3:21 PM
To: Long, Michael <Michael.Long@greenwichct.org>
Subject: ROUTING - 280 Railroad Avenue - PLPZ 2020 00246

Hi Michael,

Please find attached routing sheet and link below for 280 Railroad Avenue – PLPZ 2020 00246. They are proposing to convert retail space to restaurant.

https://greenwichct-my.sharepoint.com/:f:/g/personal/katie_deluca_greenwichct_org/Eq-niExrvPjl676wRcPcH0Bkb1EXre5hJ9V8qsnw_pmfW?e=P7ng5W

This is tentatively on the 10/6 meeting.
Thank you,

Bianca Dygert
Planner II

Town of Greenwich
Land Use - Planning & Zoning
101 Field Point Road
Greenwich, CT 06830-6463
Ph. (203) 622-7894
Office Fax. (203) 622-3795
Direct Fax. (203) 861-6113
Bianca.Dygert@greenwichct.org

www.greenwichct.gov
ZONING ENFORCEMENT

Project No. PLPZ202000246

Reviewed for Planning and Zoning Commission.

TITLE OF PLAN REVIEWED: Bella Nonna

LOCATION: 280 Railroad Ave.

PLAN DATE:

ZONE: GB

☐ Ok for Zoning Permit Sign-off with the following revisions:

☐ Resubmit the following prior to Site Plan/Subdivision approval:

☒ The subject site plan/subdivision meets the requirements of the Building Zone Regulations, excluding sections 6-15 and 6-17, and is Ok for Zoning Permit Sign-off.

Reviewed by: Jodi Couture
Date: 9/28/2020

Note: These comments do not represent Building Inspection Division approval. Plans subject to review by ZEO at time of building permit application.
PROJECT: Street Address 280 Railroad Avenue

Has there ever been an IWWA application for this site? YES  NO

PARCEL ID: 01 2509

ACTIVITY: (Circle) Addition  Demolition  Deck  Garage  Interior renovations  New residence  Pool  Tennis court Generator  Site Work/Landscaping  Septic  Other (please specify)  change of use

Will this activity require an addition to the septic system or Biodass? YES  NO

FEE: $30 for in office review, $65 for reviews requiring a site visit or further in office analysis

Owner's full name [please print]  Joel P Berger
Phone (____) ___________________________

Mailing address  c/o Gilbride, Tusa, Last & Spellane LLC  Town Greenwich  Zip 06830

Authorized Agent’s name [please print]  Christopher D. Bristol, Esq.  cdb@gtlaw.com  Phone (203) 622-9360

Mailing address  31 Brookside Drive  Town Greenwich, CT  Zip 06830

A PLOT PLAN IS REQUIRED SHOWING THE PROPOSED ACTIVITY IN RED.

Staff cannot review your proposal without a plan.

IWWA staff will review this questionnaire to determine if regulated activities are associated with the proposal and whether an IWWA permit is required. Do not apply for a Building Permit until this review is complete.

If your project does not require an IWWA permit, we will sign off on this questionnaire, which you will need if you are obtaining permits from other departments.

If an IWWA permit is required, we will supply you with a permit application packet. You must obtain an IWWA permit prior to the commencement of your project. No work may begin until you receive an IWWA permit. The issuance of a building permit alone does not constitute an authorization to proceed.

If you do not receive notice regarding your questionnaire within two weeks of submission, please contact the IWWA office.

As the property owner [X or, authorized agent [X] check one] I believe that the information I have submitted is correct.

Signature ___________________________ Date 5/12/2021

If mailing, return completed form and a $30 check (payable to "Town of Greenwich") to the Greenwich Inland Wetlands & Watercourses Agency.

If a site visit is required, you will be notified and asked to remit an additional $35. The site visit will not take place until this additional fee is received.

STAFF NOTES

Office Rev Date 5/28/20  Field Inv Date __________  WETWRC? YES  NO  TIDAL  [ ]

Action Required? YES  NO  If yes, DR  AA  AR  SIA  Staff ________

Soils Report Date __________  Author ________  Soils ________

Comments: __________________________________________

FeeReceived: YES  NO  Comment: __________________________

INLAND WETLANDS AND WATERCOURSES AGENCY

STAFF NOTES

Received Date Stamp: AUG 28 2020

IWWA Questionnaire Revised 9/10/15
August 24, 2020

Mr. Peter Mangs, Applications Coordinator
Town of Greenwich Planning and Zoning
101 Field Point Road
Greenwich, Connecticut 06830

Re: Final Site Plan and Special Permit applications for proposed restaurant expansion at 280 Railroad Avenue, Greenwich, Connecticut

Dear Peter:

We represent the Bella Nonna Restaurant located at 280 Railroad Avenue. The restaurant space is located in a shopping center building consisting of adjacent retail and restaurant uses. The accompanying applications have been filed to convert 300 square feet of adjacent retail space to restaurant use and connect it to the existing restaurant. There will be no changes to the kitchen or service facilities.

The required parking for the 300 square foot space is 2 parking spaces (300 gsf * 0.75 = 225 usf; 225 usf / 150 = 1.5 spaces rounded up to 2).

As expanded, the restaurant will add 5 table seats and then disperse the existing and 5 new seats between the existing and new space. Required parking for an additional 5 seats is 2 spaces (5 seats / 3 = 1.67 spaces; 1.67 * 1.2 = 2 spaces). Therefore, parking under proposed conditions will equal that of existing conditions.
In connection with these applications, you will find enclosed the following:

1. Narrative, i.e. this cover letter;
2. Site Plan and Special Permit applications forms;
3. Affidavit of Notice;
4. Certificate of Mailing;
5. Floorplan; and
6. Check in the amount of the required filing fee.

Should you have any questions or need more information, please do not hesitate to contact me.

Sincerely,

Christopher D. Bristol, Esq.

Enclosures
SITE PLAN APPLICATION

☐ PRELIMINARY
☐ FINAL

Project Name:

Project Address: 280 Railroad Avenue

Property Owner(s): Joel Paul Berger et al

Tax Account Number(s): 01-2519

Zone(s): GB

Lot Area: 1.09 acres

Please select all relevant items below:

☐ Special Permit – Complete special permit application form
☐ Coastal Overlay Zone
☐ Property is within 500 feet of a Municipal Boundary of _____________ (for notification)
☐ Amendment to Building Zone Regulations – Section(s)
☐ Amendment to Building Zone Map – Zone(s) affected
☐ Health Department review needed
☐ Sewer Department review needed
☐ Architectural Review Committee Application attached or Review needed
☐ Planning & Zoning Board of Appeals review needed
☐ Inland Wetlands and Watercourses Agency Review / Approval Required

AUTHORIZED AGENT

Name: Christopher D. Bristol, Esq.

Street Address: 31 Brookside Drive

City: Greenwich

Phone: 203-622-9360

ST: CT

Signature: ____________

Email: cdb@gtislaw.com

Date: March 2020

PROPERTY OWNER(S) AUTHORIZATION

Name: Joel P Berger

Street Address: 280 Railroad Avenue

City: Greenwich

Phone: ____________

ST: CT

Signature: ____________

Email: ____________

Date: ____________

To be completed by P&Z staff only:

Check # ____________

Check Amount: $ ____________

Application # ____________

PZ Site Plan App 2018
### SITE PLAN ZONING STATISTICS

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This Site Plan Involves:

- □ ADDITIONS
- □ ALTERATIONS
- □ DEMOLITION
- □ RE-CONSTRUCTION

PZSitePlan App 2018
SPECIAL PERMIT APPLICATION

Project Name: 
Project Address: 280 Railroad Avenue
Property Owner(s): Joel Paul Berger et al
Tax Account Numbers(s): 01-2519 Zone(s): GB Lot Area: 1.09 acres

PLEASE SELECT ALL RELEVANT ITEMS BELOW:

☒ SSSection 417 — Special Permit standards and procedure
☐ SSSection 430 — Conservation Zone special provisions
☐ SSSection 494(b) — Non-residential Uses and Group Living Facilities permitted in Residential Zones including Resident Medical Professional Office
☐ SSSection 98 — RMF Zone
☒ SSSection 100 — Use Groups for Business Zones
☐ SSSection 4101, 4107 — Buildings over 40,000 c.f. in Central Greenwich Impact Overlay Zone, Post Road Impact Overlay Zone, WB, LB or LBR Zones; and over 150,000 c.f. in all other zones
☐ SSSection 4103.1 — Parking deficient uses in CGBR
☐ SSSection 4104 — Parking Structures incl. underground in LB Zone and Height exceptions
☐ SSSection 4105, 4106 — Front Yard Parking in GB or GBO Zone
☐ SSSection 4109, 4109.1 — HO & HRO Zones
☐ SSSection 4110 — Dwellings under special requirements for Business Zones
☐ SSSection 4112 — IND-RE Zone applications
☐ SSSection 4113 — In Hospital Zones: certain accessory uses, expansions exceeding 4,000 s.f. or interior alterations or changes of use exceeding 20,000 s.f. (cumulative within 2 years)
☐ SSSection 4114 — CCRC (Continuing Care Retirement Community)
☐ Section 6-118.1 — Uses within railroad rights of way
☐ SSSection 4123 — Setbacks from Connecticut Turnpike in Business Zones
☐ SSSection 4140.1 — Satellite Earth Stations that emit microwaves
☐ SSSection 4141 — Changes in non-conforming uses, buildings
☐ SSSection 6-205 — Historic structures in CBG Zone exceeding FAR And Notes 7, 8 & 9

To be completed by P&Z staff only:
Check # ___________________ Check Amount: $__________
Application # ___________________ PZ Special Permit App 2018
AFFIDAVIT OF NOTICE

PLANNING AND ZONING COMMISSION

STATE OF CONNECTICUT  )
COUNTY OF FAIRFIELD ) ss: Greenwich

August 25, 2020

I, CHRISTOPHER D. BRISTOL, being duly sworn, do hereby certify that on August 25, 2020, I caused to be mailed, postage prepaid, to those persons whose names are set forth on Exhibit A, attached hereto, a copy of the notice attached hereto as Exhibit B. Said persons were the record owners, as of August 25, 2020 as shown on the Town Tax Assessor’s Office records of property abutting and across the street from property known as 280 RAILROAD AVENUE, GREENWICH, CONNECTICUT owned by JOEL PAUL BERGER et al, for which Final Site Plan and Special Permit applications have been filed with the Town of Greenwich Planning and Zoning Commission to expand an existing restaurant by converting 300 square feet of adjacent retail space to restaurant use.

CHRISTOPHER D. BRISTOL, ESQ.

Subscribed and sworn to before me on August 25, 2020

Notary Public/
Commissioner of the Superior Court
EXHIBIT A

ABUTTING OWNERS

280 RAILROAD AVENUE
GREENWICH, CONNECTICUT

PARCEL ID: 01-2389/S
290 RAILROAD AVENUE LLC
 c/o EVERSOURCE ENERGY
 290 RAILROAD AVENUE
  GREENWICH, CT 06830

PARCEL ID: 01-2754/S01-2753/S
NATIONAL RAILROAD PASSENGER CORP
 c/o JOEL PAUL BERGER ETAL
 282 RAILROAD AVENUE
  GREENWICH, CT 06830

PARCEL ID: 01-1741/S
PETER KEN CHEW et al
 29 WOODLAND DRIVE
  GREENWICH, CT 06830

PARCEL ID: 01-1597/S
KEL REALTY LLC
 c/o MILL MANAGEMENT
 205 RAILROAD AVENUE
  GREENWICH, CT 06830

PARCEL ID: 01-1749/S
CAROL M COFONE
 33 WOODLAND DRIVE
  GREENWICH, CT 06830

PARCEL ID: 01-1748/S
ROBERT L AILLEO & JILL BARBARA LLC
 35 WOODLAND DRIVE
  GREENWICH, CT 06830
PARCEL ID: 01-2241/S
JOHN A JR & SHIRLEY A VIESTA
249 RAILROAD AVENUE
GREENWICH, CT 06830

PARCEL ID: 01-2242/S01-1558/S
CONNECTICUT RAILWAY & LIGHTING CO
WOODLAND DRIVE
GREENWICH, CT 06830

PARCEL ID: 01-1697/S
 TIFFANY PROPERTIES & MANAGEMENT INC
195 FIELD POINT ROAD
GREENWICH, CT 06830
EXHIBIT B

August 25, 2020

To Whom It May Concern:

Notice is hereby given that Final Site Plan and Special Permit applications have been filed with the Greenwich Planning and Zoning Commission to expand an existing restaurant by converting approximately 300 square feet of adjacent retail space to restaurant use.

Further information concerning these applications may be obtained by contacting the Greenwich Planning and Zoning Commission or the undersigned.

Sincerely,

Christopher D. Bristol, Esq.
Gilbride, Tusa, Last & Spellane LLC
31 Brookside Drive
Greenwich, Connecticut 06830
Telephone: (203) 622-9360

Planning and Zoning Commission
Town of Greenwich
101 Field Point Road
Greenwich, Connecticut 06830
Telephone: (203) 622-7894
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Postmaster Name of Registering Officer

Registered Mail Certificate of

Register Letter

Express Letter

Presumed Receipt (for) or Mootance

Insurance

Registered Mail Certificate of

Registered Letter

Express Letter

Registered Letter

Insurance

Registered Mail Certificate of

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Insurance
BERGER JOEL PAUL ET AL
OWNERSHIP
BERGER JOEL PAUL ET AL
42-70 RAILROAD AVE
BAYSTON, NY 11361
LOT NO 28A RAILROAD AVE 8-7

COMMERCIAL

VALUATION RECORD

Reason For Change
10/01/2006 19/01/2006 10/01/2015 10/01/2016 10/01/2017

REASONS FOR CHANGE

1. 9996100 9896100 8896500 7316900 7316900 7316900 7316900
   2. 4245200 2950500 785300 2987900 2987900 2987900 2987900
   3. 14241300 12945600 9681800 10304800 10304800 10304800 10304800
   4. 6992720 6997270 6227550 5121830 5121830 5121830 5121830
   5. 2871640 206350 549710 2091530 2091530 2091530 2091530
   6. 99968910 9062620 6777260 7213360 7213360 7213360 7213360

LAND DATA AND CALCULATIONS

Land Type Primary Commercial

Rating Measured Table Prod. Factor
Soil Type: Average: Effective Effective Base Rate Adjusted Value Adjusted Value Factor
- or-
Actual Effective Effective Square Feet
Soil Type: Average: Effective Effective Base Rate Adjusted Value Adjusted Value Factor
- or-
Effective Depth Factor
- or-

1111: 11-1715 Crown salon & spa to hair salon (Hiro's) complt 12/29/2013 42-7006 Combing 2 units for "pure barre" excers studio w/ new LJ
1112: Court Stipulation (70°-90°) reduce bldg w/v fire $2,960,500 to $2,950,500 to 2016, 2017, 2018, 2019, 2020, 2021 remaining unchanged. 10/7/28/11.
230 sf portion of adjacent retail space converted to restaurant use