STAFF REPORT UPDATE:
The applicant was last before the Commission at the March 25, 2021 Meeting. The Commission continued the application to allow for the following to be addressed:

- Provide the substantial improvement numbers to determine if the entire building would need to be modified to meet the required base flood elevation, or if it can be kept as is.
- Evacuation plans; are they required for this type of school?
- The applicant should update their parking data to either add or include parking spaces for the vans to be used to shuttle students.
- If /when obtained, the locations where the school would have PE activities should be disclosed, to make sure the location being offered is permitted to host students.
- Asked to get the dates for DPW work on Pemberwick Road to make sure plans are in place to handle detours/road closures.

Post the last meeting, the applicant has provided substantial improvement numbers and proposed locations for PE and athletic ventures the school is looking to schedule and/or procure space for. Staff has reached out to DPW regarding the roadwork in the area, Pemberwick Road will have closures beginning, after school closes in June and will be completed prior to schools reopening in late August. The biggest impact will be southbound as the southbound site of the road is the down slope side being restructured with a new retaining wall.

In addition to the Commission’s comments the Commission heard from various residents some in support of the applicant others with concerns regarding traffic, sewer, student safety, and the condition of the dam, located up river just north of the subject property. Staff reached out to the State’s DEEP and they responded to our request for comment. After receipt of the comments staff has reached out to the Selectmen’s office regarding discussions as to who is the owner of the Dam. While the State has made their determination as to the owner of the Dam, what is clear is that the dam is not on the subject property and therefore not part of the application before the Commission. We will keep the Commission apprised of any progress made by the selectman’s office as information becomes available. In addition to the Dam, DEEP noted that if the applicant receives any State funding for the project or federal funding administered by a state agency (grant, loan, tax credits) it will need a Flood Management Certification (FMC) from DEEP. The applicant has indicated that no such funding will be sought.

The following is an updated staff report.

APPLICATION SUMMARY:
The applicant is seeking approval for Final Site Plan approval to make a change of use from office to a school use and make interior alterations on a 5.568-acres parcel located at 200 Pemberwick Road in the GBO, LB and R-7 Zones.
ISSUES AND RECOMMENDATIONS:

1. The Building at 200 Pemberwick appears to be located in the AE flood zone. The first floor elevations of the building do not appear to meet the required base flood elevation and therefore, would be subject to the 50% improvement rule of Sec. 6-139.1. The applicant has provided substantial improvement numbers and it appears the would be allowed to make renovations proposed per the ZEO cursory review. Final approval for such work would be subject to the ZEO’s final review at permit request.

2. The subject property was the subject of approved site plans PLPZ 201800372 and PLPZ 2018 00267 and rezoning, Site Plan, and Special Permit (FSP #1234) in 1987. The commercial portion of the 1987 site plan was built, the residential portion of the approval was never built and appears to have expired. The applicant has not proposed to change any part of their site plan approvals.

3. The proposed school is noted to be up to 100 students with 30 staff. They have indicated that they have been allotted 45 parking spaces on site. In discussion with the applicant it was disclosed that vans would be used and kept on site to transport students during school activities. The applicant should confirm that adequate parking existing with the van parking. The Commission will need to determine if parking is adequate per Sec. 6-158 of the BZR.

4. The applicant provided existing occupancy and parking conformance numbers for the approved or current tenants of the building at the last meeting.

5. Per Application #1234, and Sec. 6-100.1, the employee density of the commercial use cannot not exceed 184 people. This should be noted on the plans per the conditions of the decision.

6. Any new signage, exterior lighting, or exterior modifications would need review by the Architectural Review Committee prior to permits and installation.

DEPARTMENT COMMENTS:
ZEO - See attached
SEWER - See attached
FIRE MARSHAL -

SITE DESCRIPTION / BACKGROUND:
The site is bifurcated by the Byram River. Three (3) office buildings exist on the east side of the property with parking for 57 vehicles. A parking lot for 153 vehicles exists on the west side of the property (off Comly Ave.). A wood and steel bridge spans over the River and internally connects both sides of the parcel. The South Mill Building was approved in Sept. 2018 to convert office space into 15 residential units. It does not appear that the property owner acted on that decision. In June 2018, staff signed off on a conversion of 930 sq. ft. of office space into medical office space, for up to 4 medical professionals. In 1987, the site was approved for use of the existing buildings on the east side of the river as office, and development of west side of the river for 21-unit residential development over 150,000 cubic feet in volume. That approval noted a number of conditions that were required to be met (see attached). Of note, the applicant was required to:

- Stagger departure times of the office use on both lots.
- Designate 31 spaces for residential use only and maintain the balance of the proposed parking (153 spaces) for the approved commercial use. Per Sec. 6-100.1 the employee
density of the commercial uses could not exceed 184 persons. This was to be noted on the plan.

- The property was limited to 43,510 sq. ft. of Commercial use and 21 dwelling units, in perpetuity.
- The applicant created an open space easement of the hillside west of the river.
- A pedestrian easement was created along the river.

The eastern portion of the parcel, off Comly, with the residential units, was never built.

**PROPOSAL:**
The applicant is seeking to establish a school use on the second floor of 200 Pemberwick Road’s north building. The school use, to be operated as, “the Cedar School”, would require interior alterations including relocating several partitions, painting, carpeting, and electrical/lighting upgrades that will provide updates to the space for use as a school.

The Cedar School would be a co-ed day school offering a college-prep program for high school students with mild-to-moderate language-based learning differences, such as dyslexia. The applicant anticipates approximately 25 students in its first year of operation, but hopefully growing to approximately 100 students in subsequent years.

Operating hours would be 8 am – 4 pm, with occasional early evening events such as parents’ night. No outdoor activities are planned on site.

Students would be driven by automobile and dropped off in the western parking area, off Comly Ave, and cross the existing pedestrian bridge to the subject building. The applicant wishes to permit Seniors to drive themselves to school and park in an assigned parking area.

Morning drop off is not proposed to be staggered and would use the Comly lot to load drop off in the AM hours. Afternoon pick up is proposed to be staggered, as some students will leave at 3:30 pm and others will remain for sports.

The subject property was approved with 210 space (57 of the east site and 153 on the west side). The current application notes parking for up to 190 vehicles. The applicant should confirm the total number of parking spaces on site.

**PARKING:**
Per section 6-158, Schools: Elementary, Middle and High School are recommended to have parking provided at an adequate level as determined by the Planning and Zoning Commission. The applicant has indicated 30 staff for 100 students with 45 parking spaces being dedicated onsite for the school. Staff would note that some spaces would be set aside for senior class members, but a specific number has not been provided and vans for shuttling students would also be kept onsite, taking additional parking spaces. Past approvals required, “31 spaces for residential use only and maintain the balance of the proposed parking (153 spaces) for the approved commercial use. Per Sec. 6-100.1 the employee density of the commercial uses could not exceed 184 persons. This was to be noted on the plan. An analysis of current or approved occupancy has been provided.
A physical count of parking notes 190 spaces on site even though 210 (57 of the east site and 153 on the west side) were approved. The existing property is a mix of office, and personal service uses. The proposed school would take over existing office square footage. Based on the evaluation, 169 spaces would be required for the existing uses, and 190 would be required when school staff is counted under the proposed condition.

The proposal also notes the drop-off and pick-up procedures. Drop off in the AM (8-8:30) would use the Comly Ave lot, and visitors would be led into the lot in a clockwise direction using the parking aisles of the site to queue up almost 30 vehicles. It has been noted that the students attending are high school age which should make drop off a bit faster than elementary students, by comparison. Pick up is expected to have less vehicles as some students would have extracurricular activities. A staggered departure schedule would release 15-20 students at a time. The internal traffic flow would be the same as the AM procedures.

**APPLICABLE REGULATIONS:**
Sections 6-5, 6-13 through 6-15, 6-17, 6-97, 6-100, 6-101.1 6-104, 6-106, 6-139.1 and 6-205, of the Town of Greenwich Building Zone Regulations.
ZONING ENFORCEMENT

Project No. PLPZ202100118 Preliminary Final X

Reviewed for Planning and Zoning Commission.

TITLE OF PLAN REVIEWED: The Cedar School

LOCATION: 200 Pemberwick Rd.

PLAN DATE:

ZONE: LB & GBO

☐ 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: 6/1/2021

Note: These comments do not represent Building Inspection Division approval. Plans subject to review by ZEO at time of building permit application.
Date: May 20, 2021
To: Katie Deluca, Director, Planning & Zoning
From: Richard C. Feminella, Wastewater Division Manager
Copy: Chris Mandras, Maintenance Manager - Sewer Division
        Al Romano, Environmental Asset Engineer – Sewer Division
Re: PLPZ202100118: 200 Pemberwick Road, Clay Kaufman/The Cedar School

We have prepared the following comments and questions regarding the proposed application.

Project Summary:
• Interior alterations in order to open a new school.

Sewer Division Comments:

Comments to be addressed during P&Z phase:
• Please confirm there are no plumbing fixtures in the lower level that are in the flood zone. As we understand it, the existing commercial space is below the FEMA flood elevation.

Comments to be addressed during Sewer and Building Permit phase:
• The applicant/owner will be required to obtain all necessary Sewer Permits. Please coordinate directly with the Sewer Division for permitting.

• The applicant/owner will be required to perform CCTV inspections of all of the sanitary sewer laterals and private mains (if applicable) that serve the existing buildings to confirm there are no issues with the existing sanitary sewer lateral or its connection to the sewer main. Any televising of sanitary sewer laterals must be performed in the presence of the Environmental Asset Engineer. Please coordinate with Sewer Division – Environmental Asset Engineer (203) 622-0963 extension 5. Make a DVD of this inspection. Submit a copy of the DVD to the Wastewater Division Manager. Failure to have the Sewer Inspector present during the TVing will result in the Sewer Division not accepting the DVD. Note: VHS format is not accepted. Only DVDs are accepted. Make a copy of the DVD for your records. The Town will not return DVDs. The Town cannot make copies of DVDs. The DVD should be submitted along with a site plan that identifies each investigation run on the DVD.

• Due to the potential increase in sewage flow from this proposed development, the owner/applicant will be required to provide proposed sewage flow calculations /analysis from the proposed development (for the full maximum number of students proposed) by a licensed Professional Engineer as well as water usage data for a minimum of two years. We need to confirm there will be no capacity issues from the proposed development. Please coordinate with the Sewer Division for further direction.

• Please note, sanitary sewers are designed for first floor elevations. Therefore, any plumbing fixtures in lower levels (basements) could be subject to sanitary sewer
backups/overflows. The property owner is strongly recommended to consider and review this and plan accordingly to protect themselves in those situations. The Town is not responsible for damages as a result of these connections/installations. Please consider this and revise accordingly.

- Please note, in accordance with Town regulations and standard practice, all clear water sources cannot discharge to sanitary sewer. This includes air conditioning and high efficiency heating system condensate lines. Please confirm that the new development will not discharge any clear water sources to sanitary sewer.

Please NOTE: These comments are intended for P&Z review only. These comments do not take the place of Sewer Permit(s). Any Sewer Permit Applications receive thorough reviews and may result in additional comments/requirements at that time. In addition, please be reminded that in order to receive Building Permits, the applicant must have secured all other necessary permits, including, but not limited to, Sewer Permits PRIOR to obtaining their Building Permits.

Also, please note, the applicant should NOT submit for Sewer Permits until the project has received approval from P&Z.
Hi Clay,

Please see below (and attached) comments from the State DEEP regarding your application. We have received your substantial improvement information and are verifying it with the Town’s Zoning Enforcement Officer, so that issue being addressed unless he has comments on the evaluation.

Please confirm if State funding will be sought, and if so a Flood Management Certification will be required.

Lastly, I have not spoken with the Commission but if the property owner has not been fulfilling their obligation to the State regarding the Dam, the Commission may condition your application to have this addressed. It may be worth speaking with Aldo and sharing these comments so he is aware and can address.

Regards,

Patrick LaRow
Deputy Director / Assistant Town Planner

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Bianca,

I apologize for the late response, I just realized we missed the meeting but here is some feedback on the project based on the documents you sent.

**Floodplain Management/FEMA NFIP Construction Regulations:**
The building is located in both the floodplain and floodway of the Byram River. The building is encompassed entirely by the floodplain as shown on the attached flood map for this area. The floodway is a very dangerous area with velocity flow during a flood event. A flood evacuation plan was included with the application materials. Potential flood events should be closely monitored in this location as children occupy the building. The building should not be used as a shelter or a place of refuge as it can be cut off entirely during a flood event with limited access for emergency personnel and vehicles.
The applicant states that renovations are needed to the building and are shown on the attached plans. The project should be evaluated to see if a substantial improvement is taking place. The value of the renovations should be evaluated against the appraised value of the building. Greenwich also calculates substantial improvement over the lifetime of the structure so previous repairs and renovations must also be included in this calculation. If a substantial improvement is occurring, it will mean the structure will have to be brought into compliance as if it was "new construction". See definitions in Section 6-139.1 Flood Hazard Overlay Zone: https://www.greenwichct.gov/DocumentCenter/View/1261/Division-10---Supplementary-Area-and-Height-Regulations-PDF. Although the applicant says the renovations are "minor", when combined with previous work, it may be over the 50% threshold and should be evaluated carefully.

Also, this is a private school and likely is a privately funded project, but I wanted to make you aware if the applicant receives any state funding for the project or federal funding administered by a state agency (grant, loan, tax credits) it will need a Flood Management Certification (FMC) from DEEP. The agency providing the funding for the project applies to DEEP for the FMC. Here is more information: https://portal.ct.gov/DEEP/Permits-and-Licenses/Factsheets-Inland-Water/Flood-Management-Certification-Fact-Sheet. Under state statute, schools are considered "critical activities" and require higher elevation standards to the 500 year flood elevation (https://www.cga.ct.gov/current/pub/chap_476a.htm). The applicant can contact Jeff Caiola at DEEP to discuss if needed, email: jeff.caiola@ct.gov. If all private funds are being used, the FMC is not required and the project follows your local zoning regulations and state building code requirements.

From CTDEEP Dam Safety staff (contact Ivonne Hall if you have further questions on Pemberwick Dam, email: ivonne.hall@ct.gov):

We believe that the applicant for this school project is a local attorney, Aldo Pascarella, and that he also owns the upstream dam, Pemberwick Dam. The official dam owner is listed as Waterfall Hollow LLC, but the owner has been non-responsive. The dam is not being maintained and hasn’t been inspected in years.

diane
Diane S. Ifkovic
State of Connecticut
Department of Energy & Environmental Protection
79 Elm Street
Land & Water Resources Division, 3rd floor
Hartford, CT 06106
Phone: (860) 424-3537
Email: diane.ifkovic@ct.gov

From: Dygert, Bianca <bianca.dygert@greenwichct.org>
Sent: Monday, May 24, 2021 3:17 PM
To: Ifkovic, Diane <Diane.Ifkovic@ct.gov>
Cc: LaRow, Patrick <Patrick.LaRow@greenwichct.org>
Subject: ROUTING - 200 Pemberwick Road - Review

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hello Diane,
We are requesting comment from CT DEEP on the proposed school use at 200 Pemberwick Road. We are also inquiring about the dam on the property.

Please see application materials at the link below:
https://greenwichct-my.sharepoint.com/:f:/g/personal/katie_deluca_greenwichct_org/EiVrDbeyIi9Gpe_GzFqTicBeh59eITwKFDMDH_h68yPNA?e=GEPu9Z
(Please note, this link will expire in one week. Please save all files to your computer if needed).

This application is on the meeting for tomorrow evening. We understand the short timing on this and that it may not be possible to comment on such short notice, but the discussion came up at the briefing this afternoon. Please let us know if you have any comments.

If you have any questions, please contact Patrick LaRow.
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

**CAUTION:** This email originated from outside the Town email system. Do not click links or open attachments unless you have verified the sender and know the content is safe.
Dear Pat, Katie and Peter,

Just to confirm 3 issues:

1) In response to Diane Ifkovic's comment, the minor renovation we are undertaking is $150,000, as you can see from our architect's submission after they spoke to the Permit office to find out what other renovation has been done to the building. That submission shows that we are far under the 50% threshold. In addition, just to be clear, there is no state funding--it is all private funding.

2) I have spoken both with Aldo Pascarella (who has owned the building) and the representatives for the bank which currently owns the building through foreclosure. The court appointed a Receiver who represents the ownership, and the receiver has testified to me that the lawyers completed a title search, including covenants and restrictions, and found no evidence that the building owners have any requirement to inspect the dam.

3) There is an error in the records that suggest that the owners of the building own the dam. In fact there was litigation back in 2011 to clarify that is not true. The state inspected the dam at that time--it passed inspection--and the article in the Greenwich Free Press noted that the state "erroneously notified" the owners of the 200 Pemberwick that the dam had to be inspected. In any case, I have been informed by the lawyers that there is no inspection requirement by the owners of 200 Pemberwick, even though a Community member alleged there was. That was the issue presented to us at the last hearing.

We greatly appreciate that you helped us find this property, which is ideal for a high school (and served a school for years), and that you continue to help us obtain approval so that we can undertake the minor renovations and create a school for these students who desperately need it.

Please let me know if there is anything else you need before Tuesday.

Thanks for all your help,

Clay
Clay Kaufman  
Head of School  
The Cedar School  
Greenwich, CT  
203-808-5005  
www.thecedarschool.org  
https://www.facebook.com/TheCedarSchoolCT

**CAUTION:** This email originated from outside the Town email system. Do not click links or open attachments unless you have verified the sender and know the content is safe.
The Cedar School After School Sports Curriculum

As per the request of the Commission, below is a description of anticipated locations for offsite athletic activities.

Games: all games played by The Cedar School teams will be “away” games, including games vs. Windward, Eagle Hill, King School and others at those schools’ sites.

Practices: The Cedar School has an application and field request in with Greenwich Parks and Recreation for use of fields at the Western Greenwich Civic Center and/or Pemberwick Park for fall and spring sports (soccer, ultimate frisbee). During the winter, the basketball teams will be applying for space at the WGCC and also using the Boys and Girls Club gym for practices, including Fridays from 2-3 pm when The Cedar School students have an activity period.

For the foreseeable future, practices will be three days a week and the school will sponsor a small number of teams given the small size of its student body.

After practice and games, the students will be returned to school for pick up.
May 26, 2021

PLPZ 2021 00118
200 Pemberwick Road
May 25, 2021 Planning and Zoning Commission Meeting
Request for Information – Substantial Improvements since July 8, 2013

Background
200 Pemberwick Road is located in the AE flood zone, per FEMA Flood Insurance Rate Map 09001C0493G, effective 07/08/2013. Where the Base Flood Elevation (BFE) is 41’, the lowest point of the existing building is at elevation 39’-3 5/8”, as shown on Architecture Plans, Drawing A-4, dated 12/22/87 by William Milo Barnum Associates.

Per Town of Greenwich Municipal Code (MC) Sec. 6-139.1 Flood Overlay Zone, (f) Provisions for Flood Hazard Reduction: (11) Specific Standards (B): Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure located in A and AE Zones shall have the lowest floor including basement, elevated at least to one (1) foot above the level of the base flood elevation.

Per MC Sec. 6-139.1(c) Definitions (40) Substantial Improvement - means any combination of repairs, reconstruction, alteration, or improvements to a structure taking place during the life of a structure, in which the cumulative costs equal or exceed fifty percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure (using the cost approach to value) prior to the start of construction of the initial repair or improvement.

The start date for cumulative costs is the effective date of the Flood Insurance Rate Map (FIRM) that rendered the structure non-compliant, meaning either the 8/19/1986, 2/22/1999, or the 7/8/2013 FIRM. For purposes of this definition, “Substantial Improvement” is considered to occur when the first alteration, after being rendered non-compliant, of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the extended dimensions of the structure.

The term, Substantial Improvement, does not however, include any improvement project required to comply with existing health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official, and which are the minimum necessary to assure safe living conditions.

Findings

Cumulative improvements to the structure since July 8, 2013: $250,000.
Source: Town of Greenwich, DPW-Division of Buildings Permit Records

Proposed improvements to the structure in this application: $150,000.

Total improvements as a percent of market value: $400,000/$5,195,861 = 7.7% (<50%)
Conclusion
Improvements do not meet Substantial Improvement criteria. Therefore, building is not required to be modified to be compliant with base flood elevation or floodproofing criteria.
## Site Plan Application - Parking Analysis

### Gross Floor Area (sf)

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<thead>
<tr>
<th>Building</th>
<th>Existing</th>
<th>Proposed</th>
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<tbody>
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<td>Building A</td>
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<td>Building B</td>
<td>1,152</td>
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</tr>
<tr>
<td>Building C</td>
<td>25,172</td>
<td>12,586</td>
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<tr>
<td>North Building</td>
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<tr>
<td><strong>Total</strong></td>
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### Usable Floor Area (75% of Gross Floor Area) (sf)

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<tr>
<td>Building B</td>
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<td>864</td>
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<tr>
<td>Building C</td>
<td>18,879</td>
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<tr>
<td>North Building</td>
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<tr>
<td><strong>Total</strong></td>
<td>29,591</td>
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### Parking Spaces Required (1 per 200 sf of usable floor area)

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<tbody>
<tr>
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<tr>
<td>Building B</td>
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<td>--</td>
</tr>
<tr>
<td>Building C</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>North Building</td>
<td>--</td>
<td>12,500</td>
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<tr>
<td><strong>Total</strong></td>
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<table>
<thead>
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<th>Building</th>
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<tr>
<td><strong>Total</strong></td>
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<td>18,815</td>
</tr>
</tbody>
</table>

### Definitions (Section 6-5)

- **Floor Area, Gross:** The sum of all floor area on a property as calculated in accordance with Section 6-134.
- **Floor Area, Usable:** 75% of the Floor Area, Gross as defined in (22).

### Use Groups for Business Zones (Section 6-100)

- 2C: Offices exceeding 20,000 square feet gross floor area per lot.
- 4: Schools (The Cedar School in the 2nd Floor of Building C).
- 8: Personal service establishments (personal training in North Building).

### Division 15. Parking and Loading Facilities

- **Section 6-158 Customer or Patron Parking; Required Spaces.**
  - Offices: Use Group 2c - 1 per 200 sq. ft. of usable floor area.
  - Personal service establishment (one-to-one physical conditioning): one space for every two exercise stations.
  - Schools: Parking to be provided at an adequate level as determined by the Planning and Zoning Commission.

### Source:

May 25, 2021

PLPZ 2021 00118
200 Pemberwick Road

Response to May 21, 2021 Staff Report and May 24 Pre-Meeting Discussions

Staff Report Issues and Recommendations

1. **The Building at 200 Pemberwick appears to be located in the AE flood zone. The first floor elevations of the building needs to be provided to determine flood compliance. If the base flood elevation is not compliant, the building would be subject to the 50% improvement rule of Sec. 6-139.1 or the building would need to be modified to be flood zone compliant.**

   Per FEMA Flood Insurance Rate Map 09001C0493G effective 07/08/2013, portions of 200 Pemberwick Road are in Zone AE, with a BFE of 42 feet. The Cedar School will occupy the second floor of 200 Pemberwick Road’s Building “C”. Building C’s finished first floor elevation is 43 feet.

   Per Sec. 6-139.1 Flood Overlay Zone, (11) Specific Standards (B): Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure located in A and AE Zones shall have the lowest floor including basement, elevated at least to one (1) foot above the level of the base flood elevation.

   Building C Complies with this specific standard.

   Furthermore, proposed alterations are interior only, with a construction budget of $150,000. This does not meet the criteria of Substantial Improvement – which means any combination of repairs, reconstruction, alteration, or improvements to a structure taking place during the life of a structure, in which the cumulative costs equals or exceeds fifty percent of the market value of the structure.

2. **The subject property was the subject of approved site plans PLPZ 201800372 and PLPZ 2018 00267 and rezoning, Site Plan, and Special Permit (FSP #1234) in 1987. The commercial portion of the 1987 site plan was built, the residential portion of the approval was never built and appears to have expired. The applicant has not proposed to change any part of their site plan approvals.**

   Proposed alterations are interior only, relocating a few non-load bearing partitions in existing commercial space built in 1989 to accommodate The Cedar School. No additional development/building is proposed.

3. **The proposed school is noted to be up to 100 students with 30 staff. They have indicated that they have been allotted 45 parking spaces on site. The Commission will need to determine if parking is adequate per Sec. 6-158 of the BZR.**

   See attached parking analysis – Exhibit I.
4. The applicant should provide an existing occupancy and parking conformance numbers for the approved or current tenants of the building.

See attached parking analysis – Exhibit I.

5. **Per Application #1234, and Sec. 6-100.1, the employee density of the commercial use cannot not exceed 184 people. This should be noted on the plans per the conditions of the decision.**

Section 6-100.1 Employee Density: In no case shall the number of employees of Use Groups 2a, 2b, and 2c, and offices associated with other uses exceed 1.2 times the actual number of parking spaces provided for that use in conformance with these Regulations.

Number of parking spaces on site: 190. (190 x 1.2 = 228).

**Question: Is this restriction unique to the Application #1234 or does application show fewer parking spaces vs. current actual?**

6. Any new signage, exterior lighting, or exterior modifications would need review by the Architectural Review Committee prior to permits and installation.

There are no current plans for any new signage, exterior lighting, or exterior modifications.
The Cedar School: response to committee questions

Drop Off and Pick Up

The drop off and pick up will be supervised outside and inside the building by staff to ensure that students enter the building safely. A staff member will be posted outside at the drop-off point, and also inside the building lobby.

The school expects to have four 14-passenger vans to transport the students for sports.

3:30 pm: Approximately half the students will be picked up by parents daily at this time. The other half the students will be transported by van to sports activities offsite.

4:30 – 6:30 pm: Vans will return to school (staggered, based on practices, games, etc). For example, Cross Country will practice for 45 minutes and return to school at approximate 4:30 pm; tennis practice would last 90 minutes and students would return to school at approximately 5:15 pm, and a soccer game against another school would have the students returning at 6:30 or 7:00 pm depending on the travel distance. We already are in conversation with schools such as Eagle Hill, King and Windward about scheduling games at their locations.

Vans: Student safety is paramount. All vehicles used to transport students attending The Cedar School will meet state requirements, and all drivers will be properly licensed and have the required endorsement.

PE requirements
Students will meet their PE requirements through participation in after school sports and/or participating in sports outside of school, such as dance or fitness classes students take outside of the school day. The state does not require that PE classes be during the academic day. Connecticut requires “1 credit of PE for students in grades 9-12” (see attached summary from the Connecticut State Legislature).

Lunch

Students will eat in their classrooms.
Requirements for Physical Education in Public Schools

By: John D. Moran, Principal Analyst
December 14, 2017  |  2017-R-0341

Issue

Explain whether there are federal or state requirements to include physical education in public school curriculum.

Federal Law and Guidelines

Federal law does not require public schools to provide physical education, although most states or local school districts, to varying degrees, offer or require such classes. In 2008, the U.S. Department of Health and Human Services issued guidelines for recommended physical activity, which are intended to promote healthy lifestyles through physical activity for all ages. While the guidelines recommend that children and adolescents should do 60 minutes or more of physical activity a day, they are not a government requirement. Also, they do not address physical education.

Furthermore, the Society of Health and Physical Educators (SHAPE) issued national guidelines that recommend schools provide 150 minutes per week of instructional physical education for elementary school children and 225 minutes per week for middle and high school students. The report containing the guidelines also provides links to physical education standards or requirements in each state.
Connecticut Law

Connecticut law requires that physical education be part of the public school curriculum for all grades (CGS § 10-16b(a)). For elementary school, the law does not specify a required amount of time for physical education, but the law addressing lunch breaks and recess requires at least 20 minutes of time devoted to physical exercise each day (CGS § 10-221o).

For grades nine through 12, the high school graduation requirement law specifies that each student must have earned a minimum of one credit of physical education during high school in order to graduate (PA 17-42).

JM:cmg
1% Annual Chance of Flood Evacuation Plan

- **PICK UP OUTSIDE OF LIMIT OF FLOOD**
- **ZONE X**
- **ZONE AE**
- **LIMIT OF FLOODWAY**

**CEDAR SCHOOL**

**BRIDGE**
Pick up outside of limit of flood.

1/8 annual chance flood.

Zone X
Zone AE
Limit of floodway

Bridge

Cedar School
PERMIT NEED DETERMINATION QUESTIONNAIRE
[This form is NOT an IWWA Application]

PROJECT: Street Address 200 Pembroke Road

PARCEL ID #: O9 15 9 8 - S

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

Appl. # 

ACTIVITY: (Circle) Addition Demolition Deck Garage
Generator Site Work/Landscaping Septic Interior renovations New residence Pool Tennis court

Will this activity require an addition to the septic system or B100a? YES NO

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

Owner's full name [please print] Aldo Pascairre Phone ( )

Mailing address 200 Pembroke Road Town Greenwich Zip 06830

Authorized Agent's name [please print] Susan Smith Phone (203) 979-7623

Mailing address 718 Kathryn Street Town Norwalk Zip 06855

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 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 ☐ or authorized agent ☐ [check one] I believe that the information I have submitted is correct.

Signature ____________________________ Date 07/05/2021

If mailing, return completed form.

If a site visit is required, you will be notified and asked to remit a $65 fee (payable to "Town of Greenwich") to the Greenwich Inland Wetlands & Watercourses Agency. The site visit will not take place until this fee is received.

STAFF NOTES

Office Rev Date 2/5/21 Field Inv Date / / / WET/WC? YES NO TIDAL ☐

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

Soils Report Date / / / Author _______________________ Soils

Comments:

Fee Received: YES NO Comment: ________________________________

IWWA Questionnaire Revised 9/21/17
TOWN OF GREENWICH
Town Hall ~ 101 Field Point Road ~ Greenwich, CT 06830
Planning & Zoning Department ~ 203-622-7894 ~ Fax:203-622-3795

Site Plan Application

Property Address: 200 Pemberwick Rd, Greenwich CT 06831
Property Owner: WH Parcel I, LLC/Ian Lagowitz, authorized agent

Email: ian@ivlgroup.com
Applicant: Clay Kaufman/The Cedar School

Email: c.kaufman@thecedarschool.org
Authorized Agent: "in his sole capacity as Receiver for WH Parcel I, LLC"

Select One: □ Pre-Application ✓ Final
Zone(s): GBO, LB, R-7 Lot Area: 1.9917

Please select all relevant items below: (none)
☐ 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
☐ Scenic Road Designation

To be completed by P&Z staff only:
Check # __________________________ Check Amount: $ __________
Application # __________________________
pzSitePlanApp 2020
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<td>Signature:</td>
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</tr>
</tbody>
</table>

Applicant: Clay Kaufman/The Cedar School | Address: 56 Stonehedge Dr S, Greenwich CT 06831 |
<table>
<thead>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Email: <a href="mailto:c.kaufman@thecedarschool.org">c.kaufman@thecedarschool.org</a></td>
<td>Cell Phone: 203-808-5005</td>
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<tr>
<td>Signature:</td>
<td>Date: March 23, 2021</td>
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Authorized Agent: Ian V. Lagowitz of IVL Group, LLC in his capacity as Receiver for WH Parcel 1, LLC |
| Address: | |
| Email: | lan@ivlgroup.com | Cell Phone: (973) 303-7902 | Other Phone: |
| Signature: | Date: March 24, 2021 | |
TOWN OF GREENWICH
Town Hall ~ 101 Field Point Road ~ Greenwich, CT 06830
Planning & Zoning Department ~ 203-622-7894 ~ Fax 203-622-3795

Site Plan Review Checklist

Property Address: 200 Pemberwick Rd, Greenwich, CT 06831

Anticipated Type of Application: ____________________________

Tax ID: ________________________

All applications for preliminary and final site plan approval shall be made on the appropriate forms as provided by the Planning Staff. The following items must also be provided with the application. If any of the following items are not filed at the time of application, the application may be returned to the applicant in order that it may be filed in the entirety at an appropriate future date. Required Items: (Sec. 6-14)

Please check the items submitted below:

1. Fifteen copies of a survey, folded to 9" x 12", showing existing conditions, including:
   □ a. Locations and dimensions of all existing buildings, structures, fences, retaining walls, utility facilities, trees of six (6) inches or more in diameter at breast height, and other similar features.
   □ b. Existing contours at no more than a two-foot vertical interval, unless waived by the commission Staff in circumstances where such contours may not be necessarily pertinent. The survey shall indicate topographic conditions of property immediately adjoining the subject parcel.
   □ c. The location of all existing watercourses, intermittent streams wetlands as required by IWWA, Flood Hazard Lines as determined by FEMA, springs and rock outcrops or a note indicating that none exist, with the sources of information listed.
   □ d. The zone in which the land to be developed falls and the location of any town and zone boundary lines within or adjoining the tract, and yard dimensions to existing buildings. Lot area, by zone, shall be indicated.
   □ e. The title of the development, date, revision date if any and nature of revision, north arrow, scale, and the name and address of owner and names of owners of adjacent land.
   □ f. Street and property lines, curbs, edges of pavement, sidewalks, easements, right-of-way, covenants, and deed restrictions.
   □ g. Traffic lights and controls, public trees, catch basins, hydrants, and power and telephone lines in adjacent streets.
   □ h. Certification with the signature and seal or registration number of a registered land surveyor licensed in the State of Connecticut that the drawing is substantially correct to A-2 Standards, and that the property is in a designated zone under the zoning regulations.

2. Fifteen sets of a detailed Site development plan, at a readable scale, folded to 9" x 12", prepared in accordance with all applicable Town standards including the Roadway Design and Drainage Design Manuals, and signed by a professional architect, land surveyor, or engineer licensed in the State of Connecticut, showing:
   □ a. Location, dimension, and elevation of all proposed buildings, structures, walls, fences.
   □ b. Location dimensions and surface treatment of all existing and proposed parking and loading spaces, traffic access and circulation drives, and pedestrian walks. Sidewalks are to be provided as required by the Building Zone Regulations.
   □ c. Approximate location of proposed utility lines, including water, gas, electricity, sewer and the location of any transformers.
   □ d. Note specifying source of water supply and method of sewage disposal.
   □ e. Existing and proposed contours at units of no more than a two-foot interval unless waived by the Commission's staff. Cuts and fills and estimates of blasting to be submitted at time of final site plan.
   □ f. Location, size and type of proposed landscaping and buffer planting and the designation of those areas of natural vegetation not to be disturbed.
   □ g. Any other similar information determined by the Commission staff to provide for the proper enforcement of the Building Zone Regulations.
   □ h. Zoning statistics including: Gross Floor Area, Floor Area Ratio, Usable Floor Area, Required Parking, Actual Parking
Provided, Building Height, Building Footprint, and Area Devoted to Surface parking, Building and Drives.

☐ i. Provisions for compliance with Americans with Disabilities Act (Handicap Access) and State Building Code.

☐ j. Coastal Area Management Application for projects within the Coastal Overlay Zone.

☑ 3. Eight sets of architectural plans, signed and sealed by an architect registered in the State of Connecticut, of all floors, all exterior elevations showing existing and proposed grade conditions. Elevations are to detail architectural elements by labeling materials, colors, and dimensions. Each architectural elevation shall show the absolute building height as well as building height for zoning purposes. All HVAC facilities are to be shown on architectural elevations. See EIA Floor Plan - pre-approved.

☐ 4. Three copies of Floor Plan Work Sheets with the dimensions and calculated floor areas for each floor prepared in accordance with Sec. 6-5(22). Consult Commission Staff for required format.

☐ 5. Three copies of “building coverage” computation sheets.

☐ 6. Three copies of “area devoted to surface parking, building, and drives” worksheets.

☐ 7. Five copies of sight distance certification reports when required by a preliminary site plan review or when advised by the Commission staff pursuant to item 2(g) of this checklist.

☐ 8. Three copies of Volume calculations per 6-101.

☐ 9. Completed Traffic Impact Evaluation Form if applicable. Submission requirements are defined on the form, available at the Commission office. A traffic report may be required.

☑ 10. Ten copies of completed application form signed by applicant or authorized agent, owners and contract purchasers, as applicable.

☐ 11. Ten copies of completed Special Permit form, if required by Building Zone Regulations.

☐ 12. Fifteen copies of detailed, inclusive narrative description of the proposed project. For projects involving amendments to the Building Zone Regulations and/or amendments to the Building Zone Regulation Map, the narrative description must include the section number and text for the proposed amendments(s) to the BZR and an explanation providing justification for the proposal. For map changes, a scaled drawing at 1" to 400' needs to be provided for affected area(s).

☐ 13. Eight copies of reductions in, 11 x 17 size, or other appropriate size, providing a readable, clear plan of proposed site development and architectural plans.

☐ 14. A showing that an adequate source of potable water is available to satisfy the needs of the proposed development as per Sec. 6-15(a)(5), signed by C.A.W.C.

☑ 15. An affidavit certifying that all abutting property owners have been notified, as evidenced by the submission of a certificate of mailing or certified or registered mail receipts about said application. A schedule of names, addresses, shown on a GIS map with lot lines indicating the location of the notified property owners. Owners of lots, or portions of lots, which are across a public or private street shall be deemed to be abutting property owners. For projects which require the preliminary review by the Conservation Commission, the notice shall be sent by the applicant to abutting owners two weeks prior to any scheduled hearing date of the Conservation Commission.

☑ 16. Authorization for the agent and contract purchasers to act on behalf of the certified property owner(s).

☐ 17. A separate schematic plan at a scale no larger than 1"-100" indicating buildings, parking and drives on the site and all adjoining properties, including those across the street, and the nearest cross street.

☐ 18. Five copies of a Drainage Summary Report as per Department of Public Works and the Town Drainage Design Manual. The summary report must be prepared in accordance with the following formats: PRELIMINARY: Existing and proposed storm water distribution, existing and proposed runoff rates, capability of off-site drainage facilities to accommodate proposed runoff, capability of off-site soils to accommodate percolation or detention if proposed, and identification of proposed drainage structures. FINAL: Final structure design details, prior approval from IWWA, Engineering Division and Conservation Commission as appropriate, and all information required by the preliminary report or two copies of drainage exemption forms.

☐ 19. In accordance with Sec. 6-183.1 to 6-183.10 of the Building Zone regulations, tree protection and sedimentation and erosion control plans shall be submitted with all site plan applications.

☐ 20. All applications for final site plans shall be in the form of a survey prepared by a registered Connecticut land surveyor having metes and bounds, dimensions of all buildings, parking and drives, setbacks of all structures from property lines, setbacks between buildings, and certification that building dimensions shown thereon are the same as the approved architectural plans. Architectural and drainage plans are to be references by title, date(s) and sheet numbers.

☐ 21. Required fee submitted at time of application (see fee schedule).

☐ 22. "It is the belief of the PZC staff that this application is incomplete because of the failure of the applicant to provide the materials..."
March 26, 2021

RE: Zoning Application  
WH PARCEL I, LLC  
200 Pemberwick Road, Greenwich, Connecticut

To Whom It May Concern:

Please accept this letter as authorization for Clay Kaufman, Head of School at The Cedar School, to submit an application for zoning for The Cedar School at the above referenced location.

Should you have any questions, please feel free to contact me directly at (973) 303-7902.

Sincerely,

Ian V. Lagowitz of IVL Group, LLC  
in his sole capacity as Receiver for WH Parcel I, LLC
Certificate of Mailing

An affidavit pursuant to Sec. 6-14(a)(16), certifying that all abutting property owners have been notified by mail as evidenced by a certificate of mailings or certified or registered mail receipts, about said application. Owners of lots, or portions of lots, which are across a public or private street shall be deemed to be abutting property. For projects which require preliminary review by the Conservation Commission, the notice shall be sent by the applicant two weeks prior to any scheduled hearing date by the Conservation Commission.

Submit the Following for All P+Z

EXHIBIT A

A schedule of names and addresses shown on a GIS map with lot lines indicating the location of the notified property owners. (This may be obtained from the GIS Office in Town Hall, Ground Floor)

EXHIBIT B: Sample notification letter

To whom it may concern:

Notice is hereby given that (name of the applicant) has filed an application with the Town of Greenwich Planning and Zoning Commission for (type of application) approval for (address).

This application (give a brief description of the proposed project).

Further information concerning this application may be obtained by contacting the Planning and Zoning Commission at 203-622-7894.

Signature
March 24, 2021

Re: Notification to Abutting Property Owners

200 Pemberwick Road, Greenwich, CT 06831

Applicant: The Cedar School

To Whom It May Concern:

Notice is hereby given that The Cedar School has filed an application with the Town of Greenwich Planning and Zoning Commission for change of use approval at 200 Pemberwick Road.

This application is to alter the interior office space in 200 Pemberwick Road’s north building, second floor, to accommodate the new, small, independent school for students with language-based learning differences, such as dyslexia, in grades 9-12. This use requires an approved change of use from business to mixed use (business/education). Schools are a permitted use at this location.

Further information concerning this application may be obtained by contacting the Planning and Zoning Commission at 203-622-7894.

Sincerely,

Clay Kaufman
Found, Head of School
The Cedar School
Town of Greenwich
Planning & Zoning Department

Site Plan Application – The Cedar School

Location: 200 Pemberwick Road, Greenwich, CT 06831
Tax ID: 09-2528-S

Affidavit of Certificate of Mailing to All Abutting Property Owners

Exhibit A: Schedule of names and addresses shown on GIS map with lot lines indicating the location of the notified property owners (Obtained from GIS Office in Town Hall).

Exhibit B: Sample Notification Letter.
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<th>Owner Name</th>
<th>Address</th>
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LEWENBERG PETER & GAIL
W/S
50 GREENWICH HILLS DR
GREENWICH, CT 06831

WADSWORTH GLORIA ANN
108 GREENWICH HILLS DR
GREENWICH, CT 06831

MANN JEAN
19 GREENWICH HILLS DRIVE
GREENWICH, CT 06831

MANGO ELAINA & GIANNI
W/S
58 GREENWICH HILLS DR
GREENWICH, CT 06831

CHANG HENRY ET AL
60 GREENWICH HILLS DRIVE
GREENWICH, CT 06831

GUFIN JOSH & DONG
SHIYING W/S
120 GREENWICH HILLS DRIVE
GREENWICH, CT 06831

FINNERAN JUDITH A
86 GREENWICH HILLS DRIVE
GREENWICH, CT 06830

BAYLEY PATRICIA CHAPIN &
JAMES W/S
21 GREENWICH HILLS DR
GREENWICH, CT 06831

CROUCHAN JUDITH A
51 GREENWICH HILLS DRIVE
GREENWICH, CT 06830

BAYAZID AROUB H & TAREK
NISSREEN W/S
56 GREENWICH HILLS DR
GREENWICH, CT 06831

KHATTAR MARCELLO &
PICARELLI-KHATTAR
34 GREENWICH HILLS DRIVE
GREENWICH, CT 06831

MORRISON HEIDRUN A
31 GREENWICH HILLS DRIVE
GREENWICH, CT 06831

GREY ANNE M
44 GREENWICH HILLS DRIVE
GREENWICH, CT 06831

DORIA THOMAS &
99 GREENWICH HILLS DRIVE
GREENWICH, CT 06831

KARLEN ANDREW &
W/S
38 GREENWICH HILLS DRIVE
GREENWICH, CT 06831

JAPHA CAROL
84 GREENWICH HILLS DRIVE
GREENWICH, CT 06831

MILLER ROBERT C &
43 GREENWICH HILLS DRIVE
GREENWICH, CT 06831

MANGO ELAINA & GIANNI
W/S
58 GREENWICH HILLS DR
GREENWICH, CT 06831

SULLIVAN PATRICK J &
SULLIVAN-SHEEN
94 GREENWICH HILLS DR
GREENWICH, CT 06831

POWERS CHRISTINA
8 GREENWICH HILLS DR
GREENWICH, CT 06831

KROHNENGOLD SHEELLY &
30 GREENWICH HILLS DRIVE
GREENWICH, CT 06831

DEMATTIE CHRISTOPHER W/S
&
62 GREENWICH HILLS DRIVE
GREENWICH, CT 06831-0000

VINCENT VANESSA &
W/S
36 GREENWICH HILLS DR
GREENWICH, CT 06831
This map was produced from the Town of Greenwich Geographic Information System. The Town expressly disclaims any liability that may result from the use of this map. Aerial: 4/2016. Topo: 4/2016 Property Data: 10/1/19.

Scale: 1"=100'
Scale is approximate

This map was produced from the Town of Greenwich Geographic Information System. The Town expressly disclaims any liability that may result from the use of this map. Aerial: 4/2016. Topo: 4/2016 Property Data: 10/1/19.

Scale: 1"=100'
Scale is approximate
February 10, 2021

Re: Notification to Abutting Property Owners
200 Pemberwick Road
Greenwich, CT 06831
Applicant: The Cedar School

To Whom It May Concern:

Notice is hereby given that The Cedar School has filed an application with the Town of Greenwich Planning and Zoning Commission for change of use approval at 200 Pemberwick Road.

This application is to alter the interior office space in 200 Pemberwick Road’s north building, second floor, to accommodate the new, independent Cedar School for grades 9-12. This requires an approved change of use from business to mixed use (business/education). Schools are a permitted use at this location.

Further information concerning this application may be obtained by contacting the Planning and Zoning Commission at 203-622-7894.
Site Plan Application – The Cedar School

Location: 200 Pemberwick Road, Greenwich, CT 06831 Tax ID: 09-2528-S
Zones: GBO, LB, R-7

Project Narrative

The project comprises minor interior alterations to 200 Pemberwick Road’s north building, second floor, to accommodate a new independent school, The Cedar School. Alterations include relocating several partitions, painting, carpeting, and electrical/lighting upgrades that will provide more up-to-date, efficient use of electricity and lighting.

The Building Department requires Zoning Board approval for a change of use, from business to mixed-use (business/education), to approve the proposed alterations.

Schools, Use Group 4, are an allowed use in zones GBO and LB. The Mead School occupied 200 Pemberwick Road in the 1980s.

The Cedar School is a co-ed day school offering a college-prep program for bright high school students with mild-to-moderate language-based learning differences, such as dyslexia. These bright, creative students simply need a multisensory approach to education, leveraging their strengths in visuals, music and experiential learning.

The school anticipates approximately 25 students in its first year of operation, growing to approximately 100 students in subsequent years.

The school’s operating hours are 8 am – 4 pm, with occasional early evening events such as parents’ night. No outdoor activities are planned on site. The school has already been in touch with the department of parks about permits for field use in town, off site.

In terms of transportation, younger high school students will be driven by car to 200 Pemberwick and dropped off in the west parking area at the pedestrian bridge, off Comly Avenue. Seniors may drive themselves to school and park in the assigned parking area. The school traffic flow for the short period of morning drop off (8:00-8:30 am) will not interfere with general parking for the building, which is situated on the opposite side of the building. Afternoon pick up for the school will be staggered, as some students will leave at 3:30 pm and others will remain for sports.

The property has parking for 190 cars.
The Cedar School

Transportation Proposal for 200 Pemberwick Rd, Greenwich, CT

The Cedar School plans for 100 students and 30 staff. The building space is currently unoccupied. We have arranged with the owner of the building use of the contiguous large parking lot on the west side of the building, accessible from Comly Ave. That parking lot includes approximately 170 parking spaces, of which 45 spaces would be allocated for use by The Cedar School staff, students (should seniors receive permission to drive) and visitors. Please see the layout of the parking lot (below), which shows sufficient parking and queuing space for our proposed plan. Please note that the building includes an addition 60 parking spaces on the east side of the building, the parking area used by current occupants of the building. There is more than ample parking on site.

**Morning drop off (see drawing)**

Morning drop off will be staggered, from 8:00 to 8:30 am.

Cones and arrows will direct families to turn left upon entering the parking lot and loop around for drop off at the pedestrian bridge that leads to the building. Please note that other occupants of the building will continue to park in the parking lot on the east side of the building. Families or visitors needing handicap access to the building would be the only Cedar families who would park on the east side, in the assigned handicap parking spaces.

The Cedar School will encourage carpooling to minimize the number of vehicles in the morning drop off. There is room for at least 30 cars at a time in the loop. Staff will be stationed outside at the drop off location every morning to ensure that carpool runs smoothly, and to direct cars to park temporarily if needed. Please note that because The Cedar School enrolls only high school students, pick up and drop off is a much quicker process than with elementary students, as there are no car seats and students are self-evidently more independent.

**Afternoon Pick Up**

The regular school day for students ends at 3:30 pm, followed by sports and activities, which would occur off campus. Due to participation in sports, afternoon pick up will be staggered from 3:30 – 6:30 pm.

Because of staggered departure times, we expect that no more than 15-20 students would leave at a time. The families would follow the same path for pick up as they followed in the morning for drop off.
Drop off location (at pedestrian bridge)
Enter from Comly Ave.
The Cedar School

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Drop off location (at pedestrian bridge)
Enter from Comly Ave.
Drop off line shows 33 cars
The Cedar School

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Drop off location (at pedestrian bridge)

Enter from Comly Ave.

Drop off line shows 30 cars
The Cedar School

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Drop off location (at pedestrian bridge)

Enter from Comly Ave.

Drop off line shows 46 cars
MEMO TO: William Marx, Building Inspector  
Jeanne Shaffer, Zoning Enforcement Officer  
Gerald Negarty, Zoning Inspector  
FROM: Diane Fox, Assistant Town Planner  
DATE: December 8, 1988  
RE: Comly Avenue - River Ridge Development

Please be advised that the Site Plan, already on file, dated Revised April 25, 1988, and Sheet 2, dated April 29th, meets the requirements of our August 3, 1987 Approval Letter (copy attached), except as follows:

On September 19, 1988, Planning and Zoning routed all the Approved and Revised Site Plans to your department for review for Building Code Compliance only.

At this time, Law Department has approved, and Planning and Zoning has filed all necessary documents on Greenwich Land Records. Therefore, all Building Permits may be issued.

However, please note that the attached conditions still hold relative to the Building Permit issue. Please use attached memo.
MEMO TO: William Marr, Building Inspector  
Jeanne Shaffer, Zoning Enforcement Officer  
Gerald McGarty - Zoning Inspector  
B. Quinn  
FROM: Diane Fox, Assistant Town Planner  
DATE: December 12, 1988  
RE: Comly Ave, River Ridge Development S.P.  

Please be advised that the attached site plan dated see attached  
Revised meets the requirements of our Aug. 3, 1987  
approval letter (copy attached) except as follows: and September 19,  
1988 memo to Building Department for demolition and code/zoning compliance.

All legal documents have been reviewed by P&Z and Law Department and are in order and filed on GLR. Therefore, the foundation or conditional permit may proceed. Please note all conditions on the attached memo which will govern the Building Permit issuance. The approved plans are the same as those submitted to your department and are detailed in attached memo.

DP/s  
Encls.

map #493 - Dec 13
MEMO TO: Bernard F. Quinn, V.P. Project Management
Henry Pascarella, Esq.
Diane Beltz, Assistant Town Attorney
Site Plan File # Comly Ave. - Ridge

FROM: Diane Fox, Assistant Town Planner

DATE: December 9, 1988

RE: DECLARATION OF CONSERVATION RESTRICTIONS REVIEW AND COMMENTS

In its present form, the revised Declaration of Conservation Restrictions, designates responsibility for maintenance of the Conservation Easement Area only to the Residential Owners; i.e., Homeowners Association. No responsibility is designated to the "owners" of the Commercial Building. Planning and Zoning approval, however, is for the total site. The owner responsibility for said Conservation Area, is for all owners of the site until such time as approval of 6-17.2 is given for this site plan.

On December 9, 1988, Mr. Quinn, agreed on behalf of all the present owners of the property that, until such time as P&Z approval of 6-17.2 is given, all said owners of both residential and commercial parts of this one site plan will be responsible for maintenance, preservation, and liability of the said Conservation Area.

The above statements have been read and approved by the owners of all the property signing below. Please submit this letter to P&Z in order for us to notify the Building Department to proceed with the Building Permit.

DF/S

[Signatures]

Owners Signatures
MEMO TO: William Marr, Building Inspector  
       Jeanne Shaffer, Zoning Enforcement Officer  
       Gerald Hegarty - Zoning Inspector  

FROM: Diane Fox, Assistant Town Planner  

DATE: December 12, 1988  

RE: River Ridge, Comley Ave. at Pemberwick  

Please be advised that the attached site plan dated  
Revised  
See below  
Revised  
meets the requirements of our  
Aug. 3, 1987  
approval letter (copy attached) except as follows:  

1. Prior to building permit, a sewer permit be obtained.  

2. The notes be put on building permit that (a) Prior to CO,  
   all sidewalks be constructed or reconstructed along Pemberwick  
   and Comley Ave. (b) Total parcel limited in perpetuity to the  
   following uses regardless of future changes in zoning commercial:  
   43,510 sq. ft. 21 residential units (c) This parcel cannot be  
   split or sold as 2 parcels without P&Z approval of Sec. 6-17.2.  

3. Approval materials for residential units are grey clapboard with  
   white wood trim. The commercial building will be red brick with  
   white trim.  

4. A note be put on building permit that there are 153 parking spaces  
   for commercial use and pursuant to Sec. 6-100.1 employee density  
   of commercial component cannot exceed 184 persons. 31 parking  
   spaces are for residential use only.  

5. Street opening and drain connections be obtained from Highvey  
   Division prior to constructing drainage facilities in Pemberwick  
   & Comley and final construction details must be approved in the  
   field by the Dept. of Public Works.  

6. The building permit is subject to I.W.W.A. permit and conditions.  

7. Approved Site Plan of S.E. Minor - Sheet 1 dated, Rev. April 25, 1988  
8. The other approved plans are as follows:

**EDA Plans** -
- Layout - Sheet D1 - dated Feb. 9, 1988
- Grading Plan D2 - Feb. 9, 1988
- Site Utilities Plan DJ - Jan. 7, 1988
- Planting & Lighting - D4 - dated Feb. 9, 1988
- Erosion Control Plan - D5 - dated Feb. 9, 1988
- Site Details - D6 - dated Feb. 9, 1988
- Tree Preservation - D7 - dated 2/9/88

**Barnum Plans** -
- a) Sheet A1 - 6/23/88 Title Sheet
- b) Sheet A2 - Demolition Plans - Rev. 6/23/88
- e) Sheet A5 - Floor Plans - Bldg. C dated 12/22/87 - Rev. 6/23/88
- f) Sheet A6 - Roof Plan and Details Revised - 6/23/88
- g) Sheet A7 - Elevations Bldg. A&B - dated 6/23/88
- h) Sheet A8 - Elevations Bldg. C - dated 12/22/87 - and revised 6/23/88
- k) Sheet A3 - Condominium Plans, 1st, 2nd floor plans dated 6/23/88
- l) Sheet A4 - North & South elevations of Condominiums dated 12/22/87 & revised 6/23/88
- m) Sheet A5, A6 - East & West Elevations of Condominiums dated 12/22/87 & revised 6/23/88
- n) Sheet G1 - Parking Level Plan for Condominium dated revised 6/23/88
August 3, 1987

RE: Site Plan 6

dated 3/31/87 Rev. May 1, 1987

James A. Manzi, Jr., Esq.
Cuddy, Lynch, Sikora, Cunningham & Moran
211 Congress St.
Boston, Mass. 02110

Dear Mr. Manzi:

In accordance with Sections 6-13 through 6-16.1 of the Building Zone Regulations, the Planning and Zoning Commission reviewed your site plan of River Ridge located at Pemberwick Rd./Comly Ave. during a regular meeting held on July 28, 1987. It was decided to notify you of the following results:

The Commission adopted the following resolutions:

RESOLVED, that the application of SPD Associates, Limited Partnership to amend the "Building Zone Regulation Map, Greenwich, Connecticut" by rezoning approximately 1.815 acres of land on the west side of Pemberwick Rd. from the LB zone to the GBO zone and by rezoning approximately 0.927 acres of land from the R-7 zone to the GBO zone on the west side of Pemberwick Rd. as shown on a map entitled "Proposed Amendment to Building Zone Regulation Map" prepared by William Milo Barnum Associates dated May 1, 1987 and filed with the Town Clerk is hereby approved.

RESOLVED, that the application of SPD Associates for a special permit authorizing office use of existing modified buildings and the construction of 21 dwelling units to be in excess of 150,000 cubic feet on the west side of Pemberwick Road at Comly Avenue in the R-7, GBO and LB zones pursuant to Sec. 6-17, Sec. 6-101, Sec. 6-110(a), Sec. 6-104(c) and Sec. 6-141 of the "Building Zone Regulations, Greenwich, Connecticut is hereby approved with modifications.

RESOLVED, that Site Plan #1234 for River Ridge office/multi-family use on Pemberwick Road/Comly Avenue dated 3/31/87 rev. May 1, 1987 is hereby approved with modifications.

The modifications are as follows:

1) The site plan shall note that the elevator shall be large enough to accommodate a 6' x E.M.S. stretcher. Compliance with this modification shall be certified prior to a temporary Certificate of Occupancy.

2) The plans shall include a sidewalk along both site frontages on Comly Ave. and Pemberwick Road in accordance with the "Building Zone Regulations, Greenwich, Connecticut". In addition, a sidewalk shall be indicated as to be constructed along the north side of Comly Ave. from the subject parcel to the Greenwich Hills driveway.

5/87
P&Zm4721

wn Hall*101 Field Point Road Greenwich, CT 06836-2540 • (203) 622-7894 • An Equal Opportunity Employer, M/F/H

438
The Comly Ave sidewalk can be accommodated within the public right-of-way without the necessity for removal of any walls, etc. Field inspections with the Traffic Engineer indicate that catch basins may have to be relocated. The scope of work shall be confirmed with the Traffic and Engineering Divisions prior to Building Permit issuance and certified complete prior to temporary Certificate of Occupancy. The Traffic Engineer in conjunction with the Board of Education shall paint crosswalks where appropriate.

Sidewalk details along the subject property frontages must be developed in detail as well prior to building permit issuance. Street trees must be located and grade information provided to determine retaining wall locations and guard rail location/relocation. Traffic and Engineering Divisions as well as P&Z Staff will be consulted in final design.

3) A Parking and Traffic Management Plan shall be developed prior to building permit issuance indicating:

a) Staggered departure times for office use of both lots.

b) Assigned parking scheme: 31 spaces shall be designated as for Residential Use only. The plan, as well as the Declaration, shall indicate the residents right to enforce this position. The balance of the parking (153) spaces shall be for commercial use. Pursuant to Sec. 6-100.1 employee density of the commercial component cannot, therefore, exceed 184. The plan shall note this limitation.

c) Visitor parking shall be designated in one area and not under the deck.

4) Restrictive Covenants/Deed Restrictions shall be reviewed and approved by the P&Z Staff and Law Department and shall address the following:

a) Total Parcel limited in perpetuity to the following regardless of future changes in zoning:

(1) Commercial: 43,510 sq.ft.
(2) Residential: 21 dwelling units

b) Open space easement of hillside.

c) As recommended in the Environmental Assessment a pedestrian easement for public benefit along the Byram River.

d) Rights of property owners within 100' radius of subject parcel to enforce deed restrictions as well as the Town.

e) Revised easement language to incorporate approval granted by the Flood and Erosion Control Board as detailed in the May 26, 1987 letter to the Commission from Mr. Urban.

5) Revised landscape Plan addressing the following:

a) Identification of all significant trees within or immediately adjacent to development areas. Those trees which are to remain shall be clearly identified as such and specific details for preservation during and after construction shall be developed. The Conservation Coordinator and Planning Staff shall be consulted to define impact areas and approve preservation plans.
b) Transitional plantings shall be indicated between the residential units and the steep slope to soften the visual impact of the development.

c) A landscaped berm of 10' - 15' in depth shall be shown in front of the deck face to soften its impact. Mail boxes shall not be indicated in this area. The outdoor parking area shall be shifted easterly to accommodate this sloped planting area.

6) Screened transformer locations and additional screened dumpster locations shall be indicated.

7) a) Street opening and drain connection permits must be obtained from the Town's Highway Division prior to constructing drainage facilities in Pemberwick Road and Comly Avenue. Final construction details must be approved in the field by the Department of Public Works.

b) The proposed catch basin at the westerly side of the driveway entrance to Comly Avenue should either (1) be connected to the existing Town manhole on the southerly side of Comly Avenue or (2) be provided with an easement to the Town for discharge over private property.

c) A registered professional engineer shall certify that the construction of the drainage system on both public and private property prior to issuance of a Certificate of Occupancy.

d) Outlet of proposed catch basin "C" on Pemberwick Road is unclear. It appears to go uphill.

e) The following shall be shown on the plan:

1) Limit and identification of work on Town property.

2) Location, dimension and detail of concrete handicapped ramp at Pemberwick Road-Comly Avenue intersection.

3) Profile and details of new concrete curb and sidewalk along portion of Pemberwick Road and Comly Avenue.

4) Dimensions, details and sections of reinforced concrete driveway entrances as per Town Standard Construction detail.

8) The 3 parking spaces in the center of the commercial parking area should be boxed in to define the spaces.

9) The following shall appear as notes on the plan:

a) Prior to any excavation(s), the applicant(s), in accordance with Public Act 77-350, shall be required to contact Call Before You Dig, Inc., at 1-800-922-4455 for mark-out of underground utilities.

b) Any and all traffic control devices, (i.e., traffic signs and pavement markings) to be installed by the applicant shall be in conformance with the Manual on Uniform Traffic Control devices for Streets and Highways, J. S. Department of Transportation, Federal Highway Administration, 1978, as may be amended to date.

c) Handicapped parking spaces must be striped and signed in accordance with State of Connecticut and Town of Greenwich requirements.

d) All small car parking spaces must be signed and striped in accordance with the Town of Greenwich Building Zone Regulations.
10) A sewer plan must be approved prior to building permit issuance and filed with the Planning & Zoning office as well.

11) The plan shall note that any activity on the property is subject to I.W.W.A. review and that a permit with conditions has been granted.

12) Channel Encroachment lines shall be clearly identified on the plan.

13) A note shall indicate that any changes to the northern commercial building are subject to Architectural Review Committee review.

14) The sightline improvement plan shall indicate the extent of required "selective clearing".

15) Detailed plans indicating grading, drainage, landscaping, curbing, control gate etc., shall be submitted for approval to address D.P.W., Fire, E.M.S. and P&Z Staff concerns.

16) The zone line shall be corrected on the Layout Plan.

17) The final plans, once revised in accordance with required modifications, shall be appropriately cross referenced and submitted in the form of a computed and certified surveyors plot plan.

Additional details, if any, will be available in the Minutes of this meeting.

Please submit a check, payable to the Town of Greenwich, in the amount of $5.00 the Site Plan Approval Certificate filing fee.

Please submit a check, payable to the Town of Greenwich, for $5.00, the special permit filing fee.

Sincerely,

[Signature]
Eric V. P. Brower
Director of Planning & Zoning

EVPS/gps

cc: Wm. Barnum
    N. Pascalella
    John Margenot
    William Urban
    J. Landsfeld
    W. Marr
    G. Garabedian
    M. Aurelia
    T. Baptiste
    S. Demetri
    E. Deveita
    R. Veillette
    A. Kirk
    R. Harris
    N. Macri

R.S. Silverman Co. (sp?)

441
PROPOSED AMENDMENT
TO
BUILDING ZONE REGULATION MAP
WILLIAM MILO BARNUM ASSOCIATES

1 MAY 1957 ZONE LINE REFINED
22 JULY 1966

Scale 1 in. = 100 ft.
Rozoning/Special Permit/Site Plan #1234

Use:
Zone:

Total Area:
Floor Area:

No. of Units:
Building Coverage:

Total Coverage:
No. of Stories:
No. of Parking Spaces:
Exterior Building Materials:

STAFF:

BACKGROUND/OBSERVATIONS
1. On November 18, 1986 the Commission advised the applicant to proceed to final plan subject to modifications.
2. The plan indicates 21 dwelling units as required.
3. IWWA, Eng. Div. and the Flood and Erosion Control Board have reviewed the project and approved it with modifications.
4. A conceptual design for fire access from Comly Avenue has been reviewed with the Fire and Traffic Departments.
5. The EMS unit has reviewed the plans and recommends an additional elevator from the garage level to the northern end of Cluster C. Even with the one elevator in operation a significant distance and number of steps/sloped walks must be negotiated during inclement weather. During a power outage unacceptable distances around the walk system would occur.
6. The entire parking garage will be under approximately 3' of water during the 100 yr. flood elevation. The commercial component of the project must comply with appropriate sections of the Flood Hazard Overlay Zone.

RECOMMENDATIONS:
If the Commission approves the zone change, special permit and final plan, it is recommended that it be subject to the following:
1. That detailed plans including grading, drainage, landscaping, surface treatment, curbing, control gate, etc. be resold to the satisfaction of DPM, Fire Dept. and PPA Staff for fire access prior to building permit issuance.
2. That the recommendations of the EMS be resolved.
3. That the concerns of the other Town departments be addressed.
4. That the final plans once revised in accordance with required modifications be appropriately cross-referenced and submitted in the form of a computed and certified surveyors plot plan.
5. Sight line improvement plan indicate in detail required "selective clearing".
6. Zoning be corrected on layout plan.
7. That additional dumpster(s) units be indicated.
8. That any future changes to the northernmost building on the commercial site be reviewed by ARC.

IWWA:
The Agency issued Permit #87-34 for the construction of 21 condominium units, an office building and pedestrian bridge adjacent to and across the Byran River.

SEWER:
The applicant must submit a sewer plan for approval by the Superintendent of Sewers.

BUILDING DIVISION:
The site plan stamp-dated May 8, 1987 meets the requirements of the Building Zone Regulations except for the following: Regulations comply as to the GBO Requirements except refuse area in Business area not designated and is one refuse area enough for all of the dwellings?
July 8, 2016

Mr. John Tesei, Esq.
Mr. Christopher Bristol, Esq.
Gilbride, Tusa, Last & Spellane
P. O. Box 658
31 Brookside Drive
Greenwich, CT 06830

RE: The applications of Christopher D. Bristol, Esq. & John P. Tesei, Esq., authorized agents, for Riversedge Partners, record owners, for a final site plan and special permit, PLPZ 2016 00315 and PLPZ 2016 00316 to create a division of ownership under Section 6-17.2 for the property previously considered under Site Plan and Special Permit #1234 per Sections 6-13 through 6-15, 6-17.2, 6-97, 6-104, 6-106, 6-158, and 6-205 of the Town of Greenwich Building Zone Regulations on a 5.5658 acres property located at 200 Pemberwick Road in the GBO, LB and R-7 zones as shown on a survey prepared by Rocco V. D'Andrea, Inc., dated 06/06/16.

Dear Mr. Tesei and Bristol:

At a regular meeting held on June 23, 2016 the Planning and Zoning Commission considered the above referenced applications and took the following action:

Upon a motion to approve the final site plan and special permit with modifications, made by Mme. Alban. and seconded by Messr. Fox, the following resolution was adopted 4-1. (Voting in favor on this item: Messrs. Maitland, Levy, Fox and Mme. Alban; Voting against Mme. Ramer); and

WHEREAS the Commission held a public hearing on June 23, 2016 and took all testimony required by law; and

WHEREAS the applicant requested Final Site Plan and Special Permit approval, to create separate ownership of one piece of property under Section 6-17.2 of the Building Zone Regulations, while maintaining a single zoning lot of the 5.5658 acres property located at 200 Pemberwick Road in the GB, LB and R-7 zones; and
WHEREAS the property is owned by one entity, Riversedge Partners; and

WHEREAS the site is bifurcated by the Byram River; and

WHEREAS three (3) office buildings exist on the east side of the property with parking for 57 vehicles; and

WHEREAS a parking lot for 153 vehicles exists on the west side of the property; and

WHEREAS a wood and steel bridge spans over the Byram River and internally connects both sides of the parcel; and

WHEREAS the entire parcel is noted on the survey to be 5.5658 acres; and

WHEREAS the subject property was approved in 1987 for use of the existing buildings on the east side of the River as office, and development of west side of the River for a 21 unit residential development over 150,000 cubic feet in volume; and

WHEREAS that approval noted a number of conditions that were required to be met and of note, the applicant was required to:
  - Stagger departure times of the office use on both lots.
  - Designate 31 spaces for residential use only and maintain the balance of the proposed parking (153 spaces) for the approved commercial use. Per Sec. 6-100.1 the employee density of the commercial uses could not exceed 184 persons and to be noted on the plans.
  - The property was limited to 43,510 sq. ft. of Commercial use and 21 dwelling units, in perpetuity.
  - The applicant created an open space easement of the hillside west of the river.
  - A pedestrian easement was created along the river; and

WHEREAS the applicant has stated that they do not intend to change any of the conditions of approval and would continue to comply with them; and

WHEREAS the applicant noted that the purpose of their application under Section 6-17.2 is to allow separate ownership of the subject parcel but maintain one zoning lot so as not to create non-conforming with regards to setbacks and FAR; and

WHEREAS the division of ownership would create two tracts of land divided by the river, where the east side - noted as Parcel I - would be 1.9917 acres in size and contain the three (3) existing buildings and parking spaces and the west side - noted as Parcel II - would be 3.5741 acres and contain the 153 space parking lot; and

WHEREAS the subject parcel would remain one zoning lot for conformance with the Town's Zoning Regulations; and

WHEREAS to continue to comply with the Commission’s prior decision (FSP #1234) the applicant will agree to provide access and parking agreements between proposed Parcels I and II and maintain access to the existing 153 parking spaces; and
WHEREAS the disapproving opinion of the Commission desired further legal opinion regarding Sec. 6-17.2 and its lawfulness in creating two ownership entities for one zoning parcel without creating an subdivision action; and

WHEREAS the Commission finds that the proposed action substantially meets the intents and purposes of Sections 6-13 through 6-15, 6-17, and 6-17.2, of the Town of Greenwich Building Zone Regulations; and

THEREFORE BE IT RESOLVED THAT the applications of Christopher D. Bristol, Esq. & John P. Tesco, Esq., authorized agents, for Riverside Partners, record owners, for a final site plan and special permit, PLPZ 2016 00315 and PLPZ 2016 00316 to create a division of ownership under Section 6-17.2 for the property previously considered under Site Plan and Special Permit #1234 per Sections 6-13 through 6-15, 6-17.2, 6-97, 6-104, 6-106, 6-158, and 6-205 of the Town of Greenwich Building Zone Regulations on a 5.5658 acres property located at 200 Pemberwick Road in the GBO, LB and R-7 zones as shown on a survey prepared by Rocco V. D’Andrea, Inc., dated 06/06/16 are hereby approved with modifications.

- The applicant shall submit to staff a Mylar map and 6 copies depicting the tracts as proposed in a form suitable for signature of the Chairman of the Planning and Zoning Commission.

- Said map shall note all the easements as required and the include all the declaration and conditions of approval from the prior site plan approval #1234.

Sincerely,

[Signature]

Patrick LaRow, AICP
Deputy Director / Assistant Town Planner
PLANNING AND ZONING - LAND USE DEPARTMENT

MEMORANDUM

TO: Jodi Couture, Zoning Enforcement Officer

FROM: Patrick LaRow, Deputy Director, Planning and Zoning
       Marisa Anastasio, Senior Planner

DATE: June 28, 2018

RE: OK for Zoning Permit Purposes
    PLPZ201800267
    200 Pemberwick Road
    0 Comly Avenue
    WH Parcel I LLC
    Administrative Site Plan (ASP)

PROJECT: To convert 930 sq. ft. of office space into a medical office.

The attached architectural floor plans G3 dated 4/6/2018 are hereby approved for Zoning Permit Purposes subject to the following:

1. The approved work is for interior work only and exterior modifications, exterior lighting or signage will require review and approval from the ARC.
2. The subject property was approved in 1987 (FSP #1234) for use of the existing buildings on the east side of the River as office, and development of west side of the River for a 21-unit residential development over 150,000 cubic feet in volume. That approval noted a number of conditions that were required to be met and of note, the applicant was required to:
   • Stagger departure times of the office use on both lots.
   • Designate 31 spaces for residential use only and maintain the balance of the proposed parking (153 spaces) for the approved commercial use. Per Sec. 6-100.1 the employee density of the commercial uses could not exceed 184 persons and to be noted on the plans.
   • The property was limited to 43,510 sq. ft. of Commercial use and 21 dwelling units, in perpetuity.
   • The applicant created an open space easement of the hillside west of the river.
   • A pedestrian easement was created along the river; and
The applicant has stated that they do not intend to change any of the conditions of approval and would continue to comply with them.

3. The applicant has provided the below tenant employee counts currently totals 107 persons:

<table>
<thead>
<tr>
<th>Location</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Building - First Floor</td>
<td>0</td>
</tr>
<tr>
<td>South Building - Second Floor</td>
<td>24</td>
</tr>
<tr>
<td>Main Building - First Floor</td>
<td>37</td>
</tr>
<tr>
<td>Main Building - Second Floor</td>
<td>43</td>
</tr>
<tr>
<td>North Building - First Floor</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>107</td>
</tr>
</tbody>
</table>

The proposed action would add 4 doctors and 1 receptionist and does not appear to extend the employee count beyond the max. number of employees permitted which is 184 persons.

4. Any changes to the approved plans shall be reviewed by Planning and Zoning.
John P. Tesco, Esq.
Gilbride, Tusa, Last and Spellane, LLC
31 Brookside Drive
Greenwich, CT 06830

RE: WH Parcel I LLC and WH Parcel II LLC; application PLPZ 2017 00372 for a final site plan to convert existing second floor space of the “south Mill Building” from office use to 15 residential units, 8 one-bedroom and 7 two-bedroom units, on a 5.57 acres property located at 200 Pemberwick Road and 0 Comly Avenue in the GBO, LB, and R-7 zones.

Dear Mr. Tesco:

At a regular meeting held on September 27th, 2018 the Planning and Zoning Commission considered the above referenced application and took the following action:

Upon a motion to approve the final site plan made by Mr. Maitland and seconded by Mr. Fox, the following resolution was unanimously adopted. (Voting: Maitland, Goss (for Alban), Yeskey (for Levy), Fox and Hardman (for Macri)).

WHEREAS the Commission held a public meeting on September 27th, 2018 and took all testimony required by law; and

WHEREAS a final site plan was submitted to convert existing second floor space of the “south Mill Building” of the 200 Pemberwick Road / 0 Comly Avenue property, on the parcel east of the Byram River, from office use to 15 residential units, 8 one-bedroom and 7 two-bedroom units, on a property located at 200 Pemberwick Road and 0 Comly Avenue in the GBO, LB, and R-7 zones; and

WHEREAS the Commission finds that the final site plan and special permit applications are subject to Sections 6-5, 6-13, 6-14, 6-15, 6-97, 6-100, 6-104, 6-106, 6-139.1, 6-155 and 6-205 of the Town of Greenwich Building Zone Regulations; and

WHEREAS the subject property contains 5.57 acres; and
WHEREAS the property is separated into two parcels by ownership, but is maintained as one zoning lot for purposes of conformance with the Town’s Zoning Regulations as reviewed and approved under Site Plan / Special Permit PLPZ #201600315 and 316; and

WHEREAS the floor plans show conversion of the existing office building into a mixed used building, maintaining the first floor as office use, and converting the second floor office use into fifteen residential units on a 5.57 acre property located in the GBO, LB, and R-7 zones; and

WHEREAS the FEMA flood maps indicate flood elevations of 42’ and 41.1’ on site, and

WHEREAS the applicant has agreed to determine the first floor elevation of the building to determine the status of compliance with FEMA and Flood Zone Regulations, Section 6-139.1; and

WHEREAS the applicant has submitted substantial improvement forms, along with an appraisal report, which shall be reviewed by ZEO; and

WHEREAS the Commission notes that if the substantial improvement indicates the building will become non-compliant in regards to Flood Zone Regulations, the applicant must return to the Commission for further review of the proposal; and

WHEREAS, the final first floor plans shall be provided to P+Z staff prior to Zoning permit sign off; and

WHEREAS the applicant shall provide the documentation for the existing cross parking agreements and existing Declarations of Restrictions for the property as recorded during previous applications for the property; and

WHEREAS the applicant shall comply with Sewer comments in regards to plumbing fixtures located below the Base Flood Elevation; and

WHEREAS any changes proposed to the exterior of the building requires review by ARC; and

WHEREAS the Commission received a P+Z staff report, as well as department comments from the Zoning Enforcement Officer; and

THEREFORE be it resolved, the application of John Tesi, Esq., authorized agent, for WH Parcel I LLC and WH Parcel II LLC, record owners, for a final site plan, PLPZ 2018 00372, to convert the second-floor of the existing commercial building from office use to residential use for 15 units consisting of eight (8) one-bedroom units and seven (7) two-bedroom units on property located at 0 Comly Avenue and 200 Pemberwick Road in the GBO and LB zone as shown on a site plan prepared by Rocco V. D’Andrea, Inc., dated 02/17/16 and architectural plans prepared by Merge Architects, dated 03/13/18 is hereby approved with modifications.
Prior to any activity on site or Zoning Permit issuance, the applicant shall make an appointment with Planning and Zoning staff to submit documentation to address the Commission’s decision. This submittal shall include a) **Substantial Improvement forms with any necessary updates based on ZEO review** b) four (4) sets of architectural drawings to include all applicable plans such as FAR calc, floor plans, elevations, and building sections, c) **2 copies of cross parking easement and Declaration of Restrictions** and any other pertinent documentation necessary to address the Commission’s decision including the following:

1. ZEO shall review substantial improvement forms prior to Zoning Permit sign off.
2. If the substantial improvement indicates the building will become non-compliant in regards to Flood Zone Regulations, the applicant must return to the Commission.
3. Submit the final first floor plans.
4. Provide the documentation for the existing recorded cross parking agreements and existing Declarations of Restrictions for the property.
5. Obtain approval from Sewer Department in regards to plumbing fixtures located below the Base Flood Elevation prior to Zoning Permit sign off.
6. Any changes proposed to the exterior of the building requires review by ARC; and

The contents of this letter have been reviewed by members of the Commission and reflect the decision the Commission made at its meeting on September 27, 2018.

Sincerely,

Marisa Anastasio  
Senior Planner