Final Site Plan and Special Permit
PLPZ 2021 00364

Thru-way Shopping Center, LLC

To convert first floor garage space into medical

LOCATION: 1233 (Unit 1285) East Putnam Avenue

EXISTING ZONING: LB, R-7

PARCEL SIZE: 8.725 ac. (6.5201 ac. in LB, 2.0523 ac. in R-7)

UTILITIES: Sewer and public water

<table>
<thead>
<tr>
<th>Zoning Statistics</th>
<th>Existing</th>
<th>Proposed</th>
<th>Permitted/Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>FAR:</td>
<td>0.223</td>
<td>No change</td>
<td>0.5</td>
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<tr>
<td>Gross Floor area:</td>
<td>64,155 sq. ft.</td>
<td>No change (2,534 sq. ft.)</td>
<td>142,008 sq. ft.</td>
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<td>(Proposed new space)</td>
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<td>Usable Floor area:</td>
<td>48,116.25 sq. ft.</td>
<td>49,919.25 sq. ft.</td>
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<td>(Proposed new space)</td>
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<tr>
<td>Total parking:</td>
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<td>365</td>
<td>322</td>
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<tr>
<td>Proposed Retail Building:</td>
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<tr>
<td>Number of stories:</td>
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<td>2 ½</td>
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<td>Lot Coverage:</td>
<td>257,573 sq. ft. (90.7%)</td>
<td>257,573 sq. ft. (90.7%)</td>
<td>213,012 sq. ft. (75%)</td>
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<tr>
<td>Building Coverage:</td>
<td>72,690 sq. ft. (25.6%)</td>
<td>72,690 sq. ft. (25.6%)</td>
<td>85,205 sq. ft. (30%)</td>
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STAFF REPORT UPDATE:
The applicant was last before the Commission at the September 28, 2021 meeting. The application was left open to allow for the application to explain their position that the proposed use is not a medical office, as previously determined by staff, but another use which is permitted on the first floor in the LB zone. The applicant has now provided their analysis that states how they believe that no part of the use can be considered “office” for reasons outlined in their memo of October 8, 2021. Staff would again make the point of emphasis to be the following. When the use was originally allowed to go in and operate on the second floor, it was found that a “Medical professional” was required, by the State to operate such a facility. Past practice of the ZEO and staff was, and still is, to consider space being used by a “Medical Professional” to be an office use, and has been permitted to go in locations where “office” is permitted. The applicant has cited no similar examples where this or similar use has been treated in the manner they are seeking. They also do not appear to refute the idea that they need/require a “Medical professional” to operate this business from the State nor do they assign their use under a definition in the Use Group 4, only to suggest the use is a “medical use” which is not defined.
Lastly, staff notes that the following is the current definition of “office in the Town’s Regulations, “Office Uses shall mean non-retail, non-personal service establishments which involve the transaction or provision of financial, professional or business services, the operation of service organizations, or the offices of Health-Care providers. Office uses include, but are not limited to advertising agencies; banks, public relations firms; offices of professional persons; financial and tax services; mortgage and money-lending institutions; investment companies; business consultants; credit agencies; secretarial services and the like. Office uses are characterized by having limited storage consisting of office supplies or the like, but not stock for resale. Office uses may include health and fitness facilities provided as a service to employees of the office uses.” This is the definition that appears to have been relied upon, by staff and the ZEO to designate similar uses where a, “medical professional” is operating in a space. Again the question being posed if this use is not retail, not personal service, or not an office, then what is the use and how should it be defined?

The following is the last staff report without updates.

APPLICATION SUMMARY:
The applicant is seeking final site plan and special permit approval from the Commission to convert ground level parking spaces to medical office space on an 8.726-acre property located at 1233 East Putnam Ave. (Unit 1285) in both the LB and R-7 zones.

COMMENTS/RECOMMENDATIONS:
The following should be addressed or considered as part of this action:
1. The applicant should explain how office space is a permitted use for the first floor in the LB Zone. additionally, office use is limited to 7,000 sq. ft. per site, in the LB zone.
2. The applicant should state for the record how many doctors are associated with the space. The prior decision(s) was limited to two (2) medical professionals.
3. The Commission should determine if the proposed changes need advisory opinion form the ARC, and if that should be done during the P&Z phase or prior to permit issuance.
4. Per the Commission’s and staff decision the applicant was required to abide by the following, and they should indicate any or all instances where the proposal would deviate:
   a. This tenant space shall have no more than 6 treatment rooms. Any changes in the number and size of the treatment rooms will require review by Planning and Zoning;
   b. No “smart lipo” or “blepharoplasty” will be performed as a service at this location, as noted by the applicant;
   c. The use will not have more than 2 licensed “Medical Professionals” (per Section 6-5(a)(36.1)) working at any one time;
   d. Any change of the proposed use shall be reviewed by Planning and Zoning;
5. The Commission should wait to hear from all other Departments prior to taking action on this application.
DEPARTMENT COMMENTS:
ZEO – See attached
ENGINEERING – no site work
TRAFFIC CONSULTANT – See attached
CONSERVATION –
IWWA – green sheet
SEWER –

ZONING:
The subject building was approved as a two-story building with the first floor being the parking level. The Commission in that decision, determined that the space has to count as floor area, but did not count towards parking requirements as it had no “use”. The applicant’s proposal would seek to make use of the lowest floor space, taking away the parking spaces and converting it into more space related to the approved medical office use on the upper floor. The existing use, “medical spa” was determined by staff to be a medical use, and therefore “office” under the Town’s zoning regulations. In the LB zone, office use is permitted on the upper floor, about a use group 1, 4 or 9 use. The proposal appears to be moving this office use to the first floor. The applicant should explain how they find this to meet zoning, and the Commission should determine if this meets the intents and purposes for the regulations. Additionally, office use is limited to 7,000 sq. ft. in the LB zone. The applicant should demonstrate compliance with this requirement as well. Staff notes that the applicant received a variance to locate the proposed building 45.8’ from the eastern property line.

Post decision of the commission which permitted construction, staff considered and approved the current change of use. Staff, continued conditions of the Commissions and limited the use as follows:
- This tenant space shall have no more than 6 treatment rooms. Any changes in the number and size of the treatment rooms will require review by Planning and Zoning;
- No “smart lipo” or “blepharoplasty” will be performed as a service at this location, as noted by the applicant;
- The use will not have more than 2 licensed “Medical Professionals” (per Section 6-5(a)(36.1)) working at any one time;
- Any change of the proposed use shall be reviewed by Planning and Zoning;
The applicant should indicate how or if any of these conditions are proposed to change by the subject action.

PARKING:
The applicant has stated that 377 spaces are on site and only 322 spaces are based on latest uses and tenancy of the buildings and as required per Section 6-158. 21 spaces on that lower parking level would be removed as a result of this proposal The total site is proposed to have 363 post approval of this application. If the proposed action would not add medical professionals to the subject use, then the parking requirement would not change in spite of usable floor area increasing. It should be noted that if this space was to be occupied by a different use, the parking demand would be significantly more, and would increase and possibly exceed required parking.
APPLICATION REGULATIONS:
Sections 6-13 through 6-15, (site plan standards), 6-104 (LB ZONE), 6-158 (parking), 6-151 and
6-153 (lighting) and Division 17 – Screening and Planting, Division 18 – Site Plans, and 6-205
of the Greenwich Building Zone Regulations.
ZONING ENFORCEMENT

Project No. PLPZ202100364 Preliminary Final X

Reviewed for Planning and Zoning Commission.

TITLE OF PLAN REVIEWED: Greenwich Medical Spa

LOCATION: 1233-1285 East Putnam Ave.

PLAN DATE:

ZONE: LB

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

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

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

Reviewed by: Jodi Couture Date: 9/21/2021

Note: These comments do not represent Building Inspection Division approval. Plans subject to review by ZEO at time of building permit application.
DEPARTMENT OF PUBLIC WORKS – ENGINEERING DIVISION
SITE DEVELOPMENT REVIEW

Engineering Project No. 21-5(54)  Department Project No. PLPZ202100364
Submittal Received Date: 9/15/2021

Submittal Reviewed For: Planning and Zoning
Traffic Review Requested: Yes  Review Type: Final Site Plan

PLAN SET INFORMATION
Plan Title: Parking Study  Project Address: 1233-1265 East Putnam Avenue
Engineering Firm: 72006  Original Plan Date: 7/1/2021  Latest Plan Revision Date: ___

DRAINAGE SUMMARY REPORT INFORMATION
Engineering Firm: 72006  Original Report Date: ____  Latest Report Revision Date: ___

Reviews provided by the Engineering Division are for compliance with the Town’s “Roadway Design Manual and Standard Construction Details” and “Drainage Manual” as amended. Reviews are based upon the information and plans provided. Comments pertaining to the Town’s manuals are not all encompassing. Other reviewing entities may provide additional comments regarding consistency with these manuals in accordance with their jurisdictions. Review of sanitary sewer and septic systems are not reviewed by the Engineering Division.

All New Submittals for Commission Meetings must be received by the Engineering Division four weeks before scheduled Commission Meeting.

All Revised Submittals for Commission Meetings must be received by the Engineering Division three weeks before scheduled Commission Meeting.

Reviewed and Approved by: ___________________________  Date: 09/22/2021
Scott Marucci - Senior Civil Engineer

COMMENTS AND CONDITIONS OF APPROVAL:  Approved for Zoning/Building Permit

1. See comments in Memorandum dated September 22, 2021 from Beta Group, Inc.
BETA Group, Inc. (BETA) has reviewed the materials submitted by the Applicant to the Planning and Zoning Commission for the proposed Greenwich Medical Spa Expansion at 1285 East Putnam Avenue for parking considerations. The following documents have been reviewed:

- Parking Study; makeSHIFT Architecture, July, 2021
- Narrative; John J. Heagney, August 10, 2021

The following comments/questions are offered for consideration:

1. The parking study calculations were done based on each specific use for each tenant, some of which may not be using the most applicable factors when considered individually (i.e. CVS, Starbucks, Chipotle). However, it would seem reasonable to apply a retail parking factor to the plaza as a whole, using the total square footage. In that case the required parking result is essentially the same as what was calculated when various uses were identified and various rates were applied.
TOWN OF GREENWICH
Town Hall ~ 101 Field Point Road ~ Greenwich, CT 06830
Inland Wetlands & Watercourse Agency ~ 203-622-7736 ~ Fax.203-622-7764

PERMIT-NEED QUESTIONNAIRE
This form is NOT an IWWA Application

Project Address: 1233-1285 East Putnam Avenue (Riverside Commons)  Tax ID: 12-1021/S
Property Owner: Thru-Way Shopping Center LLC  Address: c/o Slater & Slater Mgmt Co, 1355 15th S
Contact information – Email or Cell Phone: 
Authorized Agent: Heagney, Lennon & Slane, LLP  Address: 248 Greenwich Ave, Greenwich CT 06830
Contact information – Email or Cell Phone: John Heagney (203) 661-8400 JHeagney@HLS248.com

Has there ever been an IWWA application for this site? YES ☑ NO ☐  Appl. #
ACTIVITY: [Check one] Addition ☐ Demolition ☐ Deck ☐ Garage ☐ Interior renovations ☑
   New residence ☐ Tennis Court ☐ Pool ☐ Site Work/Landscaping ☐
   Septic ☐ Generator ☐ Other (specify) ☐ Exterior Renovations to existing building.
   Will this activity require an addition to the septic system or a B100a? YES ☑ NO ☐

FEE: $65 for reviews requiring a site visit

A PLOT PLAN IS REQUIRED SHOWING THE PROPOSED ACTIVITY.
IWWA staff will review the project proposal to determine if regulated activities are associated with the proposal and whether an IWWA permit is required. If an IWWA permit is required, the appropriate permit application packet will be provided.

Do not apply for a Building Permit until this review is complete.

No work may begin until an IWWA permit is issued and/or the “Building Permit Application Sign-Off Sheet” has been signed.

The issuance of a building permit alone does not constitute an authorization to proceed.

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

Signature __________________________ Date 08/11/2021

STAFF NOTES
Office Rev Date 08/11/2021  Field Inv Date 08/11/2021 WET/WC? YES-No TIDAL ☑
Action Required? YES ☑ NO ☐  If yes, DR ☐ AA ☐ AR ☐ SIA ☐ Staff ☐
Soils Report Date  /  Author  /  Soils
Comments:

IWWA Questionnaire Revised 3/24/2020
Mr. Patrick LaRow  
Deputy Director  
Planning & Zoning  
Town of Greenwich  
101 Field Point Road  
Greenwich, CT 06830  

RE: PLPZ 2021 00364  
Greenwich Medical Spa  
1233-1285 East Putnam Avenue  

Dear Pat:  

The Commission has asked us to respond in writing to its question of how Greenwich Medical Spa’s (“GMS”) proposed use can be permitted on the ground floor of 1285 East Putnam Avenue, also known as Building C at Riverside Commons.  

As staff has noted, Planning and Zoning has a policy of treating the offices of health-care professionals as office use pursuant to Building Zone Regulation (BZR) §6-5(a)(38.2). Under BZR §6-100, office use is classified under Use Group 2. Use Group 2 office use is not a permitted use on the ground floor level in the LB zone pursuant to BZR §6-104(e). That being said, such office use classification is inapplicable to GMS, including its ground floor request.  

No part of GMS’s practice can be considered office space, partly because GMS does not employ health-care professionals as defined by BZR §6-5(a)(27.2). In that definition, health-care providers include psychologists, social workers, counselors, naturopaths, physical therapists, massage therapists, and nutritionists; and specifically excludes licensed medical professionals (such as those that are employed by or otherwise work at GMS), which are separately defined under BZR §6-5(a)(36.2). Although Greenwich Medical Spa is supervised by licensed medical professionals, such licensed medical professionals do not constitute health-care professionals as defined by BZR §6-5(a)(27.2). It is on such basis that GMS’ current use designation as a medical use facility was and remains predicated on this reasoning.  

Furthermore, as the attached revised floor plan clarifies, the ground level purpose and layout is similar to and a continuation of that of the upper floor – i.e., medical use purposes. As
set forth in the floor plan, there are three client treatment rooms, two client consultation rooms, a client waiting room, etc- which is similar to the upper floor plan purpose and medical use designation. As such, the ground floor plans and request should not be disparately treated but rather should be regarded as and designated similarly to the upper floor medical use designation.

Additionally, the Planning and Zoning Commission cannot enforce a policy that is not supported by the regulations. Connecticut courts have regularly recognized that zoning regulations "cannot be construed to include or exclude by implication what is not clearly within their expressed terms"\(^1\). In this instant case, the regulations do not support treatment of GMS as Use Group 2 office use.

GMS should be treated as a medical use under Use Group 4 of BZR §6-100. The zoning regulations do not have another Use Group that includes medical uses.

For further clarification and support for our position that both the upper floor and ground floor constitute medical use, kindly note that the Health Department has also recognized GMS as a medical use facility (i.e., not as a personal care or health care facility). Please see the attached letter from the Greenwich Department of Health.

Because (i) GMS cannot be treated as office use under the zoning regulations, (ii) it has been recognized as a medical use by the Commission, (iii) there is no meaningful distinction between the upper floor and ground floor uses (as medical use areas), and (iv) the Health Department and State recognize GMS as a medical use facility, we ask that the Commission confirm that GMS can occupy the ground floor level of the building at 1285 East Putnam Avenue as a permitted Use Group 4 medical use in the LB zone pursuant to BZR §6-104(e).

Please let us know if there are any other issues that you would like us to address. Thank you for your assistance in this matter.

Very Truly Yours,

John J. Heagney

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October 8, 2021

Marria Pooya
Greenwich Medical Spa
1285 E. Putnam Avenue
Riverside, CT 06878

Dear Ms. Pooya,

The Department of Health does not license facilities considered a medical practice. Since your facility requires CT licensed medical practitioners to administer the procedures offered, your facility would be covered under the State licensing regulations for the practitioners and their scope of practice.

Hope this clarifies for zoning why we no longer license you.

Sincerely,

Theresa Meade, R.S.
Environmental Hygienist
Division of Environmental Hygienists

CC: Michael Long, Director of Environmental Services
Kristin Donlin, Supervisor, Division of Environmental Hygienists
Hi Pat,

Attached are updated floor plans for Greenwich Medical Spa, including the following updates from the plans on file:

1. Main Level:
   a. Square footage remains the same with reconfigured floor plan and stair;
   b. Treatment rooms reduced from 10 to 8;
   c. Beauty Bar and Office added;
   d. Consultation Room removed;

2. Lower Level:
   a. Increased square footage of usage to 2,200sf;
   b. Workstations removed; and
   c. Seating Pit, meeting rooms, accounting office, and storage and utility closet added.

Since Greenwich Medical Spa is a medical use, the lower level expansion and reconfiguration of the floor plans do not affect the use’s treatment or parking demand under the zoning regulations.

Please let me know if you have any questions.

Thanks,

John

John Heagney
Heagney, Lennon & Slane, LLP
248 Greenwich Avenue
Greenwich, CT 06830
O: 203-661-8400
F: 203-661-7496
jheagney@HLS248.com

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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: 1233-1285 East Putnam Avenue (Riverside Commons)  Tax ID: 12-1021/S

Property Owner: Thru-Way Shopping Center LLC  Address: c/o Slater & Slater Mgmt Co, 1355 15th Street, Ste 130, Fort Lee, NJ 07024

Email:  Cell Phone: Other Phone:

Applicant: Greenwich Medical Spa  Address: 1285 East Putnam Avenue, Riverside, CT 06878

Email:  Cell Phone: Other Phone:

Authorized Agent: Heagney, Lennon & Slane, LLP  Address: 248 Greenwich Avenue, Greenwich, CT 06830

Email: JHeagney@HLS248.com  Cell Phone: Other Phone: (203) 661-8400

Select One:  □ Pre-Application  □ Final

Zone(s): R-7 & LB  Lot Area: 371,484 sf

Please select all relevant items below:

☒ Special Permit – Complete special permit application form

☐ Coastal Overlay Zone

☐ Property is within 500 feet of a Municipal Boundary of __________________ (for notification)

☐ Amendment to Building Zone Regulations – Section(s) __________________

☐ Amendment to Building Zone Map – Zone(s) affected __________________

☐ Health Department review needed

☐ Sewer Department review needed

☒ Architectural Review Committee Application attached or Review needed

☐ Planning & Zoning Board of Appeals review needed

☐ Inland Wetlands and Watercourses Agency Review / Approval Required

☐ Scenic Road Designation

To be completed by P&Z staff only:

Check # __________________  Check Amount: $ ___________

Application # _______________________________  pzSitePlanApp 2020
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<tr>
<td><strong>COMMERCIAL/OFFICE</strong></td>
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<tr>
<td>Gross Floor Area</td>
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<tr>
<td>Usable Floor Area</td>
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<tr>
<td>Parking Spaces</td>
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<td><strong>OTHER USES</strong></td>
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<td>Gross Floor Area</td>
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<td><strong>TOTAL SQUARE FOOTAGE</strong></td>
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<td>FLOOR AREA RATIO</td>
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<td>BUILDING COVERAGE</td>
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<tr>
<td>TOTAL PARKING SPACES</td>
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<td>GREEN AREA</td>
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<tr>
<td>AGE OF STRUCTURE</td>
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<tr>
<td><strong>THIS SITE PLAN INVOLVES:</strong></td>
<td></td>
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<tr>
<td>☐ Additions</td>
<td>☒ Alterations</td>
<td>☐ Demolition</td>
<td>☐ Re-Construction</td>
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</tbody>
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pzSitePlanApp 2020
TOWN OF GREENWICH
Town Hall ~ 101 Field Point Road ~ Greenwich, CT 06830
Planning & Zoning Department ~ 203-622-7894 ~ Fax 203-622-3795

Application Signature Page

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Property Owner 1: Thru-Way Shopping Center LLC
Address: c/o Slater & Slater Mgmt Co, 1355 15th Street, Ste 130, Fort Lee, NJ 07024
Email:  Cell Phone:  Other Phone:  
Signature: *See Authorization Letter  Date:

Property Owner 2:  
Address:  
Email:  Cell Phone:  Other Phone:  
Signature:  Date:

Property Owner 3:  
Address:  
Email:  Cell Phone:  Other Phone:  
Signature:  Date:

Property Owner 4:  
Address:  
Email:  Cell Phone:  Other Phone:  
Signature:  Date:

Applicant: Greenwich Medical Spa
Address: 1285 East Putnam Avenue, Riverside, CT 06878
Email:  Cell Phone:  Other Phone:  
Signature: *See Authorization Letter  Date:

Authorized Agent: Heagney, Lennon & Slane, LLP
Address: 248 Greenwich Avenue, Greenwich, CT 06830
Email: JHeagney@HLS248.com  Cell Phone:  Other Phone: (203) 661-8400  
Signature:  Date: August 6, 2021
Special Permit Application

Property Address: 1233-1285 East Putnam Avenue (Riverside Commons)  
Property Owner: Thru-Way Shopping Center LLC  
Address: c/o Slater & Slater Mgmt Co, 1355 15th Street, Ste 130, Fort Lee, NJ 07024

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Authorized Agent: Heagney, Lennon & Slane, LLP  
Address: 248 Greenwich Avenue, Greenwich, CT 06830

Email: jheagney@hls248.com  
Cell Phone:  
Other Phone: (203) 661-8400

Zone(s): R-7 & LB  
Lot Area: 371,484 sf

PLEASE SELECT ALL RELEVANT ITEMS BELOW:

☐ Section 6-17 — Special Permit standards and procedure
☐ Section 6-30 — Conservation Zone special provisions
☐ Section 6-94(b) — Non-residential Uses and Group Living Facilities permitted in Residential Zones including Resident Medical Professional Office
☐ Section 6-98 — RMF Zone
☐ Section 6-100 — Use Groups for Business Zones
☐ Section 6-101, 107 — Buildings over 40,000 c.f. in Central Greenwich Impact Overlay Zone, Post Road Impact Overlay Zone, WB, LB or LBR Zones; and over 150,000 c.f. in all other zones
☐ Section 6-103.1 — Parking deficient uses in CGBR
☐ Section 6-104 — Parking Structures incl. underground in LB Zone and Height exceptions
☐ Section 6-105, 106 — Front Yard Parking in GB or GBO Zone
☐ Section 6-109 — HO & HRO Zones
☐ Section 6-110 — Dwellings under special requirements for Business Zones
☐ Section 6-112 — IND-RE Zone applications
☐ Section 6-113 — In Hospital Zones: certain accessory uses, expansions exceeding 4,000 s.f. or interior alterations or changes of use exceeding 20,000 s.f. (cumulative within 2 years)
☐ Section 6-114 — CCRC (Continuing Care Retirement Community)
☐ Section 6-118.1 — Uses within railroad rights of way
☐ Section 6-123 — Setbacks from Connecticut Turnpike in Business Zones
☐ Section 6-140.1 — Satellite Earth Stations that emit microwaves
☐ Section 6-141 — Changes in non-conforming uses, buildings
☐ Section 6-205 — Historic structures in CBG Zone exceeding FAR And Notes 7, 8 & 9

To be completed by P&Z staff only:
Check #  
Check Amount: $  
Application #  
pzSpecialPermitApp 2020
May 13, 2021

Planning and Zoning Commission
Town of Greenwich
101 Field Point Road
Greenwich, CT 06830

RE: 1285 East Putnam Avenue, Riverside, CT 06878

To Whom It May Concern:

I hereby authorize Heagney, Lennon & Slane, LLP to act as my agent to appear before the Town of Greenwich Planning and Zoning Commission or any other Town Municipal Board in connection with the filing of applications for the above captioned property.

Thru-Way Shopping Center LLC
Property Owner

[Signature]
May 13, 2021

Planning and Zoning Commission
Town of Greenwich
101 Field Point Road
Greenwich, CT 06830

RE: 1285 East Putnam Avenue, Riverside, CT 06878

To Whom It May Concern:

I hereby authorize Heagney, Lennon & Slane, LLP to act as my agent to appear before the Town of Greenwich Planning and Zoning Commission or any other Town Municipal Board in connection with the filing of applications for the above captioned property.

Greenwich Medical Spa
Applicant

[Signature]

Marría Pooya
TOWN OF GREENWICH

AFFIDAVIT OF NOTIFICATION OF SITE PLAN & SPECIAL PERMIT TO
PLANNING AND ZONING COMMISSION

STATE OF CONNECTICUT  )  ss:  Greenwich
COUNTY OF FAIRFIELD   )

I, JOHN HEAGNEY, being first duly sworn, do hereby certify that on July 30, 2021, I
caused to be mailed, postage prepaid, evidenced by certificate of mailing, to those persons whose
names are set forth on Exhibit A attached hereto, a copy of the notice Exhibit B. Said persons
are the record owners, as of July 30, 2021, as shown on the Town Tax Assessor’s Office records
of property abutting and across the street from the property located at 1233-1285 East Putnam
Avenue, Riverside, Connecticut for which an application requesting site plan and special permit
has been filed with the Greenwich Planning and Zoning Commission.

[Signature]

JOHN HEAGNEY

Subscribed and sworn to before me
this 30th day of July 2021

[Signature]

EMMA A. MUTINO
NOTARY PUBLIC
My Commission Expires Apr. 30, 2025
EXHIBIT A

Abutting property owners of 1233-1285 East Putnam Avenue, Riverside:

26 Sound Beach Avenue
26 Sound Beach Avenue
Riverside, CT 06878
12-3223

Kathleen M. Budzelek
24 Sound Beach Avenue Ext
Riverside, CT 06878
12-1443

Richard M. Cleary
24 Park Place
Riverside, CT 06878
12-2271/S

Richard L. Greene
8 Ernel Drive
Riverside, CT 06878
12-1803/S

Christopher S. Jelliffe
26 Sound Beach Avenue Ext
Riverside, CT 06878
12-1664/S

Luigi Morelli
16 North Sound Beach Avenue
Riverside, CT 06878
12-1663/S

North Broadway
590 Commerce Street
Thornwood, NY 10594
12-1662/S

Steven A. Reynolds
3 Ernel Drive
Riverside, CT 06878
12-1805/S
Larisa Shwartz  
22A Park Place  
Riverside, CT 06878  
12-3187/S

5 Raphael Place LLC  
7 Benedict Place  
Greenwich, CT 06830  
12-2235/S

Roy Carbino  
30 Neil Lane  
Riverside, CT 06878  
12-1836/S  
12-1837/S

Franchise Realty  
10 Middle Street, 17th Fl.  
Bridgeport, CT 06604  
12-1020/S

Greysound LLC  
41 Valleywood Road  
Cos Cob, CT 06807  
12-2694

Stephen Kalmakis  
6 Ernel Drive  
Riverside, CT 06878  
12-1802/S

Paul J. & Diane Morello  
15 Raphael Place  
Riverside, CT 06878  
12-2237/S

Yuhui Ouyang & Ruiqi Hu  
10 ½ Sound Beach Avenue  
Riverside, CT 06878  
12-3182/S

RLM Enterprises LLC  
500 Staples Drive  
Framingham, MA 01702  
12-1022/S
Brett Atkinson  
20 Park Place  
Riverside, CT 06878  
12/1839/S

Luther Garcia  
16 Park Place  
Riverside, CT 06878  
12-1838

Kevin & Sheba Harris  
9 Raphael Place  
Riverside, CT 06878  
12-2700/S

Eleanor Lodato  
3 Raphael Place  
Riverside, CT 06878  
12-2234/S

Marion G. Nolan TR  
5 Ernel Drive  
Riverside, CT 06878  
12-1807/S

Thomas G. Pitera  
285 Grey Fox Run  
Bentleyville, OH 44022  
12-1840/S

Carolyn Samuel  
28 Sound Beach Avenue  
Riverside, CT 06878  
12-3222/S

Donald T. & Jo-Ann Whyko  
10 Park Place  
Riverside, CT 06878  
12-1932/S

Kleco Realty Company  
PO Box 338  
Old Greenwich, CT 06870  
05-1715/S
EXHIBIT B

July 30, 2021

To Whom It May Concern:

Notice is hereby given that Thru-Way Shopping Center LLC, as property owner, and Greenwich Medical Spa, as applicant, have filed an application with the Town of Greenwich Planning and Zoning Commission to request site plan and special permit approval to renovate the Greenwich Medical Spa facility at 1285 East Putnam Avenue in Riverside, Connecticut.

Further information regarding this application may be obtained at the Planning and Zoning Commission or this office.

John Heagney

For information contact:
Planning and Zoning Commission
Town Hall, 101 Field Point Road
Greenwich, CT 06836
Tel: 203-622-7753
July 30, 2021

To Whom It May Concern:

Notice is hereby given that Thru-Way Shopping Center LLC, as property owner, and Greenwich Medical Spa, as applicant, have filed an application with the Town of Greenwich Planning and Zoning Commission to request site plan and special permit approval to renovate the Greenwich Medical Spa facility at 1285 East Putnam Avenue in Riverside, Connecticut.

Further information regarding this application may be obtained at the Planning and Zoning Commission or this office.

For information contact:
Planning and Zoning Commission
Town Hall, 101 Field Point Road
Greenwich, CT 06836
Tel: 203-622-7753
<table>
<thead>
<tr>
<th>State</th>
<th>County</th>
<th>Post Office Name</th>
<th>ZIP Code</th>
<th>Post Office Box</th>
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<td>Francis Reedy</td>
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<td>10001</td>
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<td>10001</td>
<td>91212</td>
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<tr>
<td>Name of Company or Organization</td>
<td>Address</td>
<td>Phone</td>
<td>Fax</td>
<td></td>
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<tr>
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<td>--------</td>
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<td></td>
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<tr>
<td>Example Ltd.</td>
<td>123 Main St.</td>
<td>123-456-7890</td>
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<td>Example Inc.</td>
<td>456 Blvd.</td>
<td>987-654-3210</td>
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<td>Example Corp.</td>
<td>789 Ave.</td>
<td>123-456-7890</td>
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**Note:** The table contains placeholder text for names, addresses, and contact information. Actual details would need to be filled in based on specific requirements.
THRU-WAY SHOPPING CENTER LLC

EAST PUTNAM AVENUE 1233-1285

Printed 01/12/2021 Card No. 1 of 3

12-01021/S

ADMINISTRATIVE INFORMATION

OWNERSHIP

THRU-WAY SHOPPING CENTER LLC
9 Slater & Slater Mgmt Co
1355 15th Street Ste 130
Fort Lee, NJ 07024
Lot No 45 E Putnam Ave & Neil Lane N 116 & 11

TRANSFER OF OWNERSHIP

Date

01/17/1997
12/29/1995
11/28/1983
08/23/1971

BLK/FG: 2873, 241
BLK/FG: 2740, 6265
BLK/FG: 1351, 288

REASON FOR CHANGE

GOLDSTEIN ROBERT M ET AL
THRUWAY SHOPPING CNTR CO MORTON BEL.
NA

VALUATION RECORD

Assessment Year

10/01/2015
10/01/2016
10/01/2017
10/01/2018
10/01/2019
10/01/2020

2015 Final
19877200
19877200
19877200
19877200
19877200
19877200

2015 BAA
19877200
19877200
19877200
19877200
19877200
19877200

2016 List
35224500
35224500
35224500
35224500
35224500
35224500

2017 List
55101700
55101700
55101700
55101700
55101700
55101700

2018 List
13914040
13914040
13914040
13914040
13914040
13914040

2019 List
20871100
20871100
20871100
20871100
20871100
20871100

2020 List
38571190
38571190
38571190
38571190
38571190
38571190

VALUATION

Rating
L
B
T

Measured Acreage

Table

Prod. Factor

10/01/2015
10/01/2016
10/01/2017
10/01/2018
10/01/2019
10/01/2020

10/01/2015
10/01/2016
10/01/2017
10/01/2018
10/01/2019
10/01/2020

LAND DATA AND CALCULATIONS

Rating Measured Measured Measured Measured Measured Measured
Soil ID -or- Acreage Frontage -or- Effective Frontage Effective Depth -or- Square Feet

10/01/2015
10/01/2016
10/01/2017
10/01/2018
10/01/2019
10/01/2020

10/01/2015
10/01/2016
10/01/2017
10/01/2018
10/01/2019
10/01/2020

10/01/2015
10/01/2016
10/01/2017
10/01/2018
10/01/2019
10/01/2020

10/01/2015
10/01/2016
10/01/2017
10/01/2018
10/01/2019
10/01/2020

Land Type

1 Primary Commercial

374093.00
53.13
53.13
19877200
5%
20871100

Supplemental Cards
BA15: Sustain
BA17: Notice not to hear
BP14: 14-3208 $300,000 renov
BP15: 14-3208: Chipolte Mexican Grill: $300,000
BP17: 16-3217: Replace HVAC $10,000
BP19: 18-3571: C03 Divided Waiting Room $12,000
19-0394: $100,000, Remove Baking, Tenant Fitout

SUPPLEMENTAL CARDS


DBA: Riverside Commons (fka Thru-Way Shopping Center).
C01-1245 DiMare Pastery, Jersey Mikes (under contr.), 1247-49-
Pomodoro Pizza, 1251-Jiffy Dry Cleaners, 1253-Starbucks, 1255-
Cigar Gallery, 1261-ACME, 1263 & 1265 -Coco Nail Spa, 1267-
JPierre Hair Designers, 1271-CHOPT, 1275-Riverside Post Office.
C02--1233-Chipolte, 1235-Al Cellsar, 1237-GNC,
1239-Lacrosse Unlimited, 1239-1241-CVS
C03--1285-Greenwich Medical Skincare, Verizon

Supplemental Cards
TOTAL LAND VALUE
20871100
### PHYSICAL CHARACTERISTICS

**ROOFING**
- Built-up

**WALLS**
- **B 1 2 U**
- Frame: Yes, Yes
- Metal: Guard

**FRAMING**
- R Conc: 31103 40708 0 0

**HEATING AND AIR CONDITIONING**
- **B 1 2 U**
- Heat: 21772 40708 0 0
- A/C: 15552 0 0 0
- Sprinklers: 22388 0 0 0

### SPECIAL FEATURES

#### SUMMARY OF IMPROVEMENTS

| Description       | Value | ID | Stry Const | Use | Hgt | Type | Grade | Year Eff | Const Year Cond | Base Features Rate | Adj Size or Area | Computed Value | PhysObs Market % | Depr Depr | Adj Comp | Value |
|-------------------|-------|----|------------|-----|-----|------|-------|---------|-----------------|-------------------|------------------|----------------|---------------|----------------|-----------|---------|-------|
| C : Remod 1998    | 0.00  | C  | GENRET     | 0.00| 85  | Good | 1995  | 2015    | EX              | 0.00             | 0.00             | 0               | 0               | 0               | 150       | 100     | 17894400 |
| 02 : TR           | 0.00  | 01 | PAYING     | 0.00| 2.90| N    | 2.90  | 0       | 2.90           | 0.00             | 0.00             | 0               | 0               | 0               | 150       | 100     | 17894400 |
| 03 : TR           | 0.00  | 02 | FENCCEL    | 5.00| 30.53| 51C  | Avg   | 1975    | 1985           | 18.50            | 30.53            | 41              | 12520         | 13              | 0         | 100     | 109900   |
| 04 : TR           | 0.00  | 03 | FENCCEL    | 4.00| 20.87| 51C  | Avg   | 1975    | 1985           | 12.65            | 20.87            | 200             | 4170          | 13              | 0         | 100     | 3600     |
| 05 : TR           | 0.00  | 04 | FENCCEL    | 3.00| 32.32| 51C  | Avg   | 1975    | 1985           | 12.65            | 32.32            | 180             | 3760          | 13              | 0         | 100     | 3300     |
| 06 : Remod 1998   | 0.00  | 05 | FENCCEL    | 4.00| 12.65| 51C  | Avg   | 1998    | 1998           | 12.65            | 12.65            | 100             | 2090          | 23              | 0         | 100     | 13600    |
| 07 : Remod 1998   | 0.00  | 06 | FENCCEL    | 7.00| 1690 | Exe   | 1998   | 1998    | 470.00         | 1690             | 470.00           | 2               | 11520         | 8               | 0         | 100     | 93400    |
| 08 : Remod 1998   | 0.00  | 07 | FENCCEL    | 8.00| 1872 | Exe   | 1998   | 1998    | 520.00         | 1872             | 520.00           | 2               | 11600         | 8               | 0         | 100     | 106800   |
| 09 : Remod 1998   | 0.00  | 08 | FENCCEL    | 6.00| 78.63| Exe   | 1998   | 1998    | 2800           | 78.63            | 2800             | 2               | 21000         | 13              | 0         | 100     | 182700   |
| 10 : Remod 1998   | 0.00  | 09 | FENCCEL    | 2.00| 180  | 2E    | Good  | 1957    | 2000           | 180              | 180              | 1               | 221630        | 0               | 0         | 100     | 221600   |
| 11 : Remod 1998   | 0.00  | 10 | FENCCEL    | 2.00| 180  | 2E    | Good  | 1957    | 2000           | 180              | 180              | 1               | 221630        | 0               | 0         | 100     | 221600   |
| 12 : Remod 1998   | 0.00  | 11 | FENCCEL    | 2.00| 180  | 2E    | Good  | 1957    | 2000           | 180              | 180              | 1               | 221630        | 0               | 0         | 100     | 221600   |
| 13 : Remod 1998   | 0.00  | 12 | FENCCEL    | 2.00| 180  | 2E    | Good  | 1957    | 2000           | 180              | 180              | 1               | 221630        | 0               | 0         | 100     | 221600   |
| 14 : Remod 1998   | 0.00  | 13 | FENCCEL    | 2.00| 180  | 2E    | Good  | 1957    | 2000           | 180              | 180              | 1               | 221630        | 0               | 0         | 100     | 221600   |

### IMPROVEMENT DATA

**Item Description**

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<th>Item Description</th>
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Note: The values and descriptions are placeholders and do not reflect the actual data in the image. The image contains a detailed breakdown of improvements with their respective values and descriptions.
ADMINISTRATIVE INFORMATION

OWNERSHIP

TRANSFER OF OWNERSHIP

Date

OWNERSHIP

Card No.

Site Description

VALUATION RECORD

Assessment Year

Reason for Change

VALUATION

LAND DATA AND CALCULATIONS

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<th>Rating</th>
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<th>Extended Value</th>
<th>Influence Factor</th>
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DBA: Riverside Commons (fka Thru-Way Shopping Center).
C03--1285-Greenwich Medical Skincare, Verizon
P: 386 spcs.
UCIC: Recheck 2021
### PHYSICAL CHARACTERISTICS

#### ROOFING
- Built-up

#### WALLS
- B 1 2 U
- Frame: Yes
- Brick: Yes
- Metal: Yes
- Guard

#### FRAMING
- B 1 2 U
- R Conc: 12720 20626 0 0

#### HEATING AND AIR CONDITIONING
- B 1 2 U
- Heat: 12720 20626 0 0

### SPECIAL FEATURES

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<th>Value</th>
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<th>Year Eff</th>
<th>Base Features</th>
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<td>GENRET</td>
<td>0.00</td>
<td>VGd</td>
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<td>COMCNPGS</td>
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### SUMMARY OF IMPROVEMENTS

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(Data Collector/Date: TD 10/08/2020, Appraiser/Date: TOG 10/01/2015, Neighborhood: Neigh 2300 AV, TOTAL IMPROVEMENT VALUE: 9549600)
VALUATION RECORD

Assessment Year
Reason for Change

VALUATION

Site Description

| Land Type | Rating | Measured Acreage | Table | Prod. Factor | Soil ID | Measured Frontage | Actual Frontage | Effective Frontage | Effective Depth | Square Feet | Base Rate | Adjusted Rate | Extended Value | Influence Factor | Value |
|-----------|--------|------------------|-------|--------------|---------|-------------------|-----------------|-------------------|----------------|-------------|-----------|--------------|-----------------|----------------|---------|-------|

TOTAL LAND VALUE
**IMPROVEMENT DATA**

**PHYSICAL CHARACTERISTICS**

**Built-up**

**Insulation**

**WALLS**

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**HEATING AND AIR CONDITIONING**

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**SPECIAL FEATURES**

**SUMMARY OF IMPROVEMENTS**

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**TOTAL IMPROVEMENT VALUE**

4492200
NARRATIVE

Applicant-Tenant, Greenwich Medical Spa, proposes to convert 2,450sf from ground level parking space to medical office space in the two-level building on the eastern end of the Riverside Commons at 1233-1285 East Putnam Avenue.

Site plan and special permit approval are requested pursuant to BZR §6-13 and §6-101(b) for conversion of an existing structure in the LB zone where the structures exceed 40,000 cubic feet. Applicant met with the Planning and Zoning Commission for pre-application review in June 2021 as part of application PLPZ 2021 00215.

Greenwich Medical Spa occupies approximately two-thirds of the first-floor space in the two-level building that it had previously shared with a Verizon retailer. In December 2020, the building was damaged in a fire accident. As part of the renovation to restore the first-floor space, Applicant seeks to expand the medical use into the ground level, which has been used for parking. No expansion of the existing building footprint or floor area would be proposed as part of this application. The remaining ground level space that would not be converted to Greenwich Medical Spa’s health center use would be converted to mechanical space.

The existing two-level building was constructed in 2015 following the Commission’s approval of PLPZ 2012 00500 & 00501 to replace the former Shell gasoline station that had occupied the same portion of the property. The building was constructed as two-level to take advantage of the grade change between the Riverside Commons parking level and the much lower ground level that was built at grade with East Putnam Avenue in that corner of the property. In addition to approving the construction of the 8,277.2 square-foot building, the applicant added 21 parking spaces to the property. 8 of the 21 parking spaces added were indoor spaces on the ground level of the building that was accessed directly from East Putnam Avenue. These 8 spaces would be replaced with the proposed ground level expansion of Greenwich Medical Spa. Under the 2012 decision, the Commission had restricted these spaces for employee only parking.

The Planning and Zoning Commission determined that Greenwich Medical Spa should be treated as a medical use in March 2014. Zoning Enforcement permitted the former layout of the Spa as a permitted use in the LB zone. The former layout consisted of six treatment rooms, tranquility room, retail space, and administrative space, including offices, conference room and staff rooms. The new layout would convert the first floor space to 10 treatment rooms and
maintain the tranquility room, consultation room and bathrooms. The new ground floor would feature associated offices and conference rooms, staff kitchenette, laundry room and staff bathrooms. Since Greenwich Medical Spa is treated as medical use, the parking demand is based on the number of doctors involved.

In response to the comments from the Commission during pre-application review, a parking study was prepared for the property. Based on the existing tenancies, the uses at Riverside Commons require 322 parking spaces. There are currently 373 parking spaces on site. With the proposed conversion of the 8 parking spaces to medical office space, the property would remain compliant with the parking regulations with a parking requirement of 335 parking spaces and 365 parking spaces provided on site.

An administrative green sheet approval from the Inland Wetland and Watercourse Agency staff has been requested.

Applicant requests the Commission grant final site plan and special permit approval for the renovation of the fire-damaged space and conversion of the ground level parking area to medical office and mechanical space.

Respectfully Submitted,
John J. Heagney
Dated: August 10, 2021
Parking Study Conclusions:

1. The existing parking spaces accommodate the increased parking required by changing the use from retail to office.
2. Removing the lower level parking garage translates to negligible loss of parking at 8 fewer parking spaces or a 2% loss in parking on the overall site.
3. The proposed change to occupying parking garage to office at the lower level of building C requires 13 parking spaces, which are provided for at the lower parking level, which is accessible from the office entrance.
4. A Council Order for the "Higher Level Parking Area" must be amended or removed per the proposal.

Use Groups 1 and 8

Parking Lot Calculations

Existing Development Bldg. Gross Area 67,198 SF

Useable Area Factor*       75%*

Parking Factor 1/150 SF

Existing Parking Provided 373 spaces
373 > 359 spaces

The project seeks to convert the lower parking garage of building "C" to office, excluding the "Higher Level Parking Area." The parking requirements for the proposed office use are met, with no parking loss expected.

Parking Required: 335 Spaces
Parking Provided: 365 Spaces

365 > 335, Proposed Complies

A101.00
Existing Notes

1. Keyed Notes
   A. Existing to remain.

2. Drawings are conceptual in nature intended to show design intent only.

3. EXISTING TOP OF BUILDING

4. EXISTING GRADE

5. EXISTING LOCATION OF GARAGE DOOR

6. INFILL MASONRY

7. OPENING AROUND FRONT.

8. EXISTING RETAINING WALL LOCATION

9. EXISTING TOP OF FIRST FLOOR

10. EXISTING LOCATION OF STOREFRONT DOOR

Feasibility Study

NOT FOR CONSTRUCTION.

Drawings provided are for review of feasibility, as required to obtain building permits. The drawing shall not be considered final or complete unless it is signed and sealed by the architect or engineer of record and marked approved by the authorities having jurisdiction.
Existing to remain.

Keyed Notes

Drawings are conceptual in nature intended to show design intent only.

Elevation has been inferred from existing plans and elevations visible from photographs. Exact configuration of storefront is to be determined.

General Floor Plan Notes

A. All exterior dimensions on new construction are taken from the outside face of stud, center of window, and center of door openings.

B. All interior dimensions are taken from the face of existing walls, centerline of the new wall partitions, center of windows, and center of door openings. Dimensions taken at openings or end of walls are taken at face of finished wall.

C. Architectural dimensions have been rounded to the nearest 1/2". Refer to structural drawings for exact layout of structural items.

0. Contractor shall field verify all existing conditions and new construction layout prior to commencement of work. Should any discrepancies be found, contractor shall notify architect and owner immediately.
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