UPDATE:

Since the last meeting on September 28, 2021 the applicant has submitted a revised proposal to amend the condition regarding faculty parking from 30 to 50, a response to the BETA group comments, provided information on the ownership status, and documented their long-term plan for the property should they secure ownership.

The Commission can only contemplate the proposal before them, which is the amended conditions below, as opposed to anything regarding future changes. The response back from BETA on the traffic/parking analysis is a question as to whether or not it is practical to have the split for traffic for Lake and Ridgeway, and if so, how to ensure that really happens.

REVISED Changes to the Conditions of Approval (see #7):
1989 as modified in 1995 with proposed changes: added language in bold; deleted in strikethrough:

1. Enrollment shall be limited to no more than 450 daytime students at any one time in grades pre-school, kindergarten through 9.
2. Certification of the student enrollment shall be made to the Zoning Enforcement Officer by October 1 of each year.
3. The school shall be operated five days a week, Monday through Thursday 8:30 to 5:00 and Friday 8:30 to 2:45 except for special events.
4. There shall be no classes in the evenings, or on Saturdays or Sundays.
5. The school term shall run from mid-August to the end of June, and no classes shall be held during the summer recess.
6. At least 90% of the student body shall be transported to and from the school by school bus for grades 1 through 9. Preschool and kindergarten students shall be transported by van and carpooling.
7. The number of school buses/vans shall not exceed 18, and the number of cars transporting faculty shall not exceed 50.
8. The school buses shall not be stored on the premises overnight.
9. School buses/vans shall remain on the premises during the day except for one school bus which will transport the drivers to and from the site.
10. Certification as to the number of students being served by school buses/vans shall be submitted annually to the Zoning Enforcement Officer.
11. Traffic of school buses/vans and faculty vehicles shall be equalized between the two entrances to the school on Ridgeway and Lake Avenue, and an expansion of parking area as propose of the Ridgeway.
12. The entrance to the school at Lake Avenue shall be improved to the satisfaction of the Commissioner of Public Works.
13. There shall be no change in the footprint of any buildings on the property.

ORIGINAL REPORT:
APPLICATION SUMMARY:
The pre-school program at the Chabad Lubavitch of Greenwich has historically been run at 75 Mason Street and 6 Lincoln Avenue. An administrative sign-off was granted by Planning and Zoning staff for the 20/21 school year to allow the pre-school to relocate to the former Carmel Academy property at 270 Lake Avenue for its preschool program (see attached). This approval was issued pursuant to the Governor’s Executive Orders that allowed certain exceptions to keep people socially distanced and outside as much as possible. The approval expires on September 30th. It was also done with the understanding that this was temporary in nature and that any change to the conditions on the property for long-term use of a pre-school would require an application to the Commission. The conditions governing the site and the proposed changes are above.

Existing Conditions on the Campus:
According to the site property manager, the site functions in the following way (at least through March 2022).

Carmel Academy
Carmel Academy, the property owner, is no longer operating a separate school on the campus. Carmel still maintains a staff on the campus for security, maintenance, and administration.
- Total Staff: 10
- Staff Parking: 10 vehicles are parked in the main area of the campus, off of Lake Avenue
- Normal Operating Hours: Mon-Fri 6:30-7:30

The Greenwich Japanese School
The Japanese Educational Institute of New York d/b/a The Greenwich Japanese School (“JEI” of GJS”), is the primary tenant located at the Carmel campus and has been operating on the campus for over 25 years. The JEI lease expires in March 2022, when they are expected to leave the campus and relocate to another site. For the 2021 – 2022 school year, JEI is planning for the following:
- Total Students: 114
- Total Staff: 30
- Student Transportation: All students are transported via five large school buses
- Staff Parking: 20 vehicles are parked in the rear of the property, off of Ridgeway
  - 10 vehicles are parked in the front of the property, off of Lake Ave
- Normal Operating Hours: Mon-Thu 8:30-3:40 and Fri: 8:30-2:40

Summer Heatt Sports
Summer Heatt Sports has been operating afterschool educational sports training programs on the Carmel campus for over 15 years. They run various lacrosse and basketball programs throughout the year for members of the Greenwich community.
- Total Participants: 20-40 per program
- Total Staff: 2 – 5
- Participant Transportation: Participants are dropped off by parents typically in a carpool system (typically 10 – 20 vehicles).
- Parking and Dropoff – All vehicles enter and exit through Lake Avenue
- Normal Operating Hours: Various afterschool

**Chabad of Greenwich (PROPOSED)**
Chabad of Greenwich ("Chabad") is requesting to lease space on the Carmel campus to operate its preschool for a second year beginning September 2021 and ending June 2022. The following data was provided to us by Rabbi Yossi Deren of Chabad:
- Total Students: 70
- Total Staff: 16
- Student Transportation: Students will be transported via 2 buses/vans and approximately 47 personal vehicles.
- Staff Parking: 16 staff vehicles will be parked in the front of the property off of Lake Avenue
- Normal Operating Hours: Mon-Fri 7:30-5:30

**Compliance with conditions:**
According to the property manager

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<th>Condition of approval</th>
<th>Existing Numbers</th>
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| Enrollment limited to **450** students | Carmel: 0  
GJS: 114  
Chabad: 70  
**Total:** **184** |
| Total Buses – limit of **18** | Carmel: 0  
GJS: 5 buses for all students  
Chabad: 2 buses/vans  
**Total:** **7** |
| 90% of students (405) must ride a bus  Leaving **95** permitted by car | Carmel: 0  
GJS: 0  
Chabad: 47  
**Total:** **47** |
| Total Cars transporting faculty - **30** | Carmel: 0  
GJS: 30  
Chabad: 16 for teachers  
**Total:** **46** |
The Japanese School will be relocating its program off the campus in March 2022. The arrival and departure of the preschool students will be staggered as shown on the charts provided by the applicant.

No changes to the buildings or site are proposed as part of these modifications to the conditions governing use on the campus.

**ISSUES TO BE ADDRESSED:**

1. It appears the total number of cars transporting faculty does not comply and there is no request to change that condition or come into compliance. The applicant should address.

2. **The proposed change to the conditions is that the preschool and kindergarten students shall be transported by van and carpooling.** Is there an off-site location where the parents meet to drop off their children for transportation via van or are the children all picked up at or near their homes for transportation? If it is the former, where is this location and how does it function safely? If it is the latter will this be practical in future years where the population of may disperse rendering this option infeasible? Is this practical now and/or in the future?

3. What is the master plan for the campus in terms of ownership, function, and use?
   a. The authorization letter refers to a lease arrangement for pre-school only. Are there future religious uses proposed? Is there a sale pending for the whole site? What is the overall and long term plan for the property?

4. The comments from BETA, the Commission’s traffic consultant need to be addressed:
   a. The Traffic Letter states that the school is seeking an increase in the cap on the number of students, while the Narrative and Conditions of Approval documents indicate that the student cap will be maintained at 450 although the use is now being proposed to include preschool and kindergarten in addition to the currently approved grades 1 through 9. The Traffic Letter also assumes a total number of students of 457 (shown in Table 1) which is above the 450-student cap.
   b. The Conditions of Approval state:
      i. At least 90% of the student body shall be transported to and from the school by school bus for grades 1 through 9. preschool and kindergarten students shall be transported by van and carpooling. The Narrative also states that “preschool and kindergarten children would be transported by vans and by carpooling….” However, the activity charts indicate that preschoolers are being dropped off and picked up in family cars, and the Traffic Letter estimates bus trips and car trips but does not mention vans or carpooling. Please clarify the proposed operation and ensure it is accurately reflected in the traffic analysis.
   c. The Conditions of Approval state that “…the number of cars transporting faculty shall not exceed 30.” However, Table 1 of the Traffic letter estimates the total number of faculty and staff to be 102 for the site and assumes that each faculty/staff member will arrive and depart in a private vehicle. Additionally, the activity charts show that the existing staff for the preschool is 14, utilizing 12 cars. Therefore, it does not seem that adequate accommodations have been made to ensure that a maximum of 30 faculty/staff cars and trips are made to the site. (Also note that according to the campus layout rendering and property survey there are approximately 71 standard-sized parking spaces on the site, which would likely be inadequate for 102 staff/faculty vehicles.) Please ensure that the
traffic scenarios assumed in the Traffic Letter are in accordance with the proposed operation and in compliance with the Conditions of Approval.

5. The use of the pre-school at the 270 Lake Avenue campus is valid through September 30. Unless the Commission amends the conditions and finds that the use of the property is compliant with the conditions, the site will be in violation. As with all zoning violations, the Zoning Enforcement Officer will issue a notice of violation.

PREVIOUS APPROVALS:
1. The current uses of the campus were initially approved by the Planning and Zoning Board of Appeals at its meeting November 29, 1989 in Appeal Number 7449.
2. The Planning and Zoning Commission then approved the final site plan for the property on October 11, 1990. This site plan approval and special exception were later amended in December 1995.
3. In April 2000 the then Zoning Enforcement Officer approved the use of the campus as a summer camp program for Camp Gan Israel which has been held on the campus every year since until recently when it was suspended due to the pandemic.
4. The use of the pre-K and Kindergarten were granted August 25, 2020 through September 30, 2021 pursuant to the Governor’s Executive Orders of which Paragraph 5 of Executive Order 13 provides for an extension of municipal orders through September 30, 2021.

APPLICABLE REGULATIONS:
Section 6-15, 6-17, and 6-94, 6-158, 6-185, and 6-205.

DEPARTMENT COMMENTS:
ZEo – See attached – Return prior to Zoning Permit
TRAFFIC – See attached – Return prior to prior to Commission approval
November 4, 2021

Ms. Katie DeLuca  
Planning and Zoning Director  
Town of Greenwich  
101 Field Point Road  
Greenwich, CT 06830

Re: Chabad Lubavitch of Greenwich PLPC 2021 10394

Dear Katie:

At the September 28, 2021 hearing, the Commission requested a long range master plan that the Chabad Lubavitch of Greenwich would have for the property at 270 Lake Avenue.

After consulting with the Rabbi, we prepared the enclosed Proposed Master Plan which is broken down into three categories. The first category is the current application which is to have the preschool use approved for the property. This includes the proposed changes to permit preschool classes, number of faculty permitted to drive to the campus and how the preschool and kindergarten students are transported to the campus. The second category includes intended uses which will continue on the property. The third category are uses which are contemplated by at the Chabad for future applications.

Thank you for your assistance.

Very truly yours,  

[Signature]

Thomas J. Heagney

TJH/slm  
Enclosure
Proposed Master Plan
270 Lake Avenue

Current Application:
The Chabad Lubavitch of Greenwich is seeking approval in this application for Preschool only.

Intended Continued Use of the Property:
- Chabad would seek to continue to use the campus of Carmel Academy as a private school. A school growth plan would include adding one grade per year over a multiyear period in order to establish a pre-k through eighth grade private school. Class size would be expected to be approximately 30 students per grade.
- In the short term another private school may be brought onto the campus while The Chabad school is a growing, after the Japanese School leaves the campus in March of 2022.
- In no event would the combined educational uses exceed the maximum of 450 students for the campus.
- High Holy days would continue to be celebrated on the property.
- Religious ceremonies for bar and bat mitzvahs would occur on an occasional basis as they have in the past, but receptions for celebrating the ceremony would be held off the property.
- As is required under religious tenents, no amplified sound would be used during the Sabbath.
- Summer camp would continue as it has since 2000.

Contemplated Use of the Property:
- Chabad operates social service programs for the benefit of vulnerable populations in the Town of Greenwich, specifically - children with special needs, seniors and those suffering from food insecurity. In that context, Chabad would entertain providing a home for other nonprofit organizations in the town in order to more effectively collaborate in our mission of serving town residents
- A synagogue may also be considered in the future.

- While no additional buildings are contemplated as part of the private school program, pick up and drop off areas that may be added to facilitate the preschool activities.
Conditions of Approval
1989 as modified in 1995 with proposed changes

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13. There shall be no change in the footprint of any buildings on the property.
TOWN OF GREENWICH

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

STATE OF CONNECTICUT )
) ss: Greenwich
COUNTY OF FAIRFIELD )

I, THOMAS J. HEAGNEY, being first duly sworn, do hereby certify that on
October 19, 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 October 19, 2021 as shown on the Town
Tax Assessor’s Office records of property abutting and across the street from the properties for
which an application for site plan and special permit for the property located at 270 Lake Avenue
in Greenwich, Connecticut has been filed with the Town of Greenwich Planning and Zoning
Commission.

THOMAS J. HEAGNEY

Subscribed and sworn to before me
this 19th day of October, 2021

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

Abutting property owners of 270 Lake Avenue:

Lake Avenue Family Trust
190 Lake Avenue
Greenwich, CT 06830
10-1525/S

James A. & Karen P. Drakos
44 Rock Ridge Road
Greenwich, CT 06831
10-1600/S

Dr. John E. Freiberg
943 Stoneridge Way
San Marcos, CA 92078
10-1063/S

Andrew B. Morton
271 Lake Avenue
Greenwich, CT 06830
07-1241/S

Philip W. Anstey
248 Lake Avenue
Greenwich, CT 06830
10-2337/S

Carol T. Crapple & Stephanie D. Stapleton
25 Zaccheus Mead Lane
Greenwich, CT 06831
10-2207/S

Barbara J. Duberstein
1 Zaccheus Mead Lane
Greenwich, CT 06831
10-3411/S

Virginia Meyer Grandison
1449 Waggaman Circle
Mclean, VA 22101
10-1940/S

Liu Fang & Yishan Homas Ku
240 Lake Avenue
Greenwich, CT 06830
10-2336/S
Robert Kirk Bedell  
261 Lake Avenue  
Greenwich, CT 06830  
07-1459/S  

Michael William Newman  
200 Lake Avenue  
Greenwich, CT 06830  
10-2335/S  

Brian C. Pennington TR  
28 Rock Ridge Avenue  
Greenwich, CT 06831  
10-1934/S  

Alan Breed & Ellen Breed  
34 Rock Ridge Avenue  
Greenwich, CT 06830  
10-1377/S  

Elizabeth Olnek Dixon TR  
14 Zaccheus Mead Lane  
Greenwich, CT 06831  
10-1152/S  

Field Club of Greenwich  
276 Lake Avenue  
Greenwich, CT 06831  
10-1207/S  

Blair & Brandon Hall  
41 Rock Ridge Avenue  
Greenwich, CT 06831  
10-1279/S  

Phillip E. Larson III.  
186 Lake Avenue  
Greenwich, CT 06830  
10-2334/S  

Jeanne M. Mininall & Arthur E. Bass  
25 The Ridgeway  
Greenwich, CT 06830  
10-3373/S
EXHIBIT B

October 19, 2021

To Whom It May Concern:

Notice is hereby given that Chabad Lubavich of Greenwich, as Applicant, and Carmel Academy, as Property Owner, have filed an application with the Town of Greenwich Planning and Zoning Commission to request site plan and special permit approval to further modify previously approved conditions and to permit a pre-school use at the campus located at 270 Lake Avenue in Greenwich, Connecticut.

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

Thomas J. Heagney

For information contact:
Planning and Zoning Commission
Town Hall, 101 Field Point Road
Greenwich, CT 06836
Tel: 203-622-7894
October 19, 2021

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Tel: 203-622-7894
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**DK Form 3877, August 2000**

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BETA submitted a memo dated July 29, 2021 providing a traffic review of the site plan and operational analysis for the proposed change in use for the 270 Lake Avenue site to include preschool and kindergarten in addition to the currently approved grades 1 through 9. The Applicant has provided the following additional information relevant to traffic operational, circulation, and safety considerations for the site:

- Letter; RE: 270 Lake Avenue (Responses to BETA Comments); The Chazen Companies; September 28, 2021
- Revised Conditions of Approval; 1989 as modified in 1995 with proposed changes Received September 1, 2021

For items where further commentary is provided, BETA’s 7/29/21 comments, Applicant response, and additional BETA commentary are as follows:

**Original Comment #1b (7/24/21 BETA Memo): The Conditions of Approval state:**

> 6. At least 90% of the student body shall be transported to and from the school by school bus. For grades 1 through 9, preschool and kindergarten students shall be transported by van and carpooling.

The Narrative also states that “preschool and kindergarten children would be transported by vans and by carpooling…. “ However, the activity charts indicate that preschoolers are being dropped off and picked up in family cars, and the Traffic Letter estimates bus trips and car trips but does not mention vans or carpooling. Please clarify the proposed operation and ensure it is accurately reflected in the traffic analysis.

**Response:** In the Traffic Letter Report, Section L, states that 10 percent (25 students) of the future 250 students will be dropped off and picked up from school by parents in 14 cars. It should also be noted that the current 60 preschoolers who are dropped in approximately 33 vehicles are considered in the existing condition. Thus, a total of 75 preschoolers will arrive by private vehicles in the future condition. It was assumed that two (2) students come in one car. This is a conservative analysis and worse case scenario, than assuming van or carpool which will further reduce the private vehicles trips to the school. If needed the revised report will reflect the van or carpool operation.

**Additional BETA Comment:** According to the revised conditions of approval document, condition 6 now states:

> 6. At least 90% of the student body shall be transported to and from the school by school bus for grades 1 through 9. Preschool and kindergarten students shall be transported by van and carpooling.

This wording seems more consistent with the description provided in the traffic letter.
**Original Comment #1d (7/24/21 BETA Memo):** The Conditions of Approval state:

> 11. Traffic of school buses/vans and faculty vehicles shall be equalized between the two entrances to the school on Ridgeway and Lake Avenue, and an expansion of parking area as propose of the Ridgeway. Preschool and kindergarten students and faculty shall utilize the Lake Avenue entrance.

*It does not seem that the site is configured to promote this equitable distribution of site traffic. And in the Traffic Letter, both the Project Description (section A) and Figure 5 (2030 Build Peak Hour Volumes) indicate that site traffic volumes using Lake Avenue are considerably higher than those using Ridgeway.*

**Response:** The traffic letter report dated April 15, 2021, considered that the Japanese School’s staff and school buses accesses both the Ridgeway and Lake Avenue entrances. To consider the worst-case scenario all the Gan of Greenwich traffic was assumed to use the Lake Avenue entrance. After the submission of the report, we were informed that the Japanese school will be relocating its program off the former Carmel Campus. Thus, if the Site traffic is equally distributed between the driveway, the operating condition at the intersections of Lake Avenue will further be better than represented in the report. If needed, the revised report will reflect the equitable distribution of the Site traffic.

**Additional BETA Comment:** Although the traffic analysis could be adjusted to show equitable distribution of traffic between the Ridgeway and Lake Avenue entrances, is that a reasonable assumption given the site layout and proposed use? (i.e. Most of the parking areas and building entrances appear to be more accessible from the Lake Avenue driveways.) Are there operational procedures that should be established, as students in Grades 1 through 9 are added, to promote use of the Ridgeway driveways?

---

**CC:**
- Patrick LaRow, Town of Greenwich
- James Michel, Town of Greenwich
- Scott Marucci, Town of Greenwich
- Bianca Dygert, Town of Greenwich
- Juan Paredes, Town of Greenwich
Ms. Katie DeLuca  
Planning and Zoning Director  
Town of Greenwich  
101 Field Point Road  
Greenwich, CT 06830

RE: PLPZ 2021 00394  
270 Lake Avenue, Greenwich, CT 06830

October 19, 2021

Dear Katie,

At the Hearing on September 28, 2021, the Attorney for some of the neighbors stated that the Chabad of Lubavitch was unwilling to have discussions with the neighborhood. While there had been discussions this past spring, the Chabad was interested in continuing them but was informed by the Attorney for the Rock Ridge Association that there was no need in their opinion to continue such discussions.

Attached is an email we received from Peter Nolan as counsel for the Rock Ridge Association dated May 3, 2021.

My client has asked me to make it clear that they are willing to continue any discussions with the neighborhood on any issues in which they have a concern.

Very truly yours,

Thomas J. Heagney

TJH/em  
Enclosures
Tom Heagney

From: Peter M. Nolin <PNolin@carmodylaw.com>
Sent: Monday, May 03, 2021 12:50 PM
To: Tom Heagney
Subject: Chabad and RRA

Tom:

Thank you for your inquiry on behalf of Chabad Lubavitch of Greenwich about scheduling a call to confer with our client Rock Ridge Association (RRA) about possible future uses of the Carmel Academy Property. We appreciate Chabad’s desire to re-explain its plans for using the Carmel property after our last call, especially since RRA has now learned of many uses Chabad has made of the property in recent years that violate both zoning and the deed restrictions at the property. Nevertheless the desire for such a discussion, as you expressed it, appears to have been predicated on Chabad’s contract to purchase the Carmel property. As I explained in our call two weeks back, the Carmel property, which is part of RRA, is subject to a right of first refusal for RRA members. RRA has followed its normal procedure and communicated Chabad’s offer for the property to its members. Recently one of the member/owners has exercised the right of first refusal and has communicated his willingness to buy the property on the same terms as Chabad offered to Carmel. Accordingly, in the view of RRA, Chabad no longer has any right to acquire the Carmel property. In addition, the By-laws to the RRA, of which Carmel is member, expressly require member approval for a sale or change in use of a school property. Carmel has never obtained approval to sell its property to Chabad. Therefore Chabad’s planned future uses for the property are no longer relevant to RRA and the need to have such a discussion with Chabad no longer exists.

In addition, I must also note that RRA continues to object to Chabad’s current uses for the Carmel property which are not permitted by zoning and which conflict with the deed restrictions on the property.

Peter M. Nolin | Bio
Carmody Torrance Sandak & Hennessey LLP
707 Summer St | Stamford, CT 06901-1026
Direct: 203-252-2688 | Cell: 203-856-6135 | Fax: 203-325-8608
PNolin@carmodylaw.com | www.carmodylaw.com

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Ms. Katie DeLuca  
Planning and Zoning Director  
Town of Greenwich  
101 Field Point Road  
Greenwich, CT 06830  

RE: PLPZ 2021 00394  
270 Lake Avenue, Greenwich, CT 06830  

Dear Katie,  

Enclosed is a revised Conditions of Approval which modifies the number of cars transporting faculty from 30 to 50. This is to allow for additional faculty particularly during the time when the Japanese school is still on the campus.  

Also enclosed is an Affidavit of Notice with additional notification which was sent to all abutting property owners regarding this modification.  

In consultation with Rabbi Deren, we are preparing a proposed list of activities and uses on the campus as part of an overall master plan and will forward it to you upon completion.  

Very truly yours,  

Thomas J. Heagney  

TJH/em  
Enclosures