

<b>Final Subdivision PLPZ 2021 00314</b>	Jaroslav & Alexandra Palylyk 2-lot subdivision
<b>LOCATION:</b>	89 Indian Field Road
<b>TAX ID:</b>	08-2671/S
<b>EXISTING ZONING:</b>	R-12 (12,000 SF minimum lot)
<b>FLOOD ZONE:</b>	X
<b>PARCEL SIZE:</b>	26,377 SF
<b>UTILITIES:</b>	Sewer, Public Water

**LOT AREAS**

	<b>PROPOSED</b>
Proposed Lot 'A'	12,187 SF
Proposed Lot 'B'	12,190 SF
Open Space Parcel	2,000 SF
Conservation Easement Area	1,957 SF
<b>Total Open Space:</b>	<b>3,957 SF (15% of total lot area)</b>

**ZONING STATISTICS**

	<b>ALLOWED/REQUIRED</b>	<b>PROPOSED</b>
<b>Proposed Lot 'A'</b> Setbacks:		
Front	35'	> 35'
Side	10'/ sum of 25'	> 10' and 27.5' (street side)
Rear	35'	> 35'
Lot Area	12,000 SF minimum	12,187 SF
Green Area	55%	70.1%
Total Coverage	Maximum 5,484 SF	3,650 SF
<b>Proposed Lot 'B'</b> Setbacks:		
Front	35'	> 35'
Side	10'/ sum of 25'	> 10' and Not provided'
Rear	35'	> 35'
Lot Area	12,000 SF minimum	12,190 SF
Green Area	55%	70.9%
Total Coverage	Maximum 5,485 SF	3,551 SF

**STAFF REPORT:**

The applicant is seeking to receive a ninety (90) day extension of time to meet the Commission's conditions, prepare, and file the required subdivision Mylar, or "record sheet" as required per Sec. 6-279 of the Town's Subdivision Regulations.

In accordance with the Town's Subdivision Regulations, Section 6-279 - Filing with Clerk, the requirements and timeline to file and record sheet are as follows:

*“In accordance with the general statutes, the original of the Subdivision Plan shall be filed with the Town Clerk within ninety (90) days of the date of approval. Upon request of the subdivider, the Commission, may extend the filing period for an additional ninety (90) days if deemed appropriate. The approval of any plan not so filed shall expire ninety (90) days from the date of approval. When a subdivision plan is approved and the time for any appeal therefrom has elapsed with no such appeal being taken, the Commission shall file in the office of the Town Clerk the record sheet of the Subdivision Plan, and the Declaration of Restriction for the reserved area.”*

Per Section 8-25(a) of the Connecticut General Statutes regarding Subdivision of Land states, *“Any plan for subdivision shall, upon approval, or when taken as approved by reason of the failure of the commission to act, be filed or recorded by the applicant in the office of the town clerk not later than ninety days after the expiration of the appeal period under section 8-8, or in the case of an appeal, not later than ninety days after the termination of such appeal by dismissal, withdrawal or judgment in favor of the applicant but, if it is a plan for subdivision wholly or partially within a district, it shall be filed in the offices of both the district clerk and the town clerk, and any plan not so filed or recorded within the prescribed time shall become null and void, except that the commission may extend the time for such filing for two additional periods of ninety days and the plan shall remain valid until the expiration of such extended time.”*

Per Section 8-8(b) of the Connecticut General Statutes, *“(b) Except as provided in subsections (c), (d) and (r) of this section and sections 7-147 and 7-147i, any person aggrieved by any decision of a board, including a decision to approve or deny a site plan pursuant to subsection (g) of section 8-3 or a special permit or special exception pursuant to section 8-3c, may take an appeal to the superior court for the judicial district in which the municipality is located, notwithstanding any right to appeal to a municipal zoning board of appeals under section 8-6. The appeal shall be commenced by service of process in accordance with subsections (f) and (g) of this section within **fifteen days from the date that notice of the decision was published as required by the general statutes.**”*

The Commission approved this subdivision at their 9/28/2021 meeting. The legal notice acknowledging the Commission’s decision was published on 10/5/21. Fifteen days from the published date of that notice of the decision would appear to be 10/20/21 and the effective date of this decision. 90 days from the effective date would appear to be 1/18/22.

#### **ISSUES/COMMENTS:**

The following are items to be addressed or considered:

1. The applicant noted a potential delay in submitting the declarations and proposed map for review due to the upcoming holidays. The applicant is requesting the extension to fulfill the Commission’s decision as written.

For the Commission’s benefit, the following is a brief summary of the original the subdivision application request:

*The Applicant has requested Final Subdivision, PLPZ 2021 00314, to subdivide a 0.543-acre parcel into 12,187 SF and 12,190 SF parcels with a 1,957 SF easement area and 2,000 SF Open Space parcel per Section 6-261 of the Town of Greenwich Subdivision regulations on property located at 89 Indian Field Road in the R-12 Zone.*

Please find a copy of the decision letter of approval and map considered attached.

**HEAGNEY, LENNON & SLANE, LLP**  
**ATTORNEYS AT LAW**

JOHN G. HEAGNEY (1925-1982)  
FRANCIS X. LENNON, JR. (1928-1999)  
JOHN F. SLANE, JR. \*  
THOMAS J. HEAGNEY \*

JOHN J. HEAGNEY\*

\* ALSO ADMITTED IN NEW YORK

248 GREENWICH AVENUE  
GREENWICH, CONNECTICUT 06830-6507  
(203) 661-8400  
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THeagney@hls248.com  
JSlane@hls248.com  
JHeagney@hls248.com

November 30, 2021

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

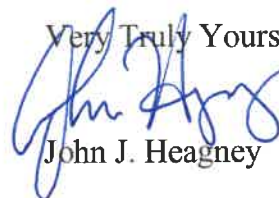
RE: PLPZ 2021 00314  
Jaroslaw and Alexandra Palylyk  
89 Indian Field Road

Dear Katie:

On behalf of the applicant, we request that the Planning and Zoning Commission extend the filing period for the above referenced final subdivision in accordance with Section 6-279 of the Greenwich Subdivision Regulations for an additional ninety (90) days. A mylar of the approved subdivision plan shall be filed with the Town Clerk within the extended period.

Thank you for your assistance in this matter.

Very Truly Yours,



John J. Heagney

**KATIE DELUCA, AICP**  
DIRECTOR PLANNING AND ZONING/ZONING  
ENFORCEMENT COORDINATOR/TOWN PLANNER



**PATRICK LAROW, AICP**, Deputy Director Planning  
and Zoning/Assistant Town Planner  
**MARISA ANASTASIO**, Senior Planner  
**BIANCA DYGERT**, Planner II  
**JACALYN PRUITT**, Planner II  
**SHANICE BECKER**, Planner I  
**PETER MANGS**, Applications Coordinator

## **PLANNING AND ZONING - LAND USE DEPARTMENT**

### **VIA ELECTRONIC MAIL**

October 12, 2021

Mr. Thomas Heagney, Esq.  
Heagney, Lennon & Slane LLP  
248 Greenwich Avenue  
Greenwich, CT 06830

RE: The application of Thomas J. Heagney, Esq, authorized agent for Jaroslaw and Alexandra Palylyk, record owners, for a final subdivision, PLPZ 2021 00314, to subdivide an existing 26,377 sq. ft. parcel into two parcels where Lot 'A' would be 12,187 sq. ft. and Lot 'B' would be 12,190 sq. ft. with 1,957 sq. ft. conservation easement and a 2,000 sq. ft. open space parcel on a property at 89 Indian Field Road in the R-12 zone

Dear Mr. Heagney:

At a regular meeting held on September 28, 2021 the Planning and Zoning Commission considered the above-referenced application and took the following action:

Upon a motion to move the preliminary subdivision to final subdivision made by Mr. Macri and seconded by Mr. Barolak, the following resolution was unanimously adopted (Voting on this item: Alban, Macri, Barolak (*for Levy*), Yeskey, and Lowe;

WHEREAS the Commission held a regular meeting on September 14, 2021 and September 28, 2021 and took all testimony required by law; and

WHEREAS a final subdivision application was submitted to the Planning & Zoning Commission to subdivide an existing 26,377 sq. ft. parcel into two parcels where Lot 'A' would be 12,187 sq. ft. and Lot 'B' would be 12,190 sq. ft. with 1,957 sq. ft. conservation easement and a 2,000 sq. ft. open space parcel on a property at 89 Indian Field Road in the R-12 zone; and

WHEREAS Lot 'A' would be developed with a single family dwelling and patio, and Lot 'B' would be developed with a single family dwelling, patio, and detached garage; and

WHEREAS the proposed lots would share a single driveway; and

WHEREAS the proposed development of each lot appears to conform with respect to lot shape, size, frontage and setbacks; and

WHEREAS a chain of title was submitted which dates back to 1910; and

WHEREAS the applicant received an IWWA green sheet dated 7/22/20; and

WHEREAS the ZEO issued comments dated 7/27/21 indicating endorsement for sign-off; and

WHEREAS the Sewer division issued comments dated 9/10/21 indicating no comments to be addressed during the P&Z phase and comments to be addressed prior to building/zoning permit phase; and

WHEREAS the Conservation department issued comments dated 7/20/21 which indicate support of the location of the proposed easement and fee-simple conservation area with the suggestion of more native plants to be added to the 1,200 SF disturbed area, a line of sunken boulders for demarcation and preserving existing mature trees instead of removal and planting arborvitaes between the I-95 and railroad and the subject property; and

WHEREAS the Commission noted that DPW Engineering comments dated 9/21/21 with the following issues which need to be addressed:

1. The subdivision map shall be revised to show the driveway, drainage and utility easements between lots;
2. The 46" hickory tree shall be addressed prior to zoning permit sign-off;
3. A draft easement must be created for the section of gravel drive on the rear of the lots;
4. A draft of the drainage maintenance agreement between all the lots needs to be submitted for review by Planning & Zoning, Law Department, and Engineering Division;
5. The driveway, drainage and utility easement needs to be approved by Planning & Zoning and Law Department;
6. Form SC-107 needs to be submitted;
7. The Construction Plan set needs to be revised to address the following:
  - a. Site Plan Sheet shall show all proposed easements and trees to be removed
  - b. Driveway Sight Distance sheet shall have all sight lines measured to the center of the oncoming traveling lane and callout all vegetation (trees, bushes, shrubs, etc.) to be removed for the required sight distance to be met. DPW Engineering noted the 46" hickory tree may block the required 250-foot sight line;
  - c. Landscaping Sheet shall include verification that proposed trees/shrubs do not block lines of sight;
8. The Operations and Maintenance Plan Report must be a separate document for each lot and include the required documents as noted in the DPW comments dated 9/21/21; and

WHEREAS the Commission notes that the 46" hickory tree shall be reviewed to determine

whether it is necessary for removal to meet the sightline requirements; and

WHEREAS the landscaping plans shall be reviewed by P&Z Staff prior to the issuance of any zoning permit sign-off; and

WHEREAS the applicant shall address any sightline issues prior to the issuance of any zoning permit sign-off; and

WHEREAS the Commission received a staff report as well as department comments from DPW Engineering and Sewer Divisions, Conservation and Zoning Enforcement; and

**THEREFORE BE IT RESOLVED** the application of Thomas J. Heagney, Esq., authorized agent, for Jaroslaw Palylyk & Alexandra Palylyk, record owners, for a Final Subdivision, PLPZ 2021 00314, to subdivide a 0.543-acre parcel into 12,187 SF and 12,190 SF parcels with a 1,957 SF easement area and 2,000 SF Open Space parcel per Section 6-261 of the Town of Greenwich Subdivision regulations on property located at 89 Indian Field Road in the R-12 Zone and as shown on a subdivision map prepared by S.E. Minor & Co., Inc., last revised 6/7/2021 is hereby approved as a subdivision with modifications.

1. The following comments shall be address prior to the filing of the Mylar on Town of Greenwich Land Records:
  - a. The subdivision map shall be revised to show the driveway, drainage and utility easement between lots;
  - b. A draft easement must be created for the section of gravel drive on the rear of the lots;
  - c. A draft of the drainage maintenance agreement between all the lots needs to be submitted for review by Planning & Zoning, Law Department, and Engineering Division;
  - d. The driveway, drainage and utility easement needs to be approved by Planning & Zoning and Law Department;
  - e. Notes, as follows, shall be placed on the subdivision map (the "Record Sheet") filed on the land records:
    - i. Any proposed change in the status of the Open Space area such as change in size or ownership, and any change in the size of approved subdivision lots shall require submission of a revised plan and Declarations of Restrictions for review by the Conservation Department and approval by Planning and Zoning. The revised maps may require approval from the Commission as a re-subdivision and the Declaration may require amendments to reflect the changes.
    - ii. Pursuant to Section 6-287, all subdivision lots shall be reviewed for compliance with Town drainage standards and a detailed drainage plan for each lot should be submitted to Planning & Zoning and DPW for review, prior to the issuance of any building permits. Drainage Maintenance Agreements may be required.
    - iii. Any proposed blasting will require the preparation of a pre-blast survey.
    - iv. Prior to issuance of a zoning or building permit for any lot, plans showing proposed house location, setbacks, driveways, accessory structures and uses, grading and drainage, erosion control plans, and

- protection measures for protecting trees to remain shall be submitted and approved by Planning and Zoning and/or Conservation for review.
- v. The endorsement block for Commission action required to appear on Record Sheet shall be shown as follows:  
Approved by Resolution of the Planning and Zoning Commission,  
Town of Greenwich, Connecticut, dated

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(Signature of Chair)(Date)

The Applicant shall be aware that P&Z sign-off is required prior to Zoning Permit Issuance for all construction activities. 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) Sight lines shall be verified by DPW Engineering prior to the issuance of any zoning permit;
- b) Three (3) sets of revised development plans;
- c) Three (3) sets of architectural plans consisting of floor plans, building elevations, and building sections;
- d) Three (3) sets of landscaping plans to be reviewed by staff;
- e) One (1) copy of the Drainage Summary Report
- f) A digital copy of all documentation;
- g) Any other pertinent documentation necessary to address the Commission's decision; and
- h) Any outstanding comments from the ZEO, the Engineering and Sewer Divisions, Conservation, IWWA and/or staff.
- i) Any changes to the proposed plans shall be reviewed with Planning and Zoning.

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 28, 2021.

If you have any questions, please contact our office.

Sincerely,



Bianca Dygert  
Planner II



**PROPOSED SETBACKS FOR LOT A**

FRONT	12.10' ± 0.20'
REAR	12.10' ± 0.20'
SIDEWAY	1.84' ± 0.17'
TOTAL	25.04' ± 0.37'

**PROPOSED SETBACKS FOR LOT B**

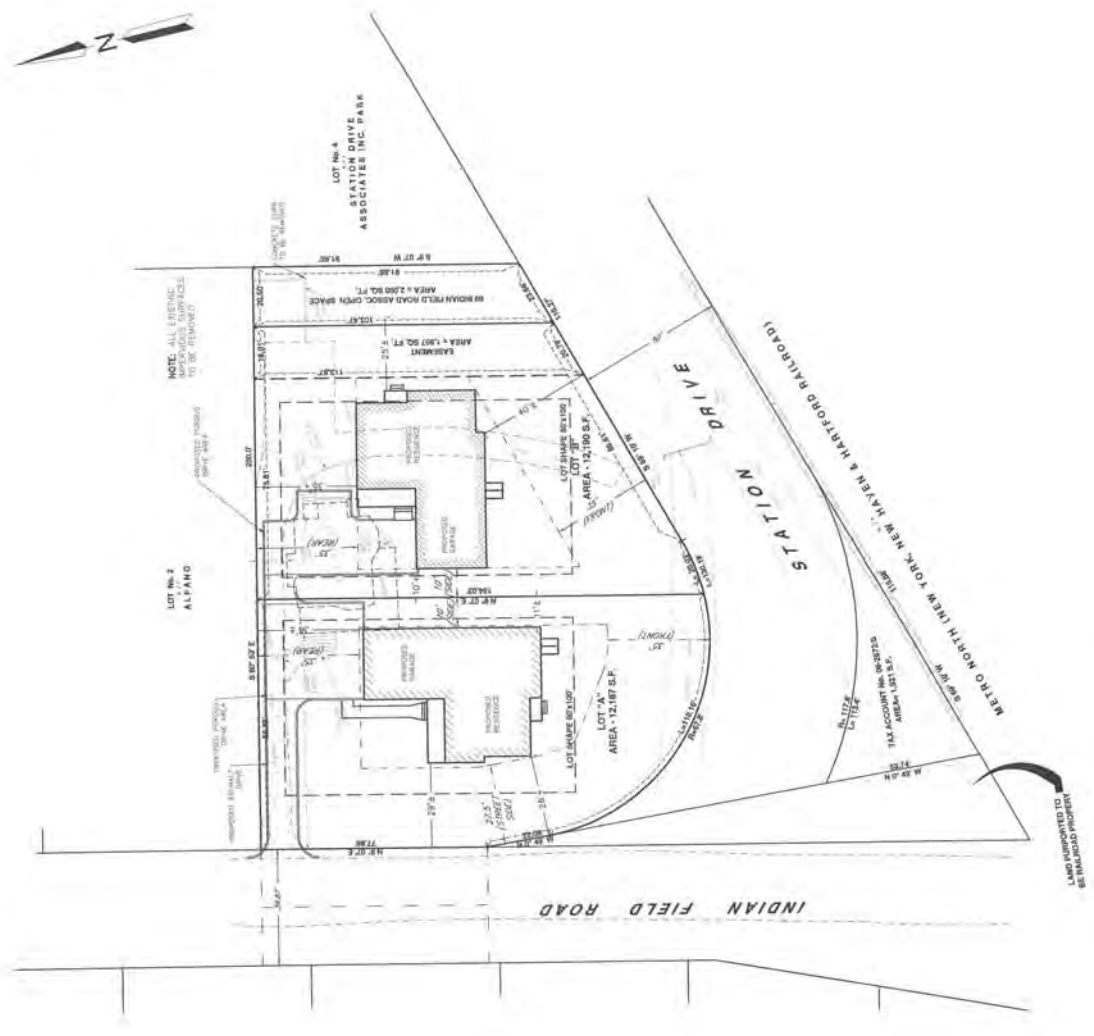
FRONT	12.10' ± 0.20'
REAR	12.10' ± 0.20'
SIDEWAY	1.84' ± 0.17'
TOTAL	25.04' ± 0.37'

**EXISTING DEVELOPMENT - LOT 3**

FRONT	12.10' ± 0.20'
REAR	12.10' ± 0.20'
SIDEWAY	1.84' ± 0.17'
TOTAL	25.04' ± 0.37'

**PROPOSED DEVELOPMENT - LOT 3**

FRONT	12.10' ± 0.20'
REAR	12.10' ± 0.20'
SIDEWAY	1.84' ± 0.17'
TOTAL	25.04' ± 0.37'



**ON SURVEY OF**  
**JAY PALYLYK**  
 89 INDIAN FIELD ROAD  
 GREENWICH, CONN.  
 TAX ACCOUNT NO. 06-29718 AND 06-29728

**S.E. MINOR & CO., INC.**  
 ESTABLISHED 1887  
 Engineering • Land Surveying  
 Environmental Sciences  
 33 West Elm Street  
 Greenwich, Connecticut 06830  
 www.seminor.com



**ZONE: R-12**  
**TOTAL AREA = 26,377 SQ. FT.**

- NOTES:**
- PROVIDED AS SHOWN ON S.W. CORNER OF LOT 3, GREENWICH, CONN. PLAT NO. 116-1, 116-2, 116-3, 116-4, 116-5, 116-6, 116-7, 116-8, 116-9, 116-10, 116-11, 116-12, 116-13, 116-14, 116-15, 116-16, 116-17, 116-18, 116-19, 116-20, 116-21, 116-22, 116-23, 116-24, 116-25, 116-26, 116-27, 116-28, 116-29, 116-30, 116-31, 116-32, 116-33, 116-34, 116-35, 116-36, 116-37, 116-38, 116-39, 116-40, 116-41, 116-42, 116-43, 116-44, 116-45, 116-46, 116-47, 116-48, 116-49, 116-50, 116-51, 116-52, 116-53, 116-54, 116-55, 116-56, 116-57, 116-58, 116-59, 116-60, 116-61, 116-62, 116-63, 116-64, 116-65, 116-66, 116-67, 116-68, 116-69, 116-70, 116-71, 116-72, 116-73, 116-74, 116-75, 116-76, 116-77, 116-78, 116-79, 116-80, 116-81, 116-82, 116-83, 116-84, 116-85, 116-86, 116-87, 116-88, 116-89, 116-90, 116-91, 116-92, 116-93, 116-94, 116-95, 116-96, 116-97, 116-98, 116-99, 116-100.
  - ELEVATIONS REFER TO A NORTH AMERICAN VERTICAL DATUM OF 1988 IN A.F.D. 88.
  - PROPERTY BOUNDARIES SHOWN ARE TO BE REVERSED BY TOWN BOARD AND IN HELP WATER SUPPLY.
  - LOT NUMBERS AS SHOWN ON MAP NO. 116 ARE GREENWICH LAND RECORDS.
  - ENCUMBRANCES, RESTRICTIONS, AGREEMENTS AND/OR COVENANTS, IF ANY EXIST, HAVE NOT BEEN REVERSED OR PLOTTED HEREON.
  - ALL NEW UTILITIES SHALL BE PLACED UNDERGROUND.
  - UPON APPROVAL OF THIS SUBDIVISION PLAN, THE OWNERS AGREE WITH THE TOWN THAT THE AREAS WITHIN AT LEAST TEN FEET OF THE BOUNDARIES OF THE AREAS SHOWN HEREON ARE DESIGNATED FOR DRAINAGE. THAT NO BUILDING OR OTHER STRUCTURE SHALL BE LOCATED THEREON AND THAT THE TOWN SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF SUCH FACILITY. HOWEVER ANY DRAINAGE LINE, DITCH OR STRIPE, WHETHER ON WET OR DRY LAND, SHALL BE REVERSED TO THE TOWN. THE TOWN SHALL BE RESPONSIBLE FOR MAINTENANCE OF SUCH FACILITY. THE TOWN SHALL BE RESPONSIBLE FOR MAINTENANCE OF SUCH FACILITY.
  - THE DRAINAGE DESIGN FOR EACH PARCEL SHALL MEET THE STANDARDS OF THE TOWN OF GREENWICH DRAINAGE MANUAL AS EFFECT AT THE TIME A BUILDING PERMIT APPLICATION IS SUBMITTED. THE DRAINAGE DESIGN SHALL BE SUBMITTED TO THE TOWN OF GREENWICH DEPARTMENT OF PUBLIC WORKS FOR REVIEW AND APPROVAL. THE TOWN OF GREENWICH DEPARTMENT OF PUBLIC WORKS SHALL BE RESPONSIBLE FOR MAINTENANCE OF SUCH FACILITY. THE TOWN OF GREENWICH DEPARTMENT OF PUBLIC WORKS SHALL BE RESPONSIBLE FOR MAINTENANCE OF SUCH FACILITY.
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  - IF THE ELEVATION FROM ANY OF THE SITE'S GAUGES AN OHM CONDITION ON THE ROAD. MODIFICATION TO THE SITE'S DRAINAGE MAP AND THE TOWN OF GREENWICH DEPARTMENT OF PUBLIC WORKS SHALL BE RESPONSIBLE FOR MAINTENANCE OF SUCH FACILITY.

**BUILDING SETBACK NOTES:**

THE BUILDING SETBACK LINES PROVIDED HEREON ARE FOR DISCUSSION PURPOSES ONLY. FINAL DETERMINATION OF ZONING SETBACKS WILL BE MADE BY THE TOWN'S ZONING ENFORCEMENT OFFICER.

**ZONING LOCATION RE-SURVEY IN ACCORDANCE WITH CLASS 2 SURVEY AS SET FORTH IN THE STATE OF CONNECTICUT REGULATIONS SECTION 20-306b-1 THROUGH SECTION 20-306b-20 TO MY KNOWLEDGE AND BELIEF, THIS MAP IS "SUBSTANTIALLY CORRECT" AS NOTED HEREON.**