

December 21, 2021

VIA E-MAIL AND HAND DELIVERY

Margarita T. Alban
Chairperson
Greenwich Planning & Zoning Commission
c/o K. DeLuca, AICP
Director of Planning & Zoning
101 Field Point Road
Greenwich, CT 06830
Katie.DeLuca@greenwichct.org

**Re: Position of Rock Ridge Association, Inc.
Regarding Draft Conditions of Approval
PLPZ 2021 00394 Final Site Plan and Special Permit (the “Application”)
270 Lake Avenue, Greenwich, CT (the “Property”)**

Dear Madame Chair and Members of the Planning and Zoning Commission:

I am writing to you today on behalf of Rock Ridge Association, Inc. (“RRA”) regarding the above referenced Application filed by Carmel Academy and Chabad Lubavitch (“Chabad”) requesting modified conditions of approval associated with the continued operation of an pre-school use by the Chabad on the Property which exists by way of administrative approval, but which approval has since expired.

The Commission has considered new conditions provided by the Applicant’s attorney received December 17, 2021. The proposed modified conditions of record are vague, unsupported by the documentation in the hearing record, difficult to enforce and should not be approved as drafted. RRA remains in opposition to the Application and the conditions, as presented. RAA further notes that the Applicant-Chabad is no longer the contract purchaser of the Property and the Chabad lease shall expire on June 30, 2022 with no express right to renew (see correspondence from Attorney Colbert, dated December 20, 2021).

Given this information, RRA has given further consideration to the Application and modified conditions and suggests the following revisions to the draft conditions may provide satisfactory protection to the safety, health and welfare of the adjacent Rock Ridge neighborhood, should the Commission be inclined to approve the Application.

Draft Conditions for Consideration:

1. All existing conditions of approval, unless herein modified, granted by the P&Z Commission or the Zoning Board of Appeals for Special Exception or Special Permit shall remain in full force and effect and shall apply to the current application and tenants of record.

Special Permit Term

2. This Special Permit shall govern the operation of the Chabad pre-school and school uses on the Property and shall expire on June 30, 2022. Any continuation of said uses herein or modification thereto shall require the Applicant(s) to return to the P&Z Commission for Site Plan and Special Permit approval of same prior to June 30, 2022.

Permitted Uses

3. The Property shall be used for school uses and ancillary school functions only.
4. The Property shall not be leased or subleased to outside entities for non-school purposes.
5. Enrollment shall be limited to 450 daytime students at any one time for the Property, inclusive of grades pre-K through ninth (9th) grade. The pre-school and Kindergarten program on the Property shall be limited to 70 Students total and shall serve children ages eighteen months (18 mo.) to six (6). Applicant/Owner must certify enrollment total for the entire campus and Pre-K/Kindergarten uses to the Zoning Enforcement Officer annually by October 1 of each calendar year.
6. The hours of operation of the educational uses of the Property shall remain 8:30 AM to 5:00 PM Monday-Thursday and 8:30 AM to 2:45 PM on Friday, except for special events.
7. The school shall run from mid-August to the end of June and no classes shall be held in the summer recess.
8. There shall be no classes or outside activities on the Property on evenings and weekends, except for special events associated with the school uses and pre-approved by the Zoning Enforcement Officer and upon written notice of same to the adjacent Property owners. Applicant(s) shall be permitted to host up to four (4) Special Events during the school year and shall be required to register said event calendar with the Zoning Enforcement Office by August 1 of each calendar year.

Noise abatement

9. There shall be no electronic noise or sound amplification of any kind audible outside of the existing buildings on the Property at any time.
10. Applicant(s) shall abide by the Greenwich Noise Ordinance requirements at all times.
11. No playground equipment shall be located within 50 feet of the Property line.

Lighting

12. Any new or modified lighting proposed to be installed on the Property shall be full cut-off, directed downward, remain internal to the Property boundary and prevent glare to surrounding properties, with the exception of necessary security/safety lighting, which lighting shall be approved by the Zoning Enforcement Officer before any electrical permits are granted and shall be placed on automatic timers set so as to prevent such lights from being illuminated continually between dusk and dawn.

Traffic, Circulation, Student Transportation, Faculty Transportation & Parking

13. At least 90% of the Student Body shall be transported to and from the Property by school bus (consistent with prior approvals), therefore, up to 45 private cars may transport students to and from the Property, inclusive of pre-school and Kindergarten programming needs. Certification as to the number of students being served by school buses/vans versus private car shall be submitted annually to the Zoning Enforcement Officer by October 1.
14. The pick-up and drop-off staggering schedule prepared by the Applicant, dated 12.13.21, associated with the pre-school and Kindergarten use shall be binding and any modifications to same shall require the review and approval of the Zoning Enforcement Officer in consultation with the Town's Traffic Engineer and Planning and Zoning Director.
15. There shall be no parking along the Lake Avenue Driveway during drop-off and pick-up hours.
16. The number of school busses/vans shall not exceed 18 and the number of cars transporting faculty and staff shall not exceed 50. Certification as to how ride sharing to accommodate faculty transportation and parking onsite shall be submitted annually to the Zoning Enforcement Officer by October 1.

17. All school buses shall enter and exit the Property via Lake Avenue. All vans shall enter and exit the Property via Ridgeway.
18. Faculty vehicles shall be equalized between the two entrances to the school on Ridgeway and Lake Avenue.
19. All private car transportation associated with private student pick up and drop off shall use the Lake Avenue entrance. If use by cars or other personal vehicles generates neighborhood complaints because of adverse impacts, the P&Z Commission will review traffic patterns during a public hearing and adjust the Approval, as required, to ameliorate the adverse impact.
20. There shall be no parking or stacking of cars at any time on Ridgeway Road.
21. The school busses shall not be stored on the Property overnight.

Chapel Use

22. The existing Chapel on the Property is permitted for continued religious use provided said use does not exceed the scope and intensity of existing use of prior approvals. Any modification to use or intensity of use and associated traffic and parking impacts shall require a modified Special Exception be filed to the P&Z Commission for approval of same in advance. The Chapel and adjacent grounds are not authorized at this time for non-religious, social-events.

Community Liaison

23. A liaison for the Chabad school shall be registered with the Planning & Zoning Director and Zoning Enforcement Officer and said liaison shall be available to the RRA for direct communication.

General Conditions

24. There shall be no changes, additions, or alterations of any kind (to building or programming) without the prior approval of the P&Z Commission to modify the existing approval.
25. There shall be no change in the footprint of any building on the Property.
26. Prior to the issuance of a zoning permit, the ZEO shall confirm compliance with all relevant sections of the Building Zone Regulations.

27. The Applicant(s) agree that each shall act in good faith and act responsibly in meeting the obligations of this Approval and preceding approvals.

Thank you for your consideration of the proposed conditions. We look forward to discussing these further with the Applicant and Commission. My client further proposes that the hearing does not close until these conditions are thoroughly explored, discussed and agreed to between all interested parties.

Sincerely,


Jacqueline Kaufman

Enc.

cc: Rock Ridge Association, Inc.
T. Heagney, Esq.
R. Colbert, Esq.