

**TOWN OF GREENWICH
PLANNING AND ZONING COMMISSION
Town Hall Meeting Room
101 Field Point Road, Greenwich, CT**

**May 12, 2009
ACTION AGENDA
WITH DECISIONS**

Regular Members Present and Seated: Frank Farricker, Raymond Heimbuch, and Richard Maitland

Regular Member Absent: Donald Heller, and Paul Marchese

Alternate Members Present: Ellen Avellino (seated for Marchese), Margarita Alban, and Frederic Brooks (seated for Heller)

Staff Members Present: Diane W. Fox, Director Planning and Zoning/Zoning Enforcement Coordinator/Town Planner, and Katie Blankley, Deputy Director Planning and Zoning/Assistant Town Planner

REGULAR MEETING 7:00 PM

1. **Michael and Barbara Murray – Birch Lane Sewer Line;** application FSP #3850 for a final site plan to install a single connection to the existing sewer manhole on Birch Lane and install a potential connection to a low pressure system that will serve the area and other homeowners in the future on a 1.02 acre property located at 63 Birch Lane in the RA-1 zone. (*Staff: DF*) (*Applicant's Presentation: 10 minutes*) (*Must decide by 5/28/2009*) (*Maximum extension available to 8/1/2009*) (*Page Number: 9*)

Application Postponed by Applicant – Extension Granted to August 1, 2009

2. **Old Mill Properties;** application FSB #1965 for a final subdivision to create two lots where Lot No.1 knows as 16 Cherry Valley Road would comprise 3.765 acres and Lot No. 2 would comprise 4.001 on a 7.766 acre property located at 16 Cherry Valley Road in the RA-4 zone. (*Staff: PL*) (*Applicant's Presentation: 10 minutes*) (***Must decide by 5/25/2009***) (*Maximum extension available to 7/24/2009*) (*Continued from the 4/28/2009 meeting*) (*Seated at the meeting: Donald Heller, Raymond Heimbuch, Richard Maitland, Paul Marchese and Frank Farricker*) (*Page Number: 26*)

Application Continued – Extension Granted to July 24, 2009
Seated: Farricker, Heimbuch, Maitland, Avellino, and Brooks

3. **Camp Gan Israel;** application FSP #3837 for a final site plan to construct permanently an above ground 15 x 36 feet swimming pool in a new location then had been previously approved on an annual basis, to be used as part of a summer camp on the western portion of the a 16.521 acre property located at 270 Lake Avenue in the RA-1 zone. (*Staff: PL*) (*Applicant's Presentation: 10 minutes*) (*Must decide by 5/14/2009*) (*Maximum extension available to 7/18/2009*) (*Page Number: 57*)

Motion to approve final site plan with modifications

Moved by Maitland, seconded by Heimbuch

Voting in favor: Farricker, Heimbuch, Maitland, Avellino (*for Marchese*), and Brooks (*for Heller*)

5-0

PUBLIC HEARING 7:30 PM

4. **701 Putnam-Post Road Partnership, LLC & McIntyre Putnam-Post Road Partnership, LLC (Greenwich Digital Media Center);** applications PSP #3823 and SP #3824 for a preliminary site plan and special permit to demolish the existing building of 3,200 sq. ft. used for automotive service and repair, and construct a new building of 9,445 square feet for office use and retention of 10 parking spaces and the addition of 45 spaces on the property and through a lease agreement on adjacent property owned by CL&P on a 30,552 sq. ft. property located at 701 West Putnam Avenue in the R-6 zone. (*Staff: CT*) (*Applicant's Presentation: 20 minutes*) (***Must close by 5/19/2009***) (*Maximum extension available to 7/23/2009*) (*Continued from the 4/14/2009 meeting*) (*Seated: Donald Heller, Raymond Heimbuch, Richard Maitland, Paul Marchese and Fred Brooks (for Frank Farricker - recused)*) (*Page Number: 81*)

Seated: Heimbuch, Maitland, Brooks (*for Heller*), Alban (*for Farricker*) (*4 members seated*) (*Farricker and Avellino recused*)

Application Left Open – Extension Granted to June 25, 2009

5. **Sheldon and Hong Chong Pang;** applications FSP #3848 and SP #3849 for a final site plan and special permit to demolish the existing house of 5,226 square feet and tennis court and construct a new residence of 14,681 square feet over 150,000 cubic feet in volume and a pool, tennis court, and drive on a 3.243 acre property located at 17 Brookridge Drive (*filed as 18 Stanwich Road*) in the RA-1 zone. (*Staff: PL*) (*Applicant's Presentation: 10 minutes*) (***Must close by 5/19/2009***) (*Maximum extension available to 7/23/2009*) (*Continued from the 4/14/2009 meeting*) (*Seated: Donald Heller, Raymond Heimbuch, Richard Maitland, Paul Marchese and Frank Farricker*) (*Page Number: 119*)

Seated: Farricker, Heimbuch, Maitland, Avellino (*for Marchese*), Brooks (*for Heller*)

Application Left Open

6. **Pascarella Mason Street LLC**; applications FSP #3826 and SP #3863 for a final site plan and special permit to convert 1,149 sq. ft. of storage area in the building penthouse to a fitness center for use by tenants only on a 29,545 sq. ft. property located at 165 Mason Street in the CGB zone. *(Staff: DF) (Applicant's Presentation: 10 minutes) (Must close by 5/19/2009) (Maximum extension available to 7/23/2009) (Continued from the 4/14/2009 meeting) (Seated: Donald Heller, Raymond Heimbuch, Richard Maitland, Paul Marchese and Frank Farricker) (Page Number: 164)*

Application converted to a preliminary site plan
Motion to move to final site plan with modifications
Moved by Maitland, seconded by Heimbuch
Voting in favor: Farricker, Heimbuch, Maitland, Avellino *(for Marchese)*,
and Brooks *(for Heller)*
5-0
No action on special permit

7. **Restaurant Saito**; application AM #09-0010 to amend Section 6-194 of the Building Zone Regulations regarding the locations of alcoholic establishments to read as follows: **(Words in Bold to be added)**:

(b) Every part of the location of such use in a building in which alcoholic beverages are consumed on the premises shall be (1,000) feet from any other location of such use in a building where alcoholic beverages are consumed on the premises under any class of permit as defined by the Liquor Control Act, except for **wine and beer or** package store or grocery/beer permits.

(c) In the CGBR zone, the distance shall be at least four hundred (400) feet distant from any other location of such use in a building where alcoholic beverages are consumed on the premises under any class of permit except for **wine and beer or** package store or grocery/beer permits. Public areas of a tavern or restaurant selling alcoholic beverages under any permit as defined by the Liquor Control Act in the CGBR and CGIO zones are restricted to the ground floor of the building.

(Staff: CT) (Applicant's Presentation: 10 minutes) (Must open by 6/18/2009) (Maximum extension available to 8/22/2009) (Page Number: 182)

Application Left Open

8. **Round Hill Community Church, Inc.;** applications FSP #3881 and SP #3882 for a final site plan and special permit to add a 900 sq. ft. addition to the Church in order to create office space and handicap accessibility, a 300 sq. ft. addition to Church as well to create a waiting room, and a 2,321 sq. ft. addition to the Community House, also various site improvements including parking, driveway and courtyard modifications on a 12.033 acre property located at 395 Round Hill Road in the RA-4 zone. *(Staff: CT) (Applicant's Presentation: 10 minutes) (Must open by 7/2/2009) (Maximum extension available to 9/5/2009) (Page Number: 195)*

Motion to approve final site plan and special permit with modifications
Moved by Maitland, seconded by Heimbuch
Voting in favor: Farricker, Heimbuch, Maitland, Avellino *(for Marchese)*,
and Brooks *(for Heller)*
5-0

9. **Heidi Smith;** applications FSP #3860-C and SP #3861-C for a final coastal site plan and special permit to construct a pool pavilion, walks and terraces, and enclose a screened in porch to increase the floor area to 11,637 square feet where the structure is over 150,000 cubic feet in volume on a 3.5 acre property located at 15 Field Point Circle in the RA-2 zone. *(Staff: KB) (Applicant's Presentation: 10 minutes) (Must close by 6/2/2009) (Maximum extension available to 8/6/2009) (Continued from the 4/28/2009 meeting) (Seated: Donald Heller, Raymond Heimbuch, Richard Maitland, Paul Marchese and Frank Farricker) (Page Number: 273)*

Application Postponed by Applicant

REGULAR MEETING CONTINUED

10. DISCUSSION ITEMS:

- 1) Proposed Development of a Stealth Tower (flagpole) Telecommunication Facility at 328 Palmer Hill Road. *(Page Number: 296)*

Commission feels that a site plan and special permit needs to be submitted by applicant.

- 2) **469 West Putnam Avenue** - New England Oil - Applications FSP #3299 and SP #2580 and SP #2581 - Discussion regarding the replacement of a Town wall that fell down during the construction of the new retail and office building at 469 West Putnam Avenue. *(Page Number: 301)*

Commission approved the replacement of the wall in the same location subject to Department of Public Works, and submission of a hold harmless agreement.

11. DECISION ITEMS:

- a) **2009 Plan of Conservation and Development;** on the final revised draft dated May 6, 2009.

Motion to approve the 2009 Plan of Conservation and Development
Moved by Maitland, seconded by Heimbuch
Voting in favor: Heller (telephonically), Farricker, Heimbuch, Maitland,
and Avellino (*for Marchese*)
5-0
See attached Resolution

- b) **One Glenville Street;** application SP #3845 for a **SPECIAL PERMIT ONLY** to demolish the existing building and existing 3-car garage, construct a new building on the same footprint, re-construct existing 2nd accessory structure to provide garage parking spaces, and pave gravel driveway, and rear parking areas on a 9,279 sq. ft. property located 1 Glenville Street in the LBR-2 zone. (*Staff: DF*) (*Must decide by 7/2/2009*) (*Maximum extension granted*) (*Moved to final at the 3/24/2009 meeting*) (*Seated: Heller, Farricker, Heimbuch, Maitland, and Marchese*)

No Action

- c) **Omathaun Limited Partnership;** application SP #3778 for a **SPECIAL PERMIT ONLY** to demolish a 5,712 sq. ft. building and construct a new three-story building containing 11,752 sq. ft. comprising 1,800 sq. ft. of office space, 4,862 sq. ft. of retail space, and 3,887 sq. ft. of residential spread among three dwelling units and 9 parking spaces on a 6,550 sq. ft. property located at 376-380 Greenwich Avenue in the CGBR zone. (*Staff: MK*) (*Must decide by 6/29/2009*) (*Maximum extension granted*) (*Moved to final at the 3/10/2009 meeting*) (*Seated: Heller, Farricker, Heimbuch, Maitland, and Marchese*)

No Action

- d) **Robert Dietrich Family Limited Partnership;** applications SP #3820 for a **SPECIAL PERMIT ONLY** to construct a new 10,388 sq. ft. building containing two floors of retail and a third floor for two two-bedroom apartments and an actualization of an equal area exchange of 437 square feet that was approved by the RTM in June 1987 on a 3,693 sq. ft. property located at 415-417 Greenwich Avenue in the CGBR zone. (*Staff: MK*) (*Must decide by 7/23/2009*) (*Maximum extension granted*) (*Moved to final at the 4/14/2009 meeting*) (*Seated: Heller, Farricker, Heimbuch, Marchese and Maitland*)

No Action

- e) **LuDor Corporation & Chase Branch Bank, Lessee;** applications SP #3814-C for a **SPECIAL PERMIT ONLY** to demolish an existing

restaurant of 2,762 sq. ft. and maintain a Dunkin Donuts/Baskin Robbins of 2,012 sq. ft. and construct a new bank of 2,702 sq. ft. with drive-thru facilities and 40 parking spaces and associated site improvements on a 35,115 sq. ft. property located at 371 East Putnam Avenue in the LB zone. (Staff: KB) (Must decide by 5/28/2009) (Maximum extension available to 7/2/2009) (Moved to final at the 4/14/2009 meeting) (Seated: Heller, Farricker, Heimbuch, Alban for Marchese, and Brooks for Maitland)

No Action

- f) **Greenwich Council Boy Scouts of America;** application SP #3803 for a **SPECIAL PERMIT ONLY** to construct a 43+/- feet tall climbing tower and associated 29+/- sq. ft. shed and seating area on a 158 acre property located at 411 Riversville Road in the RA-4 zone. (Staff: PL) (Must decide by 6/18/2009) (Maximum extension granted) (Moved to final at the 3/10/09 meeting) (Seated: Heller, Farricker, Heimbuch, Maitland, and Marchese)

No Action

12. **APPROVAL OF MINUTES:**

April 28, 2009

Motion to approve minutes of April 28, 2009

Moved by Heimbuch, seconded by Farricker

Voting in favor: Farricker, Heimbuch, Maitland, Avellino (for Marchese), and Brooks (for Heller)

13. **OTHER:**

- a. Executive Session on pending litigation or personnel matters. - None
- b. Other items as may properly come before the Commission. - None