

**TOWN OF GREENWICH
PLANNING AND ZONING COMMISSION
Town Hall Meeting Room
101 Field Point Road, Greenwich, CT
May 26, 2009
ACTION AGENDA
WITH DECISIONS**

Regular Members Present and Seated: Donald Heller, Frank Farricker, Raymond Heimbuch, Richard Maitland, and Paul Marchese

Alternate Members Present: Margarita Alban, and Frederic Brooks (present until 10:21 p.m.)

Alternate Member Absent: Ellen Avellino

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. **Holly Hill Lane, adjacent to 644 West Putnam Avenue;** application MI #572 for a municipal improvement for the sale of a 4,083 sq. ft. portion of Town-owned right-of-way along Holly Hill Lane to 644 West Putnam Avenue Associates, LLC (Staff: DF) (Applicant's Presentation: 5 minutes) (Must decide by 6/12/2009) (Maximum extension available to 9/10/2009) (Page Number: 9)

Motion to approve municipal improvement

Moved by Maitland, seconded by Heimbuch

Voting in favor: Heller, Farricker, Heimbuch, Maitland, and Marchese
5-0

2. **Lolita Cucina and Tequila Bar - 228-230 Mill Street** – FSP #3912 (revision to FSP #1489) for a request to add a patron bar to the floor plans, change in number of seats and entrance access layout and hours of operation for seasonal outdoor dining on property at 228-230 Mill Street in the LBR-HO zone. (Staff: DF) (Applicant's Presentation: 10 minutes) (Must decide by 7/30/2009) (Maximum extension available to 10/3/2009) (Page Number: 16)

Motion to approve final site plan with modifications

Moved by Farricker, seconded by Heimbuch

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

5-0

3. **Michael Rivers and Shirlynn Powell;** application FSP #3893 for a final site plan to demolish the existing dwelling and rebuild a new single family dwelling with attached garage, new driveway, and stormwater collection/retention system on a 11,578 sq. ft. property located at 9 Game Cock Road in the R-12 zone. *(Staff: KB) (Applicant's Presentation: 10 minutes) (Must decide by 7/10/2009) (Maximum extension available to 9/13/2009) (Page Number: 58)*

Motion to approve final site plan with modifications

Moved by Maitland, seconded by Marchese

Voting in favor: Heller, Farricker, Heimbuch, Maitland, and Marchese
5-0

4. **Trilogy;** application FSP #3883 for a final site plan to interpret Section 6-100.1 to allow for 30 office seats where 19 are permitted, under the existing interpretation of Section 6-100.1, for 14 employees in a 4,707 square foot lease space for office on a 1.155 acre property in the GBO zone property located at 33 Benedict Place in the GBO zone. *(Staff: KB) (Applicant's Presentation: 10 minutes) (Must decide by 7/2/2009) (Maximum extension available to 9/5/2009) (Page Number: 134)*

Application Left Open

5. **Nippowin Lane, LLC;** application FSB #1966-C for a final coastal two-lot subdivision to create Lot 1 of 2.002 acres and Lot 2 of 4.371 acres and an open space parcel of 1.127 acres (15.03% of the original parcel size) of a 7.8+ property located at 531 Indian Field Road in the RA-2 zone. *(Staff: KB) (Applicant's Presentation: 10 minutes) (Must decide by 6/8/2009) (Maximum extension available to 8/7/2009) (Page Number: 144)*

Motion to approve final coastal subdivision with modifications

Moved by Maitland, seconded by Heimbuch

Voting in favor: Heller, Farricker, Heimbuch, Maitland, and Marchese
5-0

PUBLIC HEARING 7:30 PM

6. **Nippowin Lane LLC;** applications FSP #3874-C and SP #3875-C for a final coastal site plan and special permit to construct a 13,303 sq. ft. single-family residence to exceed 150,000 cubic feet in volume on Lot 2 (pursuant to pending application FSB #1966-C) on a lot proposed as 4.371 acres located at 531 Indian Field Road in the RA-2 zone. *(Staff: KB) (Applicant's Presentation: 10 minutes) (Must open by 6/18/2009) (Maximum extension available to 8/22/2009) (Page Number: 220)*

Motion to approve final coastal site plan and special permit with modifications

Moved by Maitland, seconded by Heimbuch

Voting in favor: Heller, Farricker, Heimbuch, Maitland, and Marchese
5-0

7. **Greenwich Council Boy Scouts of America;** applications FSP #3894 and SP #3895 for a final site plan and special permit to demolish an existing 660 sq. ft. multipurpose building and construct a new 2,911 sq. ft. replacement structure on a 157.7801 acre property located at 411 Riversville Road in the RA-4 zone. *(Staff: PL) (Applicant's Presentation: 15 minutes) (Must open by 7/10/2009) (Maximum extension available to 9/13/2009) (Page Number: 333)*

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

8. **GRC Realty Corporation and Dryland Steamboat Road, LLC;** applications FSP #3872-C and SP #3873-C for a final coastal site plan and special permit to install new windows, new green rooftop garden, consolidate mechanical equipment, create a single central entrance lobby, upgrade the public access walkway to connect with the Delamar Hotel, new curb cut and vehicular drop-off area in place of the pedestrian plaza area, and amend the parking to include handicapped spaces on a 4.2 acre property located at 600 Steamboat Road in the WB zone. *(Staff: PL) (Applicant's Presentation: 10 minutes) (Must open by 6/18/2009) (Maximum extension available to 8/22/2009) (Page Number: 364)*

Application Left Open
Full Extension Granted to September 3, 2009

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: 412)*

Motion to approve final coastal site plan and special permit with modifications
Moved by Maitland, seconded by Heimbuch
Voting in favor: Heller, Farricker, Heimbuch, Maitland, and Marchese
5-0

REGULAR MEETING CONTINUED

10. **Request for Commission determination to suspend the requirement to file the mylar within 90-days** because, as stated by the applicant in a letter dated 03/10/09 to Ms. Katie Blankley, Deputy Director of Planning and Zoning, "The site plan approval (FSP #3766) has been appealed... and the 3-year period in which Stanwich School must start construction is suspended while the appeal is pending. Because, by virtue of the Commission's decision in FSB #1777, the open space designation is tied to the site plan approval, it is the applicant's view that the 90-day requirement for filing the re-subdivision map is likewise suspended until the site plan appeal has been determined," for the application of Bruce F. Cohen, authorized agent, for record owners, The Stanwich School, Inc., (Lot A-2, Map 8042 GLR) (Owner/Applicant), and Greenwich Reform Synagogue, Inc., (Lot B, Map 6787 GLR) (Owner/Applicant), for a final re-subdivision FRSB #1963, approved with modifications at the 1/6/09 meeting to consolidate a 25+/- acre property of The Stanwich School (Lot A-2, GLR Map #8042), and a 11.5 acre property of the Greenwich Reform Synagogue Inc. (Lot B, GLR Map #6787), to create a single 37+/- acre property, and to establish an open space set-aside pursuant to conditions of Final Subdivision #1777 on The Stanwich School, Inc.'s property, comprised of a 4.8318 acre conservation area, a 4.4996 acre conservation easement area per Section 6-261 of the Town Of Greenwich Subdivision Regulations on properties located at 257 Stanwich Road in the RA-2 zone as shown on a re-subdivision map prepared by Rocco V. D'Andrea last dated 11/21/08. *(Staff: KB) (Applicant's Presentation: 10 minutes) (Must decide by 7/5/2009) (Maximum extension available to 7/5/2009) (Page Numbe: 461)*

Postponed by Applicant to the June 9, 2009 Meeting

11. **Marc P. and Marilyn Andersen;** application PSP #3902-C for a preliminary coastal site plan to demolish the existing dwelling, tree house and driveway and construct a new single family dwelling with new driveway with two curb cuts, on a 31,748 sq. ft. property located at 19 Meadow Place in the R-12 zone. *(Staff: MK) (Applicant's Presentation: 10 minutes) (Must decide by 7/16/2009) (Maximum extension available to 9/19/2009) (Page Number: 467)*

Motion to move to final coastal site plan with modifications

Moved by Maitland, seconded by Heimbuch

Voting in favor: Heller, Farricker, Heimbuch, Maitland, and Marchese
5-0

12. **Old Mill Properties;** application PSB #1965 for a preliminary subdivision to create two lots where Lot No.1 known 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 7/24/2009*) (*Maximum extension available to 7/24/2009*) (*Continued from the 4/28/2009 and 5/12/2009 meetings*) (*Seated: Donald Heller, Raymond Heimbuch, Richard Maitland, Paul Marchese and Frank Farricker (Fred Brooks seated for Don Heller and Ellen Avellino seated for Paul Marchese at the 5/12/2009 meeting)*) (*Page Number: 524*)

Motion to move to final subdivision with modifications

Moved by Maitland, seconded by Farricker

Voting in favor: Heller, Farricker, Heimbuch, Maitland, and Marchese
5-0

13. **DISCUSSION ITEMS:**

14. **DECISION ITEMS:**

- a. **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*) (*Heard at the 3/24/2009 meeting*) (*Seated: Heller, Farricker, Heimbuch, Maitland, and Marchese*)

No Action

- b. **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*) (*Heard at the 3/10/2009 meeting*) (*Seated: Heller, Farricker, Heimbuch, Maitland, and Marchese*)

No Action

- c. **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) (Heard at the 4/14/2009 meeting) (Seated: Heller, Farricker, Heimbuch, Marchese and Maitland)*

No Action

- d. **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 6/27/2009) (Maximum extension available to 7/2/2009) (Heard at the 4/14/2009 meeting) (Seated: Heller, Farricker, Heimbuch, Alban for Marchese, and Brooks for Maitland)*

30-day Extension Granted to June 27, 2009

- e. **Pascarella Mason Street LLC;** applications SP #3863 for a **SPECIAL PERMIT ONLY** 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 decide by 7/16/2009) (Maximum extension available to 7/23/2009) (Heard at the 4/14/2009 meeting) (Seated: Donald Heller, Raymond Heimbuch, Richard Maitland, Paul Marchese and Frank Farricker)*

No Action

- f. **221 Round Hill Road, LLC;** applications SP #3865 for a **SPECIAL PERMIT ONLY** to construct a new single family house with guest cottage and indoor swimming pool totaling 16,968 square feet in excess of 150,000 cubic feet in volume, relocate the existing septic system, maintain existing driveway, and maintain the existing barn on site on a 19.856 acre property located at 221 Round Hill Road in the RA-2 zone. *(Staff: MK) (Applicant's Presentation: 10 minutes) (Must decide by 7/10/2009) (Maximum extension available to 9/13/2009) (Heard at the 4/14/2009 meeting) (Seated: Heller, Farricker, Heimbuch, and Maitland (Alban seated for Marchese)*

No Action

15. **APPROVAL OF MINUTES:**

May 6, 2009
May 12, 2009

Motion to approve minutes of May 6th and May 12th, 2009
Moved by Heimbuch, seconded by Farricker
Voting in favor: Heller, Farricker, Heimbuch, Maitland, and Marchese
5-0

16. **OTHER:**

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

**APPLICATIONS HEARD PREVIOUSLY THAT WILL BE HEARD ON
SUBSEQUENT MEETINGS**

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 6/10/2009*) (*Maximum extension available to 7/23/2009*) (*Continued from the 4/14/2009 and 5/12/2009 meetings*) (*Seated at the 4/14/2009 meeting: Donald Heller, Raymond Heimbuch, Richard Maitland, Paul Marchese and Frank Farricker*), (*Seated at the 5/12/2009 meeting: Fred Brooks (for Donald Heller), Raymond Heimbuch, Richard Maitland, Ellen Avellino (for Paul Marchese) and Frank Farricker*)

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 close by 6/16/2009*) (*Maximum extension available to 8/22/2009*) (*Continued from the 5/12/2009 meeting: Fred Brooks (for Donald Heller), Raymond Heimbuch, Richard Maitland, Ellen Avellino (for Paul Marchese) and Frank Farricker*)

