

TENTATIVE AGENDA

FINAL AGENDA

ACTION AGENDA

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

**June 9, 2009
ACTION AGENDA
WITH DECISIONS**

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

Regular Member Absent: Paul Marchese

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

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. **KPG Greenwich, LLC – Yoga Studio;** application FSP #3905-C for a final coastal site plan to designate the yoga studio use as a "school" instead of private social club as approved under FSP #3800, to correctly reflect the contemplated operation of the facility on a 12,871 sq. ft. property located at 59 Davenport Avenue in the GB zone. (*Staff: CT*) (*Applicant's Presentation: 10 minutes*) (*Must decide by 7/16/2009*) (*Maximum extension available to 9/19/2009*) (*Page Number: 8*)

Application Left Open

2. **The Greenwich Academy, Inc.;** application FSB #1969 for a final subdivision to consolidate the Main Campus of 32.45 acres and 2 Patterson Avenue of 0.586 acres on a 33.04 acre property located at 200 North Maple Avenue and 2 Patterson Avenue in the RA-1 and R-20 zones. (*Staff: DF*) (*Applicant's Presentation: 10 minutes*) (*Must decide by 7/7/2009*) (*Maximum extension available to 9/5/2009*) (*Page Number: 43*)

Motion to find not a subdivision or re-subdivision

Moved by Maitland, seconded by Heimbuch

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

5-0

3. **LITM LLC and Sheila Mossman;** application FSB #1967 for a final two-lot subdivision for an equal area exchange of 405 square feet between 11 Laurel Lane of 2.1431 acres and 17 Laurel Lane of 1.3208 acres located at 11 and 17 Laurel Lane in the RA-2 zone. *(Staff: MK) (Applicant's Presentation: 5 minutes) (Must decide by 7/7/2009) (Maximum extension available to 9/5/2009) (Page Number: 59)*

Motion to find not a subdivision or re-subdivision

Moved by Heimbuch, seconded by Farricker

Voting in favor: Heller, Farricker, Heimbuch, Maitland, and Alban *(for 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)(Continued from the 5/26/2009 meeting)(Seated: Donald Heller, Frank Farricker, Raymond Heimbuch, Richard Maitland and Paul Marchese) (Must decide by 7/2/2009) (Maximum extension available to 9/5/2009) (Page Number: 80)*

Motion to approve final site plan

Moved by Farricker, seconded by Maitland

Voting in favor: None

Voting against: Heller, Farricker, Heimbuch, Maitland, and Alban *(for Marchese)*

0-5

Motion to deny final site plan

Moved by Farricker, seconded by Maitland

Voting in favor of denial: Heller, Farricker, Heimbuch, Maitland, and Alban *(for Marchese)*

5-0

Application is denied

5. **North Mianus School Parking Expansion;** applications FSP #3909 and MI #0573 for a final site plan and municipal improvement for the reconstruction and expansion of a 39 space parking lot to 104 spaces, addition of a bus queuing lane, construction of sidewalks consistent with ADA requirements and associated drainage on a 9.53 acre property located at 309 Palmer Hill Road in the R-12 zone. *(Staff: DF) (Applicant's Presentation: 10 minutes) (Must decide site plan by 7/30/2009 and MI by 6/17/2009) (Maximum extension available to 10/3/2009 for the site plan and 9/15/2009 for the municipal improvement) (Page Number: 98)*

Application Left Open – Extension Granted on Municipal Improvement for 90 days

PUBLIC HEARING 7:30 PM

6. **Fred N. Durante, Jr. and T-Mobile;** application FSP-TELE #3921 to construct an 80 feet flagpole structure with antennas concealed within and a 1,064 sq. ft. ground lease area for the associated ground equipment per Section 140.1 of the Building Zone Regulations and Section 16-50(l)(e) of the Connecticut General Statutes on a 0.9 acre property located at 328 Palmer Hill Road in the LBR-1 and R-12 zone. *(Staff: KB) (Applicant's Presentation: 10 minutes) (Must decide by 6/30/2009) (No extension available) (Page Number: 137)*

Application Left Open

7. **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 6/25/2009) (Maximum extension available to 7/23/2009) (Continued from the 4/14/2009 & 5/12/2009 meetings) (Seated: Donald Heller, Raymond Heimbuch, Richard Maitland, Paul Marchese and Fred Brooks (for Frank Farricker - recused) (Ellen Avellino - recused) (Page Number: 215)*

Motion to move to final site plan

Moved by Heimbuch, seconded by Brooks

Voting in favor: Heller, and Brooks *(for Farricker)*

Voting against: Heimbuch, Maitland, and Alban *(for Marchese)*

2-3

Motion to deny preliminary site plan and special permit

Moved by Maitland, seconded by Heimbuch

Voting in favor of denial: Heimbuch, Maitland, and Alban *(for Marchese)*

Voting against: Heller, and Brooks *(for Farricker)*

3-2

Application is denied

8. **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*) (*Page Number: 304*)

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

9. **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 **restaurants with wine and beer permits located in the GB Zone** or package store or grocery/beer permits. (*Staff: CT*) (*Applicant's Presentation: 10 minutes*) (*Must close by 6/16/2009*) (*Maximum extension available to 8/20/2009*) (*Continued from the 5/12/2009 meeting: Fred Brooks (for Donald Heller), Raymond Heimbuch, Richard Maitland, Ellen Avellino (for Paul Marchese) and Frank Farricker*) (*Page Number: 360*)

Motion to approve amendment to the Building Zone Regulations
Moved by Farricker, seconded by Heimbuch
Voting in favor: Heller, Farricker, Heimbuch, Maitland, and Alban (*for 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 granted to 7/5/2009) (Page Number: 370)*

Request Left Open

11. **DISCUSSION ITEMS:**

- a) FSB #1927 – 47 John Street; Correction to clerical error for Map #8334 filed on the Greenwich Land Records

Commission accepted need for corrected map and will file revised map on Land Records.

12. **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)

No Action

- 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

13. **APPROVAL OF MINUTES:**

May 26, 2009

Motion to approve minutes of May 26, 2009
Moved by Heimbuch, seconded by Farricker
Voting in favor: Heller, Farricker, Heimbuch, Maitland, and Alban (*for Marchese*)
5-0

14. **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**

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)(Continued from the 5/26/2009 meeting)(Seated: Don Heller, Frank Farricker, Raymond Heimbuch, Richard Maitland, Paul Marchese) (Must close by 9/3/2009) (Maximum extension granted)