

TENTATIVE AGENDA

FINAL AGENDA

ACTION AGENDA

**TOWN OF GREENWICH
PLANNING AND ZONING COMMISSION
Town Hall Meeting Room
101 Field Point Road, Greenwich, CT
June 23, 2009
ACTION AGENDA
WITH DECISIONS**

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

Regular Member Absent: Donald Heller

Alternate Members Present: Margarita Alban, and Frederic Brooks

Alternate Member Absent: Ellen Avellino

Staff Members Present: Katie Blankley, Deputy Director Planning and Zoning/Assistant Town Planner, and Patrick LaRow, Senior Planner

Staff Member Absent: Diane W. Fox

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*) (*Continued from the 6/9/09 meeting*) (*Seated: Heller, Farricker, Maitland, Heimbuch, and Alban (for Marchese)*) (*Page Number: 9*)

Application Postponed by Applicant

2. **Patrick D. Coleman;** application FSP #3917-C for a final coastal site plan to demolish an existing dwelling and construct a new 4,290 sq. ft. house with associated drainage and detention for stormwater on a 13,650 sq. ft. property located at 27 Grimes Road in the R-12 zone. (*Staff: PL*) (*Applicant's Presentation: 15 minutes*) (*Must decide by 7/30/2009*) (*Maximum extension available to 10/3/2009*)(*Seated: Farricker, Heimbuch, Maitland, Marchese, and Alban (for Heller)*) (*Page Number: 94*)

Application Left Open

3. **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: 5 minutes) (Must decide by 7/5/2009) (Maximum extension granted to 7/5/2009) (Page Number: 130)*

Motion to approve the filing of a mylar showing the open space setside pursuant to FSB #1777

Moved by Maitland, seconded by Heimbuch

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

PUBLIC HEARING 7:30 PM

4. **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: 136)*

Motion to approve sending recommendations to The Connecticut Siting Council

Moved by Farricker, seconded by Heimbuch
Voting in favor: Farricker, Heimbuch, Maitland, and Alban
4-0

5. **221 Round Hill Road, LLC;** applications FSP #3924 and SP #3865 for a final site plan and special permit to construct a new single family house, an accessory structure for domestic employees and indoor swimming pool, relocate existing septic system, maintain existing driveway and existing barn totaling 17,449 square feet in excess of 150,000 cubic feet in volume 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 10/17/2009) (Page Number: 218)*

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

6. **Rutherford R. Romaine;** applications FSP #3907-C and SP #3908-C for a final coastal site plan and special permit to construct a new single family residence, indoor swimming pool, outdoor swimming pool, new drive and associated drainage improvements totaling 17,976 square feet in excess of 150,000 cubic feet in volume on a 4 acre property located at 137 Meadow Road in the RA-1 zone. *(Staff: KB) (Applicant's Presentation: 10 minutes) (Must open by 7/16/2009) (Maximum extension available to 9/19/2009)(Seated: Farricker, Heimbuch, Maitland, Marchese, and Alban)(Page Number: 255)*

Application Left Open

7. **Robert J. McCreary;** application FRSB #1968 for a final re-subdivision to consolidate 16 Thunder Mountain Road of 2.109 acres (1.887 acres minus deducted area) and 20 Thunder Mountain Road of 2.774 acres (2.586 acres minus access strip) to create one lot of 4.883 acres (4.661 acres excluding deficiency) on properties located at 16 and 20 Thunder Mountain Road in the RA-2 zone. *(Staff: CT) (Applicant's Presentation: 10 minutes) (Must open by 7/7/2009) (Maximum extension available to 9/5/2009) (Page Number: 312)*

Motion to approve the final re-subdivision with modifications
Moved by Maitland, seconded by Heimbuch
Voting in favor: Farricker, Heimbuch, Maitland, Marchese, and Alban
5-0

8. **315 Milbank Properties, LLC;** applications PSP #3922 and SP #3923 for a preliminary site plan and special permit for a change of use from a new car

dealership and service center to retail and/or office building and a reduction in floor area from 18,396 to 12,629 square feet and an increase in parking from 20 to 40 spaces with 2 handicap spaces on a 44,706 sq. ft. property located at 315 Milbank Avenue in the CGB zone. *(Staff: PL) (Applicant's Presentation: 15 minutes) (Must open by 7/30/2009) (Maximum extension available to 10/3/2009) (Page Number: 329)*

Application Postponed by Applicant

9. **Margaret L. Seo and Julian McQuiston;** application RZ #09-18 for a re-zoning to clarify, confirm and/or correct the Zoning Designation for 17 Tomahawk Lane as well as 15 Tomahawk Lane and 30 Rustic View Road to be wholly within the RA-1 zone as opposed to the RA-1 and RA-2 zoning, as shown on a map on file in the Town Clerk's office on a +/-1.12 acre property located at 17 Tomahawk Lane, a +/-1.75 acre property located at 30 Rustic View Road and a +/-1.66 acre property located at 15 Tomahawk Lane in the RA-1 and RA-2 zones. *(Staff: DF) (Applicant's Presentation: 15 minutes) (Must open by 7/30/2009) (Maximum extension available to 10/3/2009) (Page Number: 360)*

Motion to approve re-zoning
Moved by Maitland, seconded by Marchese
Voting in favor: Farricker, Heimbuch, Maitland, Marchese, and Alban
5-0

REGULAR MEETING CONTINUED

10. **DISCUSSION ITEMS:**
- a) Request for correction on condition in the 2003 decision letter for the Columns Building (North Castle Partners, LLC); application FSP #2384 at 183 East Putnam Avenue that states, the Planning and Zoning Commission shall review any new tenant approved for the building. *(Page Number: 396)*

Motion to approve clarification that the Planning & Zoning Commission shall review any change that,

- a) changes the existing permitted use of office, or
- b) that requires additional parking, such as increase in employees, shall require Planning & Zoning Commission review and approval

Moved by Heimbuch, seconded by Marchese
Voting in favor: Farricker, Heimbuch, Maitland, Marchese, and Alban
5-0

- b) FSP #3874-C and SP #3875-C, Nippowin Lane LLC – for a change of language to the decision letter dated June 9, 2009 regarding condition 4a to read as follows: “With the exception of landscaping, all work within the four (4) areas of interest identified by Ernest A. Wiegand, Consultant in Archaeology will be monitored by a professional archaeologist so that any significant archaeological features can be properly excavated.” (*Page Number: 417*)

Motion to approve modified language with the addition of “Any trees slated for removal should not be stumped”

Moved by Farricker, seconded by Heimbuch

Voting in favor: Farricker, Heimbuch, Maitland, Marchese, and Alban

5-0

11. **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*)

Withdrawn

- b. **Omthaum 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*)

Withdrawn

- 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)*

Special Permit is a must decide by 8/1/2009
Full Extension Granted

- 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

12. **APPROVAL OF MINUTES:**

June 9, 2009

Motion to approve minutes of June 9, 2009
Moved by Heimbuch, seconded by Maitland
Voting in favor: Farricker, Heimbuch, Maitland, Marchese, and Alban
5-0

13. **OTHER:**

- a. Executive Session on pending litigation or personnel matters.
- b. Other items as may properly come before the Commission.

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)*

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 9/15/2009) (Maximum extension available to 10/3/2009 for the site plan and no extension available for the municipal improvement)*

FSP #3909 and MI #0573 to be heard at the July 7, 2009 meeting