

KATIE DELUCA, AICP
DIRECTOR PLANNING AND ZONING/ZONING
ENFORCEMENT COORDINATOR/TOWN PLANNER



PATRICK LAROW, AICP, Acting Deputy Director
Planning and Zoning/Assistant Town Planner

CINDY TYMINSKI, AICP, Planner II

MAREK KOZIKOWSKI, AICP, Planner I

MARISA ANASTASIO, Applications Coordinator

PLANNING AND ZONING - LAND USE DEPARTMENT

CERTIFIED MAIL

December 9, 2014

Thomas J. Heagney, Esquire
248 Greenwich Avenue
Greenwich, CT 06830

RESOLVED the applications of Thomas J. Heagney, Esq., authorized agent, for Greenwich Reform Synagogue, record owners, for a final site plan and special permit, PLPZ 2014 00608 and PLPZ 2014 00610 to demolish an existing house and garage and construct a new 12,262 sq. ft. synagogue with parking, drives and storm water drainage per Sections 6-13 through 6-15, 6-17, 6-94(b), 6-101, 6-158, and 6-205 of the Town of Greenwich Building Zone Regulations on a 1.77 acre property located at 92 Orchard Street in the R-12 zone as shown on a site plan prepared by Rocco V. D'Andrea, Inc., last revised 10/14/14 and architectural plans prepared by Mark B. Thompson Associates, LLC, last revised 09/23/14.

Dear Mr. Heagney:

At a regular meeting held on November 25, 2014, the Planning and Zoning Commission considered the above referenced application and took the following action:

Upon a motion to approve the final site plan and special permit with modifications made by Mr. Maitland and seconded by Mrs. Alban, the following resolution was unanimously adopted. (Voting on this item: Heller, Maitland, Alban, Ramer (for Brooks who recused), and Levy); and

Whereas the Commission held a public hearing on 11/25/14 and took all testimony required by law; and

Whereas the applicant requested a final site plan and special permit approval to demolish an existing house and garage and construct a new 12,262 square foot synagogue with associated classrooms, offices, sanctuary, social hall, parking and storm water drainage per Sections 6-13 through 6-15, 6-17, 6-94(b), 6-101, 6-158, and 6-205 of the Town of Greenwich Building Zone Regulations on a 1.7709 acre property located at 92 Orchard Street in the R-12 zone; and

Whereas the subject parcel is located on the west side of Orchard Street in a developed R-12 neighborhood, approximately 300 feet north of the intersection of Valleywood Road and Orchard Street. The surrounding uses in the area are predominantly residential however, around the corner on Indian Rock Lane there is also Central Middle School and the Greenwich Baptist Church. A Town park (Pomerance Park) is also located on Orchard Street; and

Whereas the Commission notes that the application was reviewed preliminarily by the Commission through the public hearing process and the main changes to the proposal since the preliminary findings by the Commission, as outlined in a letter of decision dated June 17, 2014, include the following:

1. Increase number of parking spaces from 46 including 2 handicap spaces to 52 parking spaces including 2 handicap spaces;
2. Shift the driveway from the southern portion of the property to the northern portion of the property;
3. Reduce the volume of the proposed building by approximately 2100 cubic feet from the architectural plans dated April 22, 2014;
4. Add five additional shade trees between Orchard Street and the proposed building; and

Whereas the Commission further notes that one of the requirements of a final submission was that the applicant obtain special exception approval from the Zoning Board of Appeals (ZBA), pursuant to Section 6-94. The ZBA held a meeting on June 11, 2014, and a motion to approve the Synagogue's special exception received two votes in favor, two votes against and one abstention, and thus the special exception application was deemed denied; and

Whereas the Commission further notes that on July 7, 2014, the Synagogue filed a complaint against the Greenwich Parties in the United States District Court for the District of Connecticut., Case No. 3:14-cv-00975 (JCH), asserting claims under 42 U.S.C. § 1983, the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc et seq., and Connecticut's Religious Freedom Act, Conn. Gen. Stat. § 52-571b, and appealing the ZBA's decision pursuant to Connecticut General Statutes § 8-8. On October 2, 2014, the ZBA and the Greenwich Board of Selectman voted to approve a Settlement Agreement pursuant to the terms of the Settlement Agreement and these agreements were accepted by Judge Janet Hall at the Federal Court in New Haven on November 24, 2014; and

Whereas the first floor will comprise 7,431 square feet of the building and will include three offices, conference rooms, restrooms, storage and mechanical rooms, and a warming kitchen. It also includes a 138-seat sanctuary and a Social Hall; and

Whereas the floor area of the Sanctuary and the Social Hall together comprise 3,836 square feet, which approximately half is dedicated to the Sanctuary; and

Whereas the Commission finds that the Social Hall shall not be used in tandem with the Sanctuary; and

Whereas the second floor is proposed as 3,451 square feet and includes 4 classrooms, and a library/classroom, additional restrooms and the remainder of the space will be open to the social hall and the sanctuary below. The half story will comprise 1,380 square feet and is shown as an unfinished mechanical room; and

Whereas the Commission finds that the building complies with the R-12 zoning requirements for height, stories, setbacks, FAR, and green area; and

Whereas the proposed floor area is 12,262 square feet where 24,299 sq. ft. is permitted; and

Whereas the proposed site plan locates the synagogue building in the westerly portion of the site with the parking facilities the driveway has been shifted away from the southerly property line. The proposed plantings shall be sufficient to screen lights from cars leaving the parking lot; and

Whereas there are 50 parking spaces and 2 handicap spaces provided for the Synagogue, which the Commission finds complies with Section 6-158; and

Whereas Section 6-158 requires Places of Worship to have 1 parking space per every 3 seats ($138/3 = 46$) and the building comprises a 138 seat sanctuary; and

Whereas the applicant submitted a traffic study and subsequent submissions from Tighe & Bond dated 8/26/14, 3/4/14, and 4/11/14; and

Whereas the Commission notes comments from Beta Group, P&Z Traffic Consultant comments of 1/20/14, 11/12/13, and 5/4/14 that were submitted as part of the preliminary site plan and were incorporated into the record for the final site plan by the applicant; and

Whereas Beta Group reviewed the submitted data on traffic generation and found it to be consistent and not causing a problem to the surrounding areas as further documented in their memo of 11/25/14; and

Whereas the Synagogue has provided written documentation securing off-site locations at the Greenwich Baptist Church, Central Middle School, and the St. Catherine's of Siena Church to handle overflow traffic on high holidays and receptions (bar mitzvah, bat mitzvah, weddings, funerals and the like); and

Whereas Beta Group also reviewed the parking and finds that the arrangements made by the applicant should be sufficient to support parking demand for special events which may exceed the parking provided on site. Further, it was noted that Orchard Street is not wide enough to support on street parking thus making the use of alternate off street locations essential during special events; and

Whereas the applicant has provided a calendar of events for a typical year. The Calendar shows approximately 10 events over the course of the year where the number of people is estimated to be greater than 75; and

Whereas there is no school use or day care proposed on this property; and

Whereas the applicant provided a Drainage Summary Report, prepared by Rocco V. D'Andrea last dated 2/24/14 and a letter outlining the updates dated 10/16/14, both of which were accepted by the Department of Public Works; and

Whereas the proposed stormwater management plan proposes one Structural BMP for the site. This system is a large crushed stone reservoir below the parking areas; and

Whereas the parking areas will comprise permeable interlocking concrete pavers. Runoff that is not infiltrated directly will be captured by Rain Gardens between the parking areas. Driveway and roof runoff will be routed to the reservoir system and distributed by a grid of perforated pipe. A 9" orifice will be installed above the water quality volume storage elevation. The overflow for this system will discharge to the 42" storm drain; and

Whereas the proposal handles rainfall up to the 50-year event, which exceeds the minimum mandates established in the Town Storm Water Drainage Manual; and

Whereas a building and phasing plan prepared by Strategic Building Solutions was provided; and

Whereas a number of trees on site will be removed, however a planting plan, prepared by William Kenny Associates LLC, will seek to replace and improve the vegetation on the property; and

Whereas the applicant has submitted a letter from Leggette, Brashears & Graham, Inc., dated 11/21/13 that addresses whether partial removal of the prominent bedrock ridge for construction of the synagogue building would adversely affect the hydrology of the westerly wetland; and

Whereas the Commission notes that Inland Wetland and Watercourses Agency issued Permit #2014-05 for the proposed work; and

Whereas the applicant provided a letter from Aquarion Water Company stating that the water demands of this use can be handled; and

Whereas the applicant provided a lighting plan; and

Whereas a green roof is proposed and would cover a portion of the rear roof essentially over the mechanical room; and

Whereas the Commission finds that Sections 6-13 through 6-15, 6-17, 6-94(b), 6-101, 6-158, 6-185, 6-192, Division 17, and 6-205 of the Town of Greenwich Building Zone Regulations of the Town Of Greenwich Building Zone Regulations have been met; and

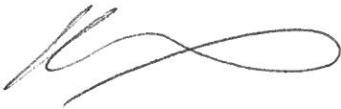
THEREFORE BE IT RESOLVED THAT the applications of Thomas J. Heagney, Esq., authorized agent, for Greenwich Reform Synagogue, record owners, for a final site plan and special permit, PLPZ 2014 00608 and PLPZ 2014 00610 to demolish an existing house and garage and construct a new 12,262 sq. ft. synagogue with parking, drives and storm water drainage per Sections 6-13 through 6-15, 6-17, 6-94(b), 6-101, 6-158, and 6-205 of the Town of Greenwich Building Zone Regulations on a 1.77 acre property located at 92 Orchard Street in the R-12 zone as shown on a site plan prepared by Rocco V. D'Andrea, Inc., last revised 10/14/14 and architectural plans prepared by Mark B. Thompson Associates, LLC, last revised 09/23/14 are hereby approved with modifications.

In order to obtain Zoning Permit Sign-off, the applicant shall make an appointment with Planning and Zoning Staff to submit the following:

- A. Four copies of final engineering plans with the following notes on the plans:
1. No concurrent use of the Sanctuary and Social Hall.
 2. The capacity in the Social Hall should be limited to 138 people.
 3. Pre and post blasting inspections shall include monitoring of radon levels.
 4. Flagman shall be present at the construction entrance to insure sidewalk safety during deliveries of material.
 5. During high holy days, a shuttle bus shall be provided to parking lots at the Greenwich Baptist Church and Central Middle School. Members of the Congregation, other than those who are elderly, will be directed to those parking lots.
 6. The side porch which had as curved canopy roof has been revised to a gabled roof at the suggestion of the Architectural Review Committee.
 7. Several neighbors who have spoken at previous hearings requested no parking along Orchard Street. The Synagogue would support the neighbors' request to the Board of Selectman to install no parking signs on Orchard Street.
 8. The lighting will go off in the parking lot at 10:00 p.m., and it will be on four zones and only the parking zone will be lit as needed and the zones will start at the Synagogue and work out towards Orchard.
 9. The curtains on the windows will be just on the glass surfaces on the south facade and on the north facade and they will close on the use of the light switch going to interior lights at all times of the day.
 10. The noise measures for air-conditioning units, exterior generator and other mechanical units shall conform to the town noise regulation standards.
 11. No day care facilities or nursery schools unless approvals for such uses are obtained,
 12. No halfway houses or homeless shelters,
 13. No permanent exterior loudspeakers,
 14. No outdoor carnivals or fairs,
 15. Leasing of the facility shall be limited to 501c organizations or other established community groups,
 16. Trash pickup shall be after 7:00 a.m. if a dumpster is used on the property,
 17. The Fire Marshal shall confirm compliance with Occupancy Law,
 18. There shall be no construction of a path or driveway from 22 Osee to 92 Orchard Street
 19. A Parking Management Plan shall be prepared and implemented during the high holy days and when it is anticipated that the site will be parked greater than 85% capacity such as during weddings, funerals, and bar/bat mitzvahs. The plan shall include the employment of a police officer for traffic control and the use of a shuttle bus to parking lots at the Greenwich Baptist Church, Saint Catherine of Siena, and Central Middle School. A written parking agreement shall be maintained with the Greenwich Baptist Church and Saint Catherine of Siena Church and approval shall be sought for the use of the Central Middle School parking lot on July 1st of each year.
 20. The landscaping plan dated October 2, 2014 shall be implemented and maintained.
 21. Reflective glass, solar ban 60, shall be installed for the large south facing windows containing a coating on the inner face of the outer piece of glass which will limit reflectivity. In the event this does not address sunlight reflection on the south side of the building, the Synagogue shall take further steps to reduce the reflective quality of the windows.
- B. The overflow parking shall be documented and provided to the Commission on an annual basis.

- C. The plantings along the property line at 90 Orchard Street shall be maintained by the applicant. Further, if there is any ponding of water in the northwest corner of the property it shall be addressed by the applicant.
- D. Final approval from the ARC drawings shall be obtained. It is suggested that this happens before construction drawings are drafted.
- E. Four copies of final architectural floor plans and elevations that comply with ARC approvals shall be provided.
- F. Provide the final detailed parking management plan for the construction phase.
- G. Provide a construction phasing plan that will include a guard crossing/flagmen given the number of schoolchildren that use the sidewalk in front of the property, but it will also cover the blasting, crushing, and number of anticipated days and hours that crushing and blasting will occur.

Sincerely,



Katie DeLuca, AICP
Director of Planning and Zoning