Item #13

FRANK J. GILBRIDE II*
CHARLES S. TUSA†
BENNETT H. LAST*
THOMAS R. SPELLANE†
JOHN R. TESEI, P.C.*
ERIC H. SELTZER†
KENNETH M. GAMMILL, JR.†
JONATHAN M. WELLS†
LINCOLN W. BRIGGS
SAL MELI**
DOROTHY MATTHEWS FREEBURG†

THEODORE L. BANDLER***
CHRISTOPHER D. BRISTOL†
ASHLEY VAN VALKENBURGH†
NICHOLAS E. FEDERICI†
ALESSIA MILLER†

GILBRIDE, TUSA, LAST & SPELLANE LLC
ATTORNEYS AT LAW
31 BROOKSIDE DRIVE
P.O. BOX 658
GREENWICH, CONNECTICUT 06836

(203) 622-9360
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COUNSEL
ROBERT N. LITTMAN*
SHEILA ANNMARIE MOELLER*
FREDERIC R. RICKLES**
TODD S. SHARINN***

†NOT ADMITTED IN FLORIDA
*NOT ADMITTED IN CONNECTICUT OR FLORIDA
**NOT ADMITTED IN NEW YORK OR FLORIDA
†NOT ADMITTED IN CONNECTICUT
*ALSO ADMITTED IN NEW JERSEY
**ALSO ADMITTED IN MASSACHUSETTS
***ALSO ADMITTED IN MASSACHUSETTS, PENNSYLVANIA AND USPTO

July 13, 2012

BY HAND

Board of Selectmen
Town of Greenwich
101 Field Point Road
Greenwich, Connecticut 06830

Re: Approval of Municipal Improvement No. 528 concerning equal land exchange between the Town of Greenwich and Putnam 600 Acquisition LLC of property at 600 West Putnam Avenue and Holly Hill Lane

Dear Board Members:

We represent Putnam 600 Acquisition, LLC, owner of property at 600 West Putnam Avenue (the "Property").

The Property is a through lot, having frontage on West Putnam Avenue and Holly Hill Lane. It contains a total of 1.6352 acres of land area and lies within the GBO zone. The Property is currently improved with a two-story office building containing and related parking areas.

In May of this year, our client obtained Final Site Plan and Special Permit (PLPZ 2012-41 and 42) approval from the Planning and Zoning Commission (the "Commission") to construct a parking deck in connection with a general renovation of the building. Part of the proposal approved by the Commission was to straighten out the southern lot line of the Property along Holly Hill Road. This was to be accomplished by way of an equal area land exchange between our client and the Town of Greenwich.

The land exchange proposed is shown on the accompanying surveys. It includes three parcels along Holly Hill Road. The Town would acquire Parcel A (272 sf) and Parcel C (867 sf). In return, our client would acquire Parcel B (1,139 sf).

The contemplated equal area land exchange was previously approved by the Commission on November 9, 2004. In its decision, the Commission granted the revision of lot lines (Application No. 1733) and the corresponding Municipal Improvement No. 528. When the Commission recently approved construction of the new parking deck on the Property, it found

that Municipal Improvement No. 528 was effective and did not require a new Municipal Improvement.

We now seek Board of Selectmen approval of the proposed equal area land exchange under Municipal Improvement No. 528.

The proposed land exchange will clearly benefit the Town in that the Holly Hill Road right-of-way will be widened and straightened, and allow for the installation of sidewalk and curb improvements.

Please put this matter on the agenda of your next available meeting. Should this request be approved, I ask that you then submit to the Representative Town Meeting for review pursuant to the Town Charter.

In connection with this request, you will find enclosed the following:

1. Three (3) surveys showing the proposed land area exchange;
2. Copy of PLPZ 2012-41 and 42 Decision letter of the Commission approving construction of parking deck and noting validity of Municipal Improvement No. 528;
3. Copy of Commission Decision letter approving Municipal Improvement No. 528 and associated revision of lot lines

Should you have any questions or require more information, please contact me at 203.542.8408 or email me at CDB@GTLSLAW.COM.

Thank you.

Very truly yours,

Christopher D. Bristol

FRANK J. GILBRIDE II[1]
CHARLES S. TUSA[1]
BENNETT H. LAST[2]
THOMAS R. SPELLANE[1]
JOHN R. TESSITORE, P.C.[3]
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[*]ALSO ADMITTED IN MASSACHUSETTS
[**]ALSO ADMITTED IN MASSACHUSETTS, PENNSYLVANIA AND USPTO

August 3, 2012

BY HAND

Board of Selectmen
Town of Greenwich
101 Field Point Road
Greenwich, Connecticut 06830

Re: Approval of Municipal Improvement No. 528 concerning equal land exchange between the Town of Greenwich and Putnam 600 Acquisition LLC of property at 600 West Putnam Avenue and Holly Hill Lane

Dear Board Members:

Please recall that we discussed this matter as an item on your previous meeting dated July 26, 2012. During that discussion, you requested information about what happened to bring this request to you.

Again note that the property, located at 600 West Putnam Avenue (the "Property"), is a through lot, having frontage on West Putnam Avenue and Holly Hill Lane. It contains a total of 1.6352 acres of land area and lies within the GBO zone. The Property is currently improved with a two-story office building containing and related parking areas.

In May of this year, our client obtained Final Site Plan and Special Permit (PLPZ 2012-41 and 42) approval from the Planning and Zoning Commission (the "Commission") to construct a parking deck in connection with a general renovation of the building. Part of the proposal approved by the Commission was to straighten out the southern lot line of the Property along Holly Hill Road. This was to be accomplished by way of an equal area land exchange between our client and the Town of Greenwich.

The land exchange proposed is shown on the accompanying surveys. It includes three parcels along Holly Hill Road. The Town would acquire Parcel A (272 sf) and Parcel C (867 sf). In return, our client would acquire Parcel B (1,139 sf).

The contemplated equal area land exchange was previously approved by the Commission on November 9, 2004. In its decision, the Commission granted the revision of lot lines (Application No. 1733) and the corresponding Municipal Improvement No. 528.

The owner of the Property in 2004 sought approval from the Commission to develop the Property into a car-dealership. That proposal included a re-alignment of Holly Hill Lane in the manner that is currently proposed.

That prior owner sought and received permission from this Board to apply to the Commission for approval of Municipal Improvement No. 528, in addition to the approval for the re-alignment of Holly Hill Lane and for the car dealership development. However, litigation ensued over the zoning approval (and possibly other subjects) and the project was never started. The Property was sold to a third party and, as a result, Municipal Improvement No. 528 was never brought back to this Board or to the Representative Town Meeting for final approval. The land-exchange approved by Municipal Improvement No. 528 was therefore never consummated.

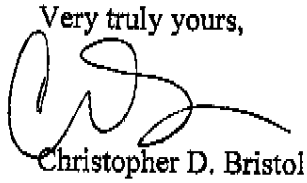
We now seek Board of Selectmen approval of the proposed equal area land exchange under Municipal Improvement No. 528, and ask that this request be sent on to the Representative Town Meeting for its September agenda.

The proposed land exchange will clearly help the Town in that the Holly Hill Road right-of-way will be widened and straightened, and allow for the installation of sidewalk and curb improvements which will be constructed by our client, Putnam 600 Acquisition, LLC. The areas of land to be exchanged are of an equal value as well as of an equal land area, in that it allows both the Town and the Property owner to provide generally safer conditions.

Should you have any questions or require more information, please contact me at 203.542.8408 or email me at CDB@GTLSLAW.COM.

Thank you.

Very truly yours,



Christopher D. Bristol

cc: attachments

DIANE W. FOX, AICP
DIRECTOR PLANNING AND ZONING/ZONING ENFORCEMENT COORDINATOR/TOWN PLANNER

KATIE BLANKLEY, AICP, Deputy Director Planning and Zoning/ Assistant Town Planner
PATRICK LAROW, AICP, Senior Planner
CINDY TYMINSKI, AICP, Planner II
MAREK KOZIKOWSKI, AICP, Planner I
MARISA ANASTASIO, Applications Coordinator

PLANNING AND ZONING - LAND USE DEPARTMENT

CERTIFIED MAIL

May 15, 2012

Mr. John P. Tesei
Gilbride, Tusa, Last & Spellane LLC
31 Brookside Drive
Greenwich, CT 06830

RE: Putnam 600 Acquisition, LLC; applications PLPZ 2012 00041 and PLPZ 2012 00042, for a final site plan and special permit, to construct a 10,347 sq. ft. parking deck, install storm water quality measures, and swap land with the Town of Greenwich along Holly Hill Lane on a 1.6362 acre property located at 600 West Putnam Avenue in the GBO zone.

Dear Mr. Tesei:

At a regular meeting held on May 1, 2012 the Planning and Zoning Commission considered the above referenced application and took the following action:

Upon a motion made by Mr. Maitland and seconded by Mr. Brooks, the following resolution was unanimously adopted.(Voting in favor of this item: Heller, Maitland, Alban, Brooks, and Borkowsky *(for Marchese)*)

WHEREAS the Commission held a public hearing on April 3, 2012 and took all testimony required by law; and

WHEREAS a final site plan and special permit applications were submitted to construct a 10,347 sq. ft. parking deck, install storm water quality measures, and swap land with the Town of Greenwich along Holly Hill Lane on a 1.6362 acre property located at 600 West Putnam Avenue in the GBO zone; and

WHEREAS the Planning & Zoning Commission moved a preliminary site plan (PLPZ #201100261) on July 26, 2012 and a special permit (PLPZ #201100262) was withdrawn; and

WHEREAS the site is currently improved with a 35,143 sq ft building constructed in 1945 with office and commercial uses and the site contains 105 parking spaces of which 32 are located in a park lots accessed off of West Putnam Avenue and 73 spaces in a parking lot accessed off of Holly Hill Lane; and

WHEREAS the Commission notes that the site is encumbered by a right of way for sanitary sewer and a right of way for storm drain as shown on a map No. 4215 filed on the Greenwich Land Records; and

WHEREAS the applicant proposes a parking structure with three levels of parking where the upper and middle levels will be accessed from West Putnam Avenue; and

WHEREAS the proposed improvements will total in 138 regular parking spaces and 6 ADA parking spaces although up to 4 parking spaces may be lost in order to address DPW Engineering Division comments dated 3/27/12; and

WHEREAS the proposed conditions show a total of 4 curb cuts, two on East Putnam Avenue and two on Holly Hill Lane; and

WHEREAS the eastern curb cut along West Putnam Avenue is now a one-way entrance with signage demarcating direction and the driveway, curbing and parking layout was modified at the southeastern corner of the property so that vehicles traveling down the driveway from West Putnam Avenue has access to all parking spaces on the lower level; and

WHEREAS the existing building contains 25,543 gross sq ft of office space which calculates to 19,157 sq ft of useable space (Sec 6-5(23)); this portion of the building falls under Use Group 2C (Sec 6-100) and shall require 96 parking spaces applying a ratio of 1 parking space per 200 sq ft of usable area (Sec 6-158); and

WHEREAS the remaining 9,600 sq ft of space in the building is occupied by a health and fitness center, Peak Physique which has 9 part time employees, 8 full time employees and 64 pieces of equipment and based on the given information, approximately 32 parking spaces should be allocated to this use; and

WHEREAS the Commission notes the property meets the definition of a through lot (Sec 6-5(36)), and front yard requirements shall apply to both frontages on West Putnam Avenue and Holly Hill lane pursuant to Sec 6-121 of the Building Zone Regulations; and

WHEREAS many proposed parking spaces are located within the required front yard and pursuant to Sec 6-106 the Commission finds that a landscaping plan showing adequate screening of the parking spaces from the street is required; and

WHEREAS the applicant proposes an equal area exchange of land including three parcels along Holly Hill Road between the property owner and the Town of Greenwich; the Town would

acquire Parcel A which contains 272 sq ft and Parcel C which contains 867 sq ft; Putnam 600 Acquisition, LLC would acquire Parcel B which contains 1,139 sq ft; and

WHEREAS the Commission finds that no new Municipal Improvement application shall be required because the land swap, sidewalk and curb improvements proposed have already been reviewed and approved by the Commission in 2004 under Municipal Improvement MI #528; and

WHEREAS the applicant proposes modification to the building which include a canopy/covered area at the northwestern entrance of the building; the floor plans also show the location of new partitions to divide the upper floor into tenant spaces; and

WHEREAS the applicant proposes to modify the existing drainage system by collecting stormwater from the proposed parking deck and discharging it into the existing drain system on the southwestern portion of the property; runoff from the easterly driveway and southeastern parking area will be collected in a new drainage system and water will be direct to a V2B1 Stormwater Treatment System; and

WHEREAS the Commission notes that the Planning & Zoning Board of Appeals granted variances of front yard setbacks, side yard setbacks, lot and building coverage (No. 9921) on September 14, 2011 on the grounds that there is hardships due to the topography, lot shape, the existence of ledge rock and deficient right of way width on Holly Hill Lane; the Board also noted that the existing non-conformities or required parking will be reduced; and

WHEREAS the Commission notes that the Architectural Review Committee granted approval of the exterior modifications to the building, parking deck, landscaping and lighting (PLPZ #201100438) on January 4, 2012 but also notes that the landscaping plan reflects the previous layout of parking and driveways and shall require revisions; and

WHEREAS the Commission received a staff report dated 3/30/12 as well as department comments from DPW Engineering Division dated 3/27/12, the Zoning Enforcement Officer received 3/30/12, and the traffic consultant dated 12/27/11; and

WHEREAS the Commission finds that this final site plan is subject to Sections 6-13, 6-14, 6-15, 6-17, 6-101, 6-106, 6-158 and 6-205 of the Greenwich Building Zone Regulations; and

THEREFORE applications PLPZ 2012 00041 and PLPZ 2012 00042, for a final site plan and special permit, to construct a 10,347 sq. ft. parking deck, install storm water quality measures, and swap land with the Town of Greenwich along Holly Hill Lane on a 1.6362 acre property located at 600 West Putnam Avenue in the GBO zone as shown on engineering plans prepared by Rocco V. D'Andrea, Inc. dated February 1, 2012 and architectural plans prepared by DYAMI dated January 27, 2012 is hereby approved with modifications.

Applicant shall submit five sets of final revised engineering plans and three sets of revised architectural plans that address the following issues to P&Z for review and signoff prior to any activity on site or permit issuance:

1. The applicant should coordinate the landscaping and planting of any trees on Town property of the Town right of way.
2. The CTDOT should review and approve all work proposed along West Putnam Avenue.
3. The applicant should address all Engineering Divisions comments dated 3/27/12.
4. The applicant should address any forthcoming comments from the Department of Public Works regarding the impacts of the proposal on the water quality of Tom's Brook.
5. The applicant should address all Traffic Consultant comments dated 12/27/11.
6. The proposed lands swap between the property owner and the Town of Greenwich shall occur prior to the issuance of any permits.

In accordance with Section 6-14.1 (e) of the Building Zone Regulations of the Town of Greenwich and Section 8-3 (i) of the Connecticut General Statutes, construction in connection with this site plan must start within three years, and all work must be completed within five years, of the following date of approval: May 1, 2012.

The contents of this letter have been reviewed by members of the Commission and reflect the decision the Commission made at its meeting on May 1, 2012.

Sincerely,

Marek Kozikowski, AICP
Planner I

cc: William Marr, Building Official,
Jodi Couture, Zoning Enforcement Officer,
Scott Marucci, Senior Civil Engineer
James Ford, BETA Group

To: Michael Rosen
Executive Assistant to the First Selectman

From: Lauren Elliot
Assessor

Re: 600 West Putnam Ave aka 50 Holly Hill Lane
Parcel No. 03-1000/S

As requested, I have examined the proposed exchange of land areas referenced, as delineated on a Town's GIS aerial map titled "600 West Putnam Avenue Parcel Swap" and as described in the Assessor's records.

According to our records, the parcel involved currently consists of a 1.7106 acre site (74,514 sf). The site is irregularly-shaped, with a relatively even 280.20 front feet along the south side of West Putnam Ave and a very uneven (irregular) 367.90 front feet along the north side of Holly Hill Lane (f/k/a Old Post Road #4). The site is also encumbered by a significant topographic variation transecting the central portion from west to east whereby there is a drop in grade of about 14' from front to back as defined by a retaining wall currently being reconstructed.

The site has been improved with a 1story masonry office building with partial basement built in 1976 and currently undergoing extensive renovations. The first floor has been vacant for some time and the basement level has been occupied by Peak Physique for a number of years and is still operating. The first floor office contains 19,784 gross sq ft and the basement contains 12,820 gross sq ft. Given the variable terrain, the basement level is accessed at street grade off Holly Hill Lane along the southern boundary of the site, the vicinity of the land areas in question.

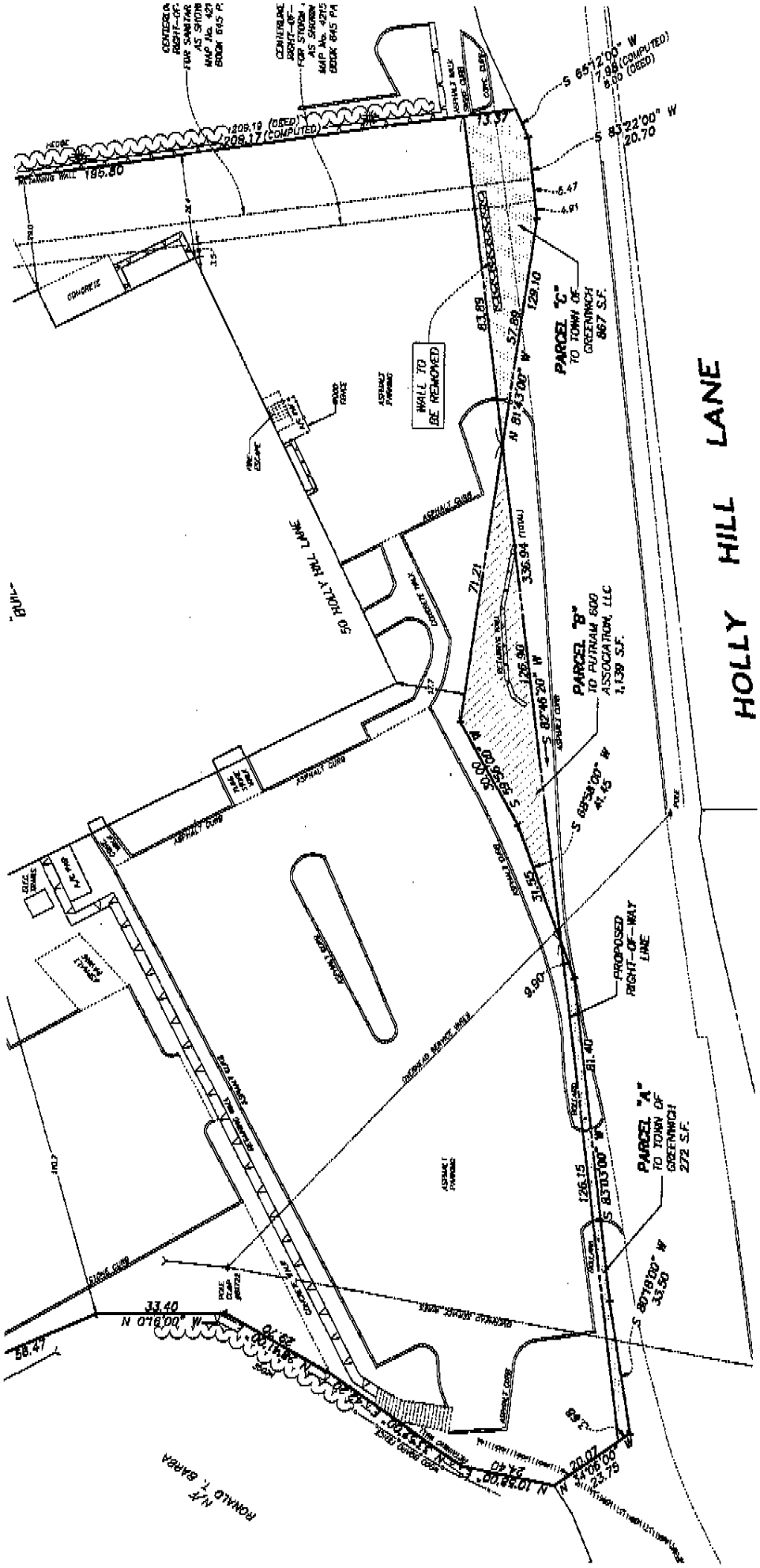
The GIS aerial delineates the two parcels to be transferred to the Town. One parcel consists of a narrow, elongated strip containing 272 sq ft along the southern boundary toward the west end of the site on Holly Hill Lane and transecting a current driveway cut to one of the subject's parking areas. The second parcel is an irregulary-shaped triangular piece containing 867 sq ft, again along Holly Hill Lane at the eastern end of the site. The total area represented by the two parcels is 1,139 sq ft.

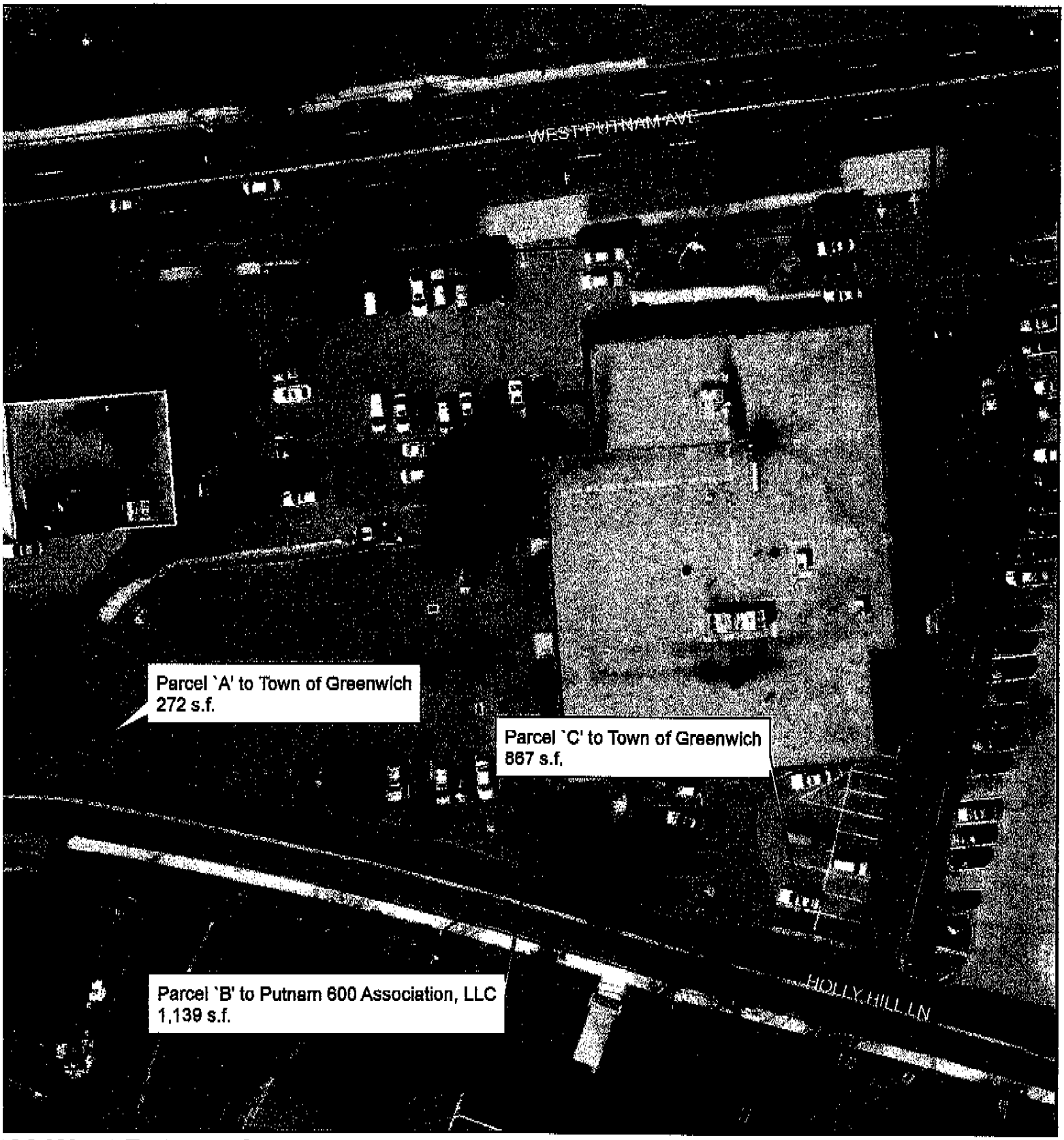
The area proposed to be transferred by the Town to 600 West Putnam LLC., is situated between the two areas described above and also contains a total of 1,139 sq ft. This is also an irregularly-shaped triangular piece that essentially juts in northward into the site, again creating an uneven street line and ROW.

It should be understood that the only two parties that have any interest in the parcels involved are the parties of this transaction, the Town of Greenwich and Putnam 600 Acquisition LLC. Given the location, size and utility of the land areas in question, as well as the proposed exchange, no outside party, even contiguous property owners, would likely have any desire to acquire any of these parcels.

If these parcels were exchanged, in my opinion, both parties would enjoy equal benefits. The property owner would have a more evenly flowing parking area and may gain a couple of parking spaces as a result. The Town would benefit from a straightening of the street line and ROW, allowing for the possibility of improved curbing, drainage and maintenance of Holly Hill Lane.

In consideration of the above, given the size of the land areas involved and the limited utility of each as currently configured with respect to the property owner involved or the Town, the proposed exchange will have equal and beneficial affects for both parties that are of equal value. I do not believe any further monetary consideration or other adjustment should be be made to equalize the exchange for either party.


HOLLY HILL LANE
50 HOLLY HILL LANE
PARCEL "C"
TO TOWN OF GREENWICH
867 S.F.
PARCEL "B"
TO PUTNAM 600 ASSOCIATION, LLC
1,139 S.F.
PARCEL "A"
TO TOWN OF GREENWICH
272 S.F.
WALL TO BE REMOVED
PROPOSED RIGHT-OF-WAY LINE
ASPHALT CURB
CONCRETE
RETAINING WALL
HEDGE
S 65°12'00" W
7.98 (COMPUTED)
8.00 (DEED)
S 83°22'00" W
20.70
N 81°43'00" W
S 82°46'20" W
S 69°58'00" W
41.45
S 83°03'00" W
S 80°18'00" W
33.50
N 10°58'00" E
N 14°06'00" W
23.75
N 01°16'00" W
33.40
58.47
195.80
209.19 (DEED)
209.17 (COMPUTED)
13.37
6.47
4.91
83.89
57.89
129.10
71.21
336.94 (TOTAL)
126.90
31.55
9.90
81.40
126.15
20.07
24.40
N/F RONALD T. BARBA



600 West Putnam Avenue

Parcel Swap

Legend

— 600_WestPutnamAve_New Property Line

— 600_WestPutnamAve-From Survey

1 inch = 50 feet

e map was produced from the Town of Greenwich Geographic
rmation System. The Town expressly disclaims any liability that
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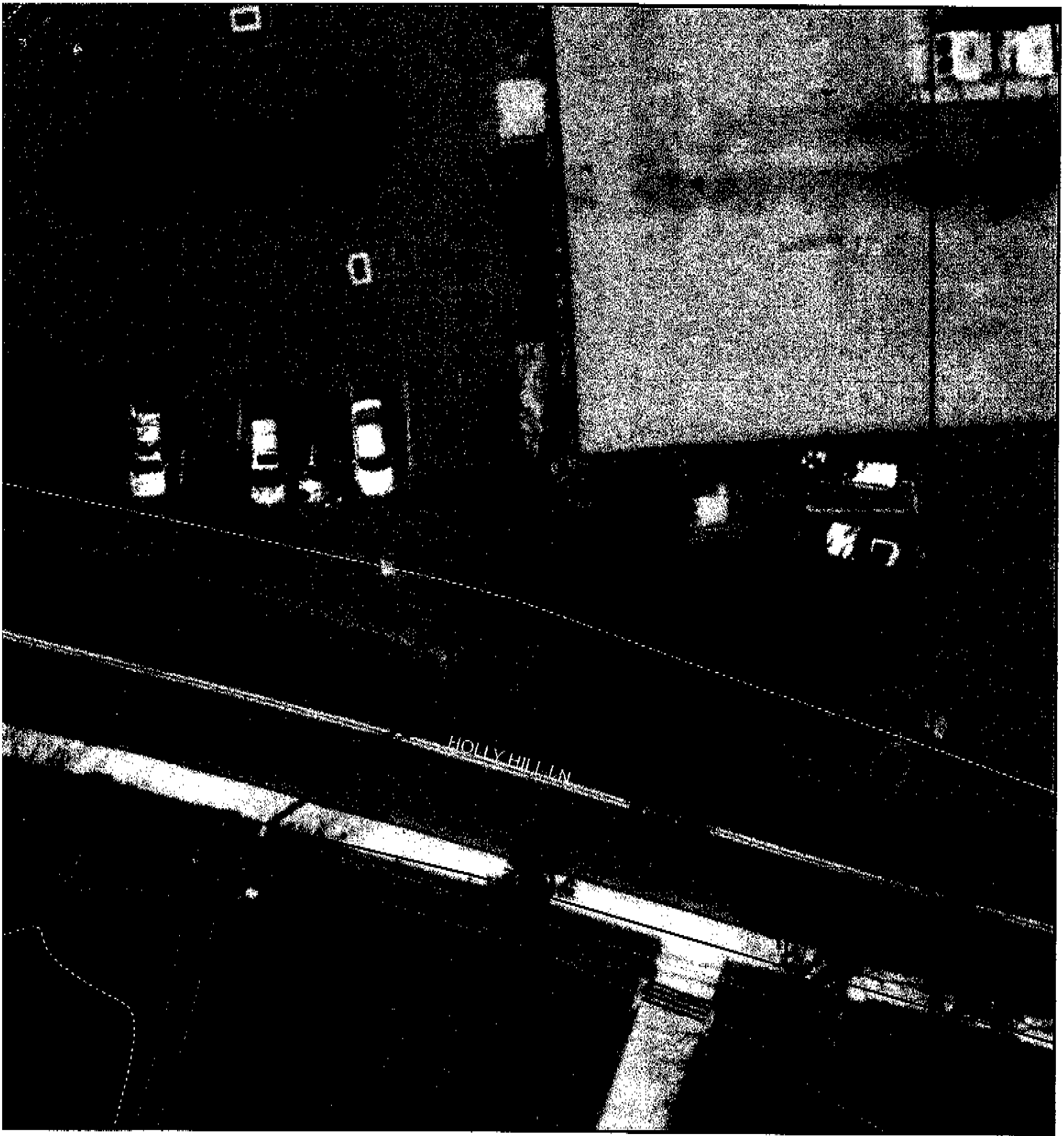

00 West Putnam Avenue

etail area with topo

Legend

- Contours_10ft
- Contours_2ft
- 600_WestPutnamAve-From Survey
- PROPERTY LINES-GIS

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1 inch = 20 feet

DIANE W. FOX, AICP
TOWN PLANNER/
ZONING ENFORCEMENT COORDINATOR

LAURENCE I. BRADLEY, AICP, Assistant Town Planner
JOSEPH [illegible], AICP, Senior Planner
KATIE BLANCHLEY, AICP, Planner II
MATTHEW N. STEINBERG, AICP, Planner I
CHARLES B. MULLIGAN, JR., Application Coordinator

PLANNING AND ZONING - LAND USE DEPARTMENT

CERTIFIED MAIL

November 23, 2004

Mr. William I. Haslun II. Esquire
Ivey, Barnum & O'Mara
170 Mason Street
Greenwich, CT 06830

RE: Application #1733 and #528, as submitted by W. I. H[illegible] Esq., authorized agent for record owners 600 West Putnam Avenue, LLC and the Tow[illegible]enwich for a final subdivision/ lot line revision and municipal improvement for an equ[illegible]change of 1,139 square feet on a 1.6352 acre property located at 600 West Putnam [illegible]ne in the GBO zone, as shown on a map prepared by Rocco V. D'Andrea, Inc., dated 3/20

Dear Mr. Haslun:

The Planning and Zoning Commission at a regular meeting held on November 9, 2004 considered the above referenced application and took the following action:

Upon a motion to approve the municipal improvement made by Mr. Heimbuch and seconded by Mr. Maitland, the following resolution was unanimously adopted (Voting on this item: Messrs. LeBlanc, Heimbuch, Maitland, Napolitano and Heller).

Upon a motion to find no subdivision or resubdivision made by Mr. Maitland and seconded by Mr. Napolitano, the following resolution was unanimously adopted (Voting on this item: Messrs. LeBlanc, Heimbuch, Maitland, Napolitano and Heller).

Whereas the Commission held a public meeting on November 9, 2004, and took all testimony required by law; and

Whereas the applicant requested a finding from the Planning and Zoning Commission that the proposed equal area exchange does not constitute a subdivision or resubdivision as defined by Section 6-261 of the Subdivision Regulations; and

Whereas the property is located at 600 West Putnam avenue in the GBO zone and is a 1.6 acre property with frontage on both West Putnam Avenue and Holly Hill Lane; and

Whereas the proposed equal area exchange is on the Holly Hill Lane side of the site whereby the Town of Greenwich receives 1,139 square feet comprised of two parcels, the first of 837 square feet and the second of 272 square feet, and 600 West Putnam Avenue, LLC receives one parcel of 1,139 square feet; and

Whereas the purpose of this exchange is to straighten out the property line, which will allow for the creation of a driveway and curb cut wide enough to accommodate new car delivery trucks; and

Whereas the lot is currently improved with an office building; and

Whereas the Commission finds that the lot was created in its current configuration in 1952 without the need for a subdivision or resubdivision as determined by the submitted deed history;

THEREFORE BE IT RESOLVED THAT application MI #528 as submitted by W.I. Hashim, II, authorized agent on behalf of The Town of Greenwich for a municipal improvement for an equal area exchange of 1,139 sq. ft. per Section 99 of the Town Charter on a 1.6352 acre property located at 600 West Putnam Avenue in the GB zone as shown on a map by Rocco V. D'Andrea, Inc. dated 03/20/03 is hereby approved.

THEREFORE BE IT FURTHER RESOLVED THAT application FSB #1733 as submitted by W.I. Hashim, II, authorized agent on behalf of The Town of Greenwich and 600 West Putnam Avenue, LLC, record owners for a final subdivision/lot line revision for an equal area exchange of 1,139 sq. ft. per Section 6-261 of the Town of Greenwich Subdivision Regulations on a 1.6352 acre property located at 600 West Putnam Avenue in the GB zone as shown on a map by Rocco V. D'Andrea, Inc. dated 03/20/03 is hereby found not to be a subdivision or resubdivision.

It is recommended that the applicant submit a mylar and 6 paper copies of the survey map with a signature and date line for the Chairman to sign along with the proper fee for filing the map on the Greenwich Land Records. The signature block should read as follows:

"The property boundary configuration depicted on this map was found not to be a subdivision or resubdivision under the definition of Section 6-261 of the Town of Greenwich Subdivision Regulations at the Town of Greenwich Planning and Zoning Commission meeting on November 9, 2004. This finding does not imply approval of the lots for purposes of zoning compliance or future development. Development on these lots will be subject to the normal review and approval of all applicable Town agencies"

The applicant should be aware that the finding that this application does not represent a subdivision or resubdivision does not guarantee the further developability of the lots which are still subject to normal review and approval of all applicable agencies, which may include, but are not necessarily limited, to the following: the Inland Wetlands Watercourses Agency, Building Department, Zoning Enforcement, DPW Highway and Engineering Divisions, Health Department, and others as may apply.

If the applicant desires to have a copy of a map confirming the lot split signed by the Chairman of the Planning and Zoning Commission please submit the following:

1. A mylar and 6 copies of the survey map with a signature and date line for the Chairman to sign.

2. A check for the pr per filing fee of the map on the GLR

If you have any question lease call.

Sincerely,

Katie Blankley, AICP
Planner II

cc. James Maloney, Zon ng Enforcement Officer
Robert Fartaglia, Su rvisor of Environmental Health