

**Town of Greenwich  
Planning Board Organizational Meeting Minutes  
01/20/2011**

**Call to Order:** Chairman Tomkins called the meeting to order at 7:07 pm.

**Members Present:** William Tomkins, Jeff Duxbury, Kyle Vandewater, John Mattison and Michelle Wright.

**Members Absent:** Dan Spigner.

**Also Present:** Clerk Kellie Blake, Planning Board Attorney Tony Izzo, Supervisor Sara Idleman and Code Enforcement Officer Dan O'Connor. Planning Board Engineer John Hartnett came later in the meeting.

**Members of the public who signed the attendance sheet:** William LaPan.

**Correspondence:**

- 2010 Yearly Reports received from Clerk, Kellie Blake.

**Annual Organizational Meeting:**

The meeting was turned over to Attorney Anthony Izzo at 7:10 pm to begin the organizational portion of the meeting. Tony Izzo opened the floor for nominations for Chairman for the year 2011.

Motion by Jeff Duxbury to nominate William Tomkins as Chairman of the Planning Board.  
Seconded by Michelle Wright.

There were no other nominations for Chairman.

Motion by Jeff Duxbury  
Seconded by John Mattison to close the nominations for Chairman of the Planning Board.

Motion by William Tomkins to nominate Jeff Duxbury as Vice Chairman of the Planning Board.  
Seconded by Michelle Wright.

There were no other nominations for Vice Chairman of the Planning Board.

Motion by William Tomkins  
Seconded by John Mattison to close the nominations for Vice Chairman of the Planning Board.

Attorney Izzo asked:  
All in favor of appointing William Tomkins as Chairman to the Planning Board.

Passed unanimously by said Board.

Attorney Izzo asked:  
All in favor of appointing Jeff Duxbury as Vice-Chairman to the Planning Board.

Passed unanimously by said Board.

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Chairman Tomkins asked if everyone was comfortable with the committees as follows:

- Site Committee – Kyle Vandewater and Dan Spigner – Chairman Tomkins stated that maybe an alternate would be a good idea as Dan’s schedule has been tough. When asked, John Mattison said he would be the alternate.
- Environmental Review/Flood Plain – Jeff Duxbury and John Mattison. Chairman Tomkins stated that if John would be more involved in the Site Committee maybe Michelle would like to be on this committee with Jeff. Michelle stated that she would.
- Liaison Waterfront Revitalization Plan – Dan Spigner.

The Regular Monthly Meeting began at 7:15 pm.

Chairman Tomkins stated that the Town Board had received a letter of interest for the vacancy on the Planning Board from Erica Sellar Ryan. At the Town Board Audit Meeting this evening she was appointed. It was noted that as she is a lawyer who works with Jordan & Kelly Law Firm that she may need to recuse herself if the firm is representing an applicant before the Board. Supervisor Idleman stated that Erica had already informed Sara that she may have to do so.

Old Business:  
01/20/2011

**Site Plan Review # 2011-01: Greenwich Partners, LLP & Neil G. Trachtman (designated agent: Bohler Engineering, LLC). Proposal for the construction of a one-story 19,100 sq. ft. retail building with a 14,500 sq. ft. outdoor storage area adjacent to the existing CVS Plaza on State Route 29. The proposed retail building will replace an existing 3,200 sq. ft. office building. Tax Map ID #'s 228.-3-9.12 & 9.10.** Chairman Tomkins stated that with the absence of a full application, including the SWPP, that the application can not be referred to the County for review. Chairman Tomkins asked the Clerk to contact the applicant with this information. Clerk Kellie Blake stated that Planning Board Engineer John Hartnett had stated that to review the SWPP plan it may cost up to \$1,500, but if he had to review the entire application it could be more. Kyle Vandewater stated that the Board should ask for \$1,500 and let them know this was an estimate; it could be less or more depending on the review.

Acceptance of Minutes:

Resolution # 01-2011  
Approval of Minutes

Resolution by Michelle Wright  
Seconded by Jeff Duxbury

and passed unanimously by said Board;

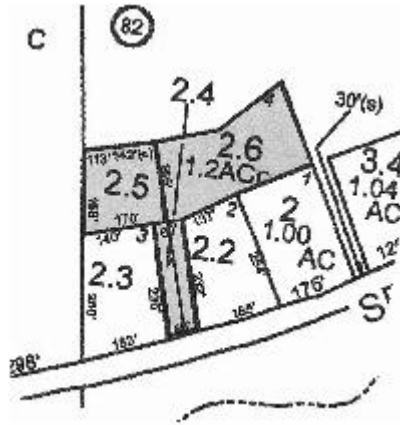
RESOLVED, that the minutes of the November 18<sup>th</sup>, December 9<sup>th</sup> and December 16<sup>th</sup> Planning Board Meetings be approved as submitted.

Old Business:  
01/20/2011

**Minor Subdivision # 490: Samuel Sloan, Brian & JoAnn Haynes, Ruth & Kyle Towne, Arthur & Michelle Robbins. (designated agent: Agard & LaPan). Proposal for one lot subdivision of a 2.04 +/- acre parcel located on Spraguetown Road. Tax Map ID # 212.-2-2.4. 2.5 & 2.6.** Mr. Lapan supplied the Board with

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designated agent forms from all owners of the parcels. Chairman Tomkins stated that the Board had reviewed the application last week and asked Attorney Izzo to take a look at it and to figure out who the applicant actually is. Mr. LaPan stated that the applicants are the owners of the three parcels. Currently there are three parcels for assessment purposes.



Attorney Izzo stated that given the history of the property, things being done without coming before the Board, this is more than a boundary line adjustment. This application should be considered a subdivision. As long as all the property owners agree that this subdivision should take place, which appears to be the case with the agency designation forms, then the Board can proceed. If the Board is confident that there have been no adverse affects from the illegal subdivision then they should move forward with the subdivision. The Board would have every right to ask for further information if they felt there were conditions that warranted it.

Chairman Tomkins stated that the Board had approved the "T" shaped parcel as one lot in 1993. The owner then submitted three deeds to the County and three parcels were created through the County Real Property.

Kyle Vandewater asked if this actually became three separate lots, shouldn't Real Property have denied it.

Mr. LaPan stated that if a deed is filed with the County Clerk, Real Property has to adhere to that deed. Kyle Vandewater stated that someone could potentially circumvent the Planning Board by creating land locked parcels, by deed. The problems would start when they try to build or get a mortgage.

Attorney Izzo stated that in fact we have three parcels of record.

Mr. LaPan stated that parcel 2.4 is the only one that will be subdivided and a piece joined to 2.5 and 2.6 to give them a permanent easement.

Attorney Izzo stated that the deeds filed joining the parcels will need to be supplied to the Planning Board.

Chairman Tomkins asked if this would be a Major or Minor subdivision. The general definition of a Major Subdivision is more than four parcels or another subdivision takes place within three years. The Board also has the right to make any application a Major if warranted.

Attorney Izzo stated that if there was impact on the adjacent properties or other issues then it should be a Major Subdivision.

Chairman Tomkins stated that currently the parcels on either side of 2.4 are using it as a driveway but they have their own road access on Spraguetown Road.

Jeff Duxbury stated that in subdividing 2.4 aren't we reducing the setbacks of the adjoining parcels.

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Chairman Tomkins stated no because the sidelines were not changing at all. The parcel was being divided down the middle. If the line of the adjoining parcel was being changed then the setbacks would be changed. There will be 30 foot of road frontage for parcels 2.5 & 2.6.

The Board reviewed the subdivision and the following items are needed:

- Delineate the size of parcel 2.4 on the plat map. (14,100 sq. ft.)
- Minor Subdivision # 490 delineated on the plat map.
- Driveway approval forms from Highway Superintendent.
- Plat note (Site Information Notes) that states parcel A to be joined to parcel 2.5 and parcel B to be joined to parcel 2.6.
- Copies of new deeds once complete.

Resolution # 02-2011  
Application Deemed Complete and Public Hearing Set

Resolution by Jeff Duxbury  
Seconded by Kyle Vandewater

and passed unanimously by said Board;

RESOLVED, that contingent on the above items being added to the plat map that Minor Subdivision # 490 be deemed complete and that a Public Hearing be set for Thursday, February 17, 2011 at 7:15 pm.

**A check payable to the Postmaster in the amount of \$38.78 is needed for certified mailings of the public hearing for 7 adjoining owners.**

**Fees Received: \$100 Application Fee (ck. # 2558)**

**Discussion:**

**McKernon:**

Supervisor Idleman asked Code Enforcement Officer Dan O'Connor if he could take care of the issue with a trailer being moved onto the McKernon property without a building permit. He stated that he would issue them a "Notice of Violation" tomorrow.

**Stu Maguire:**

Supervisor Idleman stated that she had spoken with Attorney Alan Wrigley regarding the paperwork to be served to Mr. Maguire and he is supposed to have it ready tomorrow for Dan. Supervisor Idleman stated that she felt that Stu was getting the wrong impression from the Town. He should have been served on December 31<sup>st</sup>.

**Hanahan Trailer on Thomson Road:**

Supervisor Idleman stated that this issue needed to be taken care of also. Code Enforcement Officer Dan O'Connor stated that he had given Mr. Hanahan a "Notice of Violation" with a date in which to remove the trailer. Supervisor Idleman asked what the date was. Dan stated that he did not recall, the paperwork was at home.

Chairman Tomkins asked what would happen if he didn't comply by the date that was given. Dan stated that he would then be issued an appearance ticket and would have to go before Justice Bowen.

Michelle Wright asked if it was ever decided if this had to be a new trailer?

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Kyle Vandewater stated that provided that the trailer is for farm worker housing that it does not have to be new. They do need a building permit though.

**Clearwater Pools:**

Supervisor Idleman asked if Mr. Ball had been in to get a sign permit yet. Clerk Kellie Blake stated that he had been in last week to pick one up. Dan O'Connor stated that he had not submitted the application yet.

Chairman Tomkins stated that this was the place where H & R Block was going to operate out of. We approved the pool place as a retail use.

Planning Board Attorney Izzo stated that if the approval was for a retail use and office is a different category then it is a change in use.

Chairman Tomkins stated that Code Enforcement Officer Dan O'Connor would have to serve a "Notice of Violation" to them also.

Kyle Vandewater stated that the Planning Board was not the enforcement wing of the ordinance. The Board reviews and approves applications and the enforcement is up to the Code Enforcement Officer. If he has questions and needs direction he should go to the ZBA for an interpretation.

John Mattison stated that Mr. Ball did not own the building therefore, the letter should go to the owner not to Mr. Ball.

**Joint Training with Zoning Board of Appeals:**

Chairman Tomkins stated that he had been thinking about subjects for the training session and he would like Stu Mesinger to revisit the process of the ordinance. Chairman Tomkins further stated that the Board has been seeing a lot of applications for smaller uses and the ordinance was designed to "have a net big enough for the little things to just go through". In some broader sense, it's hard to see H & R Block in that site as a disaster. The old fashioned ways of writing ordinances were that you could go to a less intensive use without a permit.

Attorney Izzo stated that the problem with saying a use includes all less intensive uses is that in this case it would be said that all retail uses can include office space.

Chairman Tomkins stated that he wasn't sure he wanted to go that far, but there should be a little bit of a "rethink".

Jeff Duxbury stated that this gets to degrees. If Tractor Supply wanted to put in an H & R Block would that be treated differently than the pool place? Where do you draw the line?

Kyle Vandewater stated that Walmart has an H & R Block kiosk right in the store. The little stuff is going to continue and people won't know anything has changed, but there is a process. There has to be a basis in which to make decisions.

Chairman Tomkins stated he doesn't know why we need to be involved in some of these applications, but isn't sure how to make the distinction.

Attorney Izzo stated that it is easy to state that it is ok to have a small office in a retail space but the problem comes with quantifying "small".

Supervisor Idleman stated that she had spoken to Stu Mesinger regarding the training and asked the Board when would be a good time to have it.

Chairman Tomkins stated that late spring or early fall. Summer is hard because of vacations. The training is 4 hrs, last time we did 6 – 10 pm. Chairman Tomkins stated that he would call Stu Mesinger regarding ideas for the training.

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**Tractor Supply:**

Planning Board Engineer John Hartnett arrived. Chairman Tomkins stated that the Board had decided to tell the applicant that to start an escrow of \$1,500 would be required and could be more or less depending on the depth of the review. Chairman Tomkins asked Planning Board Engineer John Hartnett to review the site plan not just the SWPP.

John stated that there are two existing wells on the property and a septic system which are close to where they will be developing. The septic may need to be enlarged, there has to be room for expansion. He is a little concerned about this. There have been problems with the septic in the past. John further stated that he won't have to look too closely at the traffic and lighting plans. At this point the worst time at that traffic light is midday on Saturday. It may need to be looked at in the future.

Kyle Vandewater asked if the connection to Advance Auto will happen now.

Chairman Tomkins stated that yes that was one of the items brought up when the application was reviewed.

A motion was made by Michelle Wright, Seconded by John Mattison that the meeting be adjourned at 8:10 pm.

Respectfully Submitted,

Kellie A. Blake  
Planning Board Clerk