

**Town of Greenwich
Planning Board Meeting Minutes
02/17/2011**

Call to Order: As Chairman Tomkins was not in attendance Vice Chairman Duxbury called the meeting to order at 7:00 pm.

Members Present: Jeff Duxbury, Kyle Vandewater, John Mattison, Michelle Wright and Erica Sellar Ryan.

Members Absent: William Tomkins and Dan Spigner.

Also Present: Clerk Kellie Blake, Planning Board Attorney Tony Izzo, Code Enforcement Officer Dan O'Connor and Planning Board Engineer John Hartnett.

Members of the public who signed the attendance sheet: Leon Barkley, William LaPan, Lady Rucinski and Stephen Rucinski.

Correspondence:

- Letter received from Washington County Clerk's Office – Minor Subdivision # 489, Hollingsworth & Vose, maps were filed on 2/9/2011.

Discussion:

Supervisor Idleman has requested a joint meeting between the Town Board, Planning Board and Zoning Board of Appeals. The meeting will be held on Thursday, March 24th at 7:00 pm in the Media Center of the Greenwich High School.

Acceptance of Minutes:

Resolution # 03-2011
Approval of Minutes

Resolution by Michelle Wright
Seconded by Kyle Vandewater

and passed unanimously by said Board;

RESOLVED, that the minutes of the January 13th and January 20th Planning Board Meetings be approved as submitted.

Old Business:

02/17/2011

Site Plan Review # 2011-01: Greenwich Partners, LLP (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. Updated site plan and full SWPP plan were received.

Vice Chairman Duxbury stated that a letter had been received regarding the anticipated traffic generation of the project. Vice Chairman Duxbury asked Planning Board Engineer John Hartnett if he had all the information needed for him to review the application and to provide the Board with any comments or concerns. John Hartnett stated that he had looked at the plans and reports and there are some things he would like to see but they are minor things. He has spoken to the Engineer about this. He feels the application is reasonably complete.

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Vice Chairman Duxbury asked if John had spoken with the engineer regarding the mention of bulk propane. John Hartnett stated that there are propane tanks delineated on the site plan but they are for the building's heating system, not for sales purposes.

John Mattison asked if anyone knew where the Saratoga Tractor Supply had their tanks. Erica Sellar Ryan stated that they were located within the fenced area next to the store.

Vice Chairman Duxbury asked if John had spoken with the engineer regarding construction detail of the retaining wall. John Hartnett stated that they said they would include that on the plan.

John Mattison asked if the engineer had said anything about the connection to Advance Auto being two way traffic. John Hartnett stated that the engineer would rather not change the fence line. John further stated that the width of the roadway was 15 feet not 20 ft. The applicant does not want to widen it. John reiterated what he brought up at the last meeting that having traffic leave that way and exit onto Route 29 without the benefit of a traffic light may not be the best scenario. Vice Chairman Duxbury stated that there could be an arrow sign indicating that people could go around the back of the building to get to Advance Auto rather than a two way roadway.

Attorney Tony Izzo wondered why the traffic study was conducted at a New Jersey location. John Hartnett stated that the company who did the study is located in New Jersey. Many times in this area engineers don't get involved in traffic studies. They used the Institute of Transportation Engineers which is a national organization. If the Board feels a full study should be asked for then they would be justified in asking for that. Vice Chairman Duxbury stated that the Board had asked for a traffic study for the medical building, but they were creating a new curb cut.

John Hartnett further stated that he had looked at the septic issue and had a few questions but that it would be reviewed by the County or State as well as himself.

Kyle Vandewater stated that he still feels strongly about having a two way roadway connecting to Advance Auto. Vice Chairman Duxbury stated that he agrees; that is the reason the Board asked for the connection.

At this time the Public Hearing was opened. This application was further discussed after the Public Hearing.

Public Hearing:

02/17/2011

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. The following items were supplied for the Public Hearing:

- Size of parcel 2.4 was delineated on the plat map. (14,100 sq. ft.)
- Minor Subdivision # 490 was delineated on the plat map.
- Driveway approval forms from Highway Superintendent were received.
- 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.

Vice Chairman Duxbury opened the public hearing for Minor Subdivision # 490 at 7:15 p.m. He called for all interested members of the public to step forward and examine the maps. All six of the adjoining owners had responded to notice of the public hearing. With no comments or questions from the public Vice Chairman Duxbury closed the public hearing for Minor Subdivision # 490 at 7:18 p.m.

Resolution # 04-2011
Negative Declaration SEQR Minor Subdivision # 490

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Resolution by John Mattison
Seconded by Michelle Wright

and passed unanimously by said Board;

RESOLVED, that pursuant to part 617 of the New York State Environmental Conservation Law and upon review of the Short EAF by the Town of Greenwich Planning Board, that Minor Subdivision # 490 be granted a negative declaration.

Resolution # 05-2011
Approval of Minor # 490

Resolution by Michelle Wright
Seconded by John Mattison

and passed unanimously by said Board;

RESOLVED, that Minor Subdivision # 490 be approved.

Fees Received: \$100 Application Fee (ck. # 2558), \$33.24 Public Hearing Notices and \$125.00 for Lot Fee. No Recreation Fee required as these lots are to be joined to others.

Old Business: Continued...

02/17/2011

Site Plan Review # 2011-01: Greenwich Partners, LLP (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.

At last week's meeting a form letter was received from Tractor Supply in which they asked the Planning Board to fill in the blanks and return to them after the application was approved. This letter was shown to Planning Board Attorney Tony Izzo who stated that it would be acceptable for the Board to write a letter stating that certain requirements had been met but he advised against filling in a form letter. Vice Chairman Duxbury stated that the Board could revisit the two way access at the Public Hearing.

Resolution # 06-2011
SPR # 2011-01 Application Complete Refer to County

Resolution by Michelle Wright
Seconded by John Mattison

and passed unanimously by said Board;

RESOLVED, that Site Plan Review # 2011-01 be deemed complete, referred to Washington County for review and a Public Hearing be set for Thursday, March 17, 2011 at 7:15 pm.

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Old Business:

02/17/2011

Site Plan Review 2011-02 – Stephen’s Chrysler Jeep Dodge – 2551 State Route 40. Tax Map ID # 228.-2-5. Proposal for an approximately 5,000 sq. ft. addition to the service department to allow for a drive thru service area as well as two additional service bays. Mr. Rucinski supplied updated maps for the Board to review. There will be less than one acre of disturbance so a SWPP plan is not needed.

The Board reviewed the application and the following items were supplied:

- **Adjoining owners on map were corrected.**
- **USGS topographic map or tax map showing location of the building site.**
- **Title of Site Plan, including name and address of applicant.**
- **Well and septic system was delineated on the map.**
- **Oil drainage/separation system was included in plan.**
- **Planning Board approval box was on all pages.**

Items still needed:

- **Pages need to be labeled page 1 of 2 , 2 of 2.**
- **Title of Site Plan needs to be on both pages.**

At the Workshop Meeting last week it was discussed that the Board may waive the requirement to delineate structures within 500 feet of the property.

Resolution # 07-2011
Waive Requirement

Resolution by Kyle Vandewater
Seconded by John Mattison

and passed unanimously by said Board;

RESOLVED, that the requirement to delineate all structures located within 500 feet of the property be waived.

Resolution # 08-2011
SPR # 2011-02 Application Complete Refer to County

Resolution by Michelle Wright
Seconded by John Mattison

and passed unanimously by said Board;

RESOLVED, that Site Plan Review # 2011-02 be deemed complete provided that the two items needed are received, referred to Washington County for review and a Public Hearing set for Thursday, March 17, 2011 at 7:30 pm.

Fees Received: \$100 Application Fee (check # 18104)

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Discussion:

At the Workshop Meeting last week it was discussed what was considered an alteration to a sign. The question was posed to Planning Board Attorney Tony Izzo. If an existing non-conforming sign is having one panel taken out and replaced with another panel is this an alteration? If this is considered an alteration it would mean that the construction of a new sign, that is in conformance with the Zoning Ordinance, would be necessary. Planning Board Attorney Izzo stated that if "Alteration" was not defined obviously a size, location or lighting change would be considered an alteration. If the sign application was approved with certain business names then a change would be considered an alteration.

Code Enforcement Officer Dan O'Connor stated that the sign was there before Zoning and is grandfathered in.

Kyle Vandewater stated that he could see having the sign changed to conform with the Zoning if they were going to remove the sign and put up a new one but to change a panel?

John Mattison stated that his business was going to put up a new sign in the same spot and was denied a variance. He felt that, unless the ordinance was changed, any alteration should be treated the same way and signs in non-compliance would have to come into compliance.

Planning Board Attorney Izzo stated that Dan probably has the authority to say a change from one group of words to another group of words is an alteration. If a sign was to be altered they would have to comply or apply for a variance.

Michelle Wright stated that wasn't repair and maintenance supposed to be a consideration on a sign?

Erica Sellar Ryan read the definition of "Alteration of A Structure or Building" which states "*...a change or rearrangement in the structural parts or in the existing facilities; an enlargement, whether by extending on a side or increasing height; or moving from one location or position to another, excluding normal maintenance or repairs.*" Erica stated that to her a rearrangement in the structural parts isn't changing a panel and would not be an alteration.

Vice Chairman Jeff Duxbury read Section 190-61 D. which states:

"D. Sign permits required. The following regulations shall govern the erection, alteration or relocation of signs within the Town. No sign listed below shall be erected, altered or relocated until a sign permit is obtained from the official duly designated by the Town Board (the "official") to administer and enforce the provisions of this chapter.

3. A commercial freestanding sign, except that a permit shall not be granted for more than one such freestanding sign, not to exceed 65 square feet in size per side, at any one location, with a maximum height of 10 feet."

Erica Sellar Ryan stated that again there is no true definition of what an alteration is in the Zoning Ordinance. The only way to look at it is to compare it in the definitions as to how other alterations are treated.

John Mattison stated that the applicant can go to the Zoning Board of Appeals for a variance.

Planning Board Attorney Izzo stated that any alteration that is considered to be an impact on the surrounding properties could be considered not a permissible alteration. In good faith, Dan could say that removing a panel and putting in a new one could be considered an impact on the surrounding properties.

Michelle Wright stated that on one hand our ordinance states that if a new business goes into the plaza they can not put up an additional sign, they would have to be added to the existing sign. But on the other hand our ordinance states that the sign can not be changed, so now an entire new sign has to be built.

Code Enforcement Officer Dan O'Connor stated that the existing sign is in non-conformance because it is too high.

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John Mattison stated that there needs to be consistency to be fair to everyone.

Code Enforcement Officer Dan O'Connor stated that this is up to his interpretation. If his interpretation is that this is considered an alteration and the sign will have to come in to compliance the applicant has the right to ask for an interpretation of his decision from the ZBA.

Planning Board Attorney Izzo stated that in the usual course of things, the change from one business to another would not be a significant reason not to grant a permit.

Kyle Vandewater stated that what he remembers from the discussions in creating the Zoning Ordinance was that when it is time to replace a sign it is time to comply, not replacing one panel with another when a business changes.

Jeff Duxbury stated that if there is a monument sign and one store is coming in and one going out it is not an alteration.

A motion was made by Michelle Wright, Seconded by Kyle Vandewater that the meeting be adjourned at 8:05 pm.

Respectfully Submitted,

Kellie A. Blake
Planning Board Clerk