

**Town of Greenwich  
Planning Board Workshop Meeting Minutes  
03/11/2010**

**Call to Order:** In the absence of Chairman Tomkins, Vice Chairman Jeff Duxbury called the meeting to order at 7:00 pm.

**Members Present:** William Tomkins (7:04), Jeff Duxbury, Kyle Vandewater, Carl Thygesen, Dan Spigner and John Mattison.

**Members Absent:** Michelle Wright.

**Also Present:** Clerk Kellie Blake

**Members of the public who signed the attendance sheet:** Wendy Higgins, Ben Grieco, Mike Hayes and Stu Maguire.

**Correspondence:**

- Notice received from Fitzgerald, Morris, Baker & Firth PC regarding a training class to be held on March 25, 2010 at the Fort Edward Fire Department on Broadway. \$10 fee, includes class, pizza and drinks.

Vice Chairman Jeff Duxbury stated that this was a work meeting and the Board takes people on a first come first serve basis. At this time Chairman Tomkins came in.

**New Business:**

**03/11/2010**

**Informal Review:** Wendy Higgins and designated agent Ben Grieco were in attendance. Ms. Higgins owns a 4.06 +/- acre parcel located on Riddle Road which has an existing house, well and septic system. Ben Grieco stated that she would like to subdivide the property into two lots. One lot of 2.62 +/- acres with the existing house and one lot of 1.44 +/- acres which she would probably build a house on. Mr. Grieco asked what the minimum lot size was in the Rural Agricultural District and the minimum road frontage. Chairman Tomkins stated that there was no minimum lot size and there was no minimum road frontage requirement unless the lot had been subdivided before. The setback requirements would have to be met. An incomplete application was submitted. Mr. Grieco asked what needed to be on the plat map. Chairman Tomkins supplied him with a copy of the check list to give to the surveyor. Mr. Grieco asked if he could submit the maps at next's weeks meeting. The Board stated that he could, along with the complete application and application fee.

**Old Business:**

**03/11/2010**

**SUP 2010-01 – Michael Hayes, 54 Robertson Road. Proposal to construct a 30' x 49' detached garage to store vehicles and construction tools. Tax Map ID # 213.-1-6.2.** Mr. Hayes had come to the 12/10/2009 Workshop Meeting and was referred to the Zoning Board of Appeals for a Variance Application. The following is an excerpt from the 12/10/2009 Meeting: *Mr. Hayes stated that he owns the old bus garage in Schuylerville where he has a construction business. He desires to move the business to his parcel on Robertson Road. There is an existing home and building on the parcel. The parcel is located in the Rural Agricultural District. He would like to build a four car garage connected to the house by a breeze way. All his construction work is done off-site. Chairman Tomkins read the Zoning Ordinance definition of Contractors Yard which states: A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor. This would require a Special Use Permit in the Rural Agricultural District. Mr. Hayes stated that when he built his house the setbacks were only 15 feet from the side and now they are 50 ft from the side. The proposed location of the garage is 30.8 +/- feet from the side. Chairman*

**Town of Greenwich  
Planning Board Workshop Meeting Minutes  
03/11/2010**

*Tomkins stated that Mr. Hayes would need to apply for an area variance from the Zoning Board of Appeals. Chairman Tomkins stated that Mr. Hayes would need to state why the garage could not be built in a different location. Mr. Hayes stated that part is wooded and up hill and the lower field gets wet from drainage of other properties. The septic is located on the other side of the house. Chairman Tomkins stated that the Planning Board would refer him to the ZBA for an area variance before they could entertain an application for a Special Use Permit.*

At the 03/01/2010 Meeting the Zoning Board of Appeals granted Mr. Hayes the variance.

After reviewing the application and the Zoning Ordinance definitions the Board decided that the definition of **Contractors Yard** – “A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor.” would not allow Mr. Hayes to have employees at the business. Whereas, the definition of **Home Occupation Type 2** – “A profession or trade conducted entirely within a dwelling and/or accessory structure and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the residence for residential purposes and does not change the character thereof. A Type 2 home occupation may employ up to three full-time equivalent persons on the premises. Additional persons may be employed off-premises...”

The Board also decided since Mr. Hayes had already been required to send the adjoining owners certified letters of a public hearing for the variance and that the Zoning Board requested he also get letters from his neighbors that no public hearing would be required by the Planning Board. Copies of the letters from his neighbors will be requested from the Zoning Board Clerk to be placed in Mr. Hayes’ file with the application for the Special Use Permit. After further review of the application items needed for next week are: A copy of the deed.

**Fees Received: \$75.00 Special Use Permit Application Fee.**

**Old Business:**

**03/11/2010**

**SUP 2010-02 – Stu Maguire, parcel located at 93 State Route 4. Tax Map ID # 219.-1-2.1. Special Use Permit application to come into compliance with the Zoning Ordinance, Section 190-73 Junkyards.** A letter was sent to Mr. Maguire requesting that he attend the meeting tonight to complete his application. Mr. Maguire was in attendance. Chairman Tomkins explained that in order to comply with the Zoning Ordinance Mr. Maguire needed to complete his SUP application, as well as the findings of the Zoning Board of Appeals on 03/18/2008. A member of the Planning Board asked why this was referred to the Zoning Board, no one knew. Mr. Maguire stated that he had brought in an application and a check last year. The Clerk stated that he had brought in an application and did not complete the process. Chairman Tomkins explained that a Site Plan would be needed, which is required to be at least 11 x 17 and include the entire parcel with the locations of buildings, storage, parking etc. of the business. Also to include what he is proposing to do with the business. Mr. Maguire was given a check list and told he could get a copy of his tax map at the Town Office. The parcel is located in the X and AE Floodplains.

\*Note – for reference: Code Enforcement Officer Dan O’Connor asked for an Interpretation from the Zoning Board of Appeals regarding the enforcement of the Junkyard section of the Zoning Ordinance. Mr. Maguire’s existing junkyard is located in the Hamlet/Mixed Use district and any new junkyards are not allowed in that district. Dan stated that in the Rural Agricultural District there were setback requirements for the required fencing of junkyards but not in the Hamlet/Mixed Use District and he was asked what the setbacks should be in this case.

**Correspondence:**

Notice received from Fitzgerald, Morris, Baker & Firth PC regarding a training class to be held on March 25, 2010 at the Fort Edward Fire Department on Broadway. \$10 fee, includes class, pizza and drinks. Carl, John, Dan and

**Town of Greenwich**  
**Planning Board Workshop Meeting Minutes**  
**03/11/2010**

Jeff stated that they would like to attend. Clerk Kellie Blake stated that she would call and sign them up for the class.

Kyle Vandewater stated that he had received a notice from Hudson Valley Community College regarding a class and he would forward that information to the Clerk to distribute to the rest of the Board.

A motion to adjourn the meeting at 8:00 pm was made by Dan Spigner, 2<sup>nd</sup> by John Mattison.

Respectfully Submitted,

Kellie Blake  
Planning Board Clerk