

**Town of Greenwich
Planning Board Meeting Minutes
03/18/2010**

Call to Order: Chairman Tomkins called the meeting to order at 7:00 pm.

Members Present: Chairman Tomkins, Jeff Duxbury, Carl Thygesen, Kyle Vandewater and Michelle Wright.

Members Absent: Dan Spigner and John Mattison.

Also Present: Clerk Kellie Blake and Planning Board Attorney Tony Izzo.

Members of the public who signed the attendance sheet: Ben Grieco, Pat Ciccarone and Mike Hayes.

New Business:

03/18/2010

Minor Subdivision # 483 – Wendy Higgins (designated agent: Ben Grieco). Proposal for a two lot subdivision of a 4.06 +/- acre parcel located on Riddle Road. One lot of 2.62 +/- acres with an existing house and one lot of 1.44 +/- acres with a proposed house, well & septic. Tax Map ID # 198.-1-12.1. Ben Grieco was in attendance.

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

- Lot # 1 delineated a proposed septic area, need either perc test results on plat map or septic permit from Washington County.
- Names and 911 addresses of all adjoining owners need to be delineated on the plat map.
- Sketch of entire parcel with adjoining property owners need to be delineated on plat map. Copy of a tax map would be sufficient.
- Driveway slope may be an issue, Kyle Vandewater and Dan Spigner will do a site visit.

Fees Received: \$100 application fee (check # 338)

Public Hearing:

03/18/2010

Minor Subdivision # 482 – Patsy & Joan Ciccarone, 415 Riddle Road. Application for a two lot subdivision of a 6.82 acre parcel. One lot of 2.00 +/- acres with an existing house, well, septic and driveway off of County Route 49. One lot of 4.82 +/- acres with an existing house, well, septic and driveway off of Riddle Road. Tax Map ID # 198.-1-12.3. Parcel is located in the Rural Agricultural Zoning District. Mr. Ciccarone was in attendance. Chairman Tomkins opened the public hearing for Minor Subdivision # 482 at 7:15 pm. He called for all interested members of the public to step forward and examine the maps. Seven out of nine of the adjoining property owners responded to the certified mailings of the public hearing notices. With no comments from the public, Chairman Tomkins closed the public hearing at 7:17 pm.

Resolution # 12-2010
Negative Declaration SEQR Minor Subdivision #482

Resolution by Jeff Duxbury
Seconded by Carl Thygesen

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 # 482 be granted a negative declaration.

Resolution # 13-2010
Approval of Minor # 482

Resolution by Michelle Wright

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Seconded by Kyle Vandewater

and passed unanimously by said Board;

RESOLVED, that Minor Subdivision # 482 be approved.

Fees Received: Minor Subdivision Application Fee \$100.00 (check # 1468), Certified Mailing Fees \$49.86 (check # 3159) and Lot Fee \$125.00 (check # 3141).

Old Business:

03/18/2010

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 was in attendance. The following is an excerpt from the 03/11/2010 meeting : *"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."* Jeff Duxbury asked Attorney Izzo if the Board could waive the Public Hearing and Tony said that there was sufficient proof that the neighbors had been notified.

Resolution # 14-2010

Waive Public Hearing for SUP 2010-01

Resolution by Jeff Duxbury

Seconded by Carl Thygesen

and passed unanimously by said Board;

RESOLVED, that since Mr. Hayes had applied for an area variance from the Zoning Board of Appeals and that the adjoining property owners had already been notified of his desire to construct a storage building and that Mr. Hayes had obtained letters from his neighbors stating that they had no objections that the Planning Board waive the requirement for a Public Hearing for SUP 2010-01.

Resolution # 15-2010

Negative Declaration SEQR SUP 2010-01

Resolution by Jeff Duxbury

Seconded by Carl 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 SUP 2010-01 be granted a negative declaration.

Resolution # 16-2010

Approval of SUP 2010-01

Resolution by Kyle Vandewater

Seconded by Carl Thygesen

and passed unanimously by said Board;

RESOLVED, that Special Use Permit # 2010-01 be approved.

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

Discussion on Recommended Changes to the Zoning Ordinance:

Chairman Tomkins stated that he was looking at the wording of the definition of Auction Facility to possibly be added to the Zoning Ordinance which states:

AUCTION FACILITY: *Any building or area or part of a building or area primarily used for the public sale of goods, wares, merchandise or livestock to the highest bidder.*

Chairman Tomkins stated that the word area is redundant and asked if it should be "area" or "parcel". The Board looked at the Zoning Definitions to see if parcel or lot was used in the Zoning Ordinance and lot is defined not parcel. The Board agreed to change the definition to state:

AUCTION FACILITY: *Any building or lot, or part of a building or lot, primarily used for the public sale of goods, wares, merchandise or livestock to the highest bidder.*

Some discussion ensued regarding the definition of livery and it was decided to leave it alone.

Chairman Tomkins asked the Planning Board if they desired to move the proposed Zoning changes to the Town Board. Carl Thygesen stated that he still did not like the change to the sign ordinance reducing the off-site commercial sign with a face in excess of 10 square feet to 6 square feet, which triggers a sign permit. The remainder of the Board was in agreement to reduce the square footage to 6.

Resolution # 17-2010
Move Zoning Ordinance Changes to Town Board

Resolution by Kyle Vandewater
Seconded by Michelle Wright

and passed by said Board;

RESOLVED, that the Planning Board moves the attached proposed changes to the Zoning Ordinance to the Town Board for review.

Roll Call:	Chairman Tomkins	Aye
	Jeff Duxbury	Aye
	Dan Spigner	absent
	Carl Thygesen	Nay
	Kyle Vandewater	Aye
	John Mattison	absent
	Michelle Wright	Aye

A motion to adjourn the meeting at 7:55 pm was made by Jeff Duxbury, 2nd by Michelle Wright.

Respectfully Submitted,

Kellie Blake
Planning Board Clerk

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March 18, 2010 - Recommended Changes to the Zoning Ordinance

(1) 190-77, B. Substantial damage or destruction. *In the event that any nonconforming structure or use is substantially damaged or destroyed, by any means other than demolition, to the extent of more than 50% of the cost of replacement of such structure new, proof should be supplied by the applicant in written estimate form of replacement value and work to be done by a minimum of two reputable agencies. ***Such structure shall not be restored unless, if within 30 days after the substantial damage, the owner of said nonconforming use notifies the Code Enforcement Officer, in writing, of his intent to restore said nonconforming use substantially to the conditions existing prior to the disaster.** It is the owner's responsibility to provide documentation of existing nonconforming conditions prior to the disaster to satisfy the Code Enforcement Officer. In that instance, the Code Enforcement Officer shall permit the issuance of a building permit within 30 days of receipt of the written notice of intent for such substantial restoration without further action. Restoration under this section shall be commenced within six months of the date of issuance of a building permit, and restoration shall be completed within one year of the issuance of the building permit. In the event that the Code Enforcement Officer is not notified of the intent to restore the nonconforming use within the time limit stated, such structure shall not be restored unless the structure and use thereof shall conform to all current regulations of this chapter.*

Change the paragraph to read:

***Such structure shall not be restored unless, if within 1 (one) year after the substantial damage, the owner of said nonconforming use notifies the Code Enforcement Officer, in writing, of his intent to restore said nonconforming use substantially to the conditions existing prior to the disaster.**

(2) LIVERY:

Add definition of Livery to Article II, Definitions, Section 167-3:

Livery: A business which transports people by motor vehicle for a fee and may include facilities for the storage and/or maintenance of said vehicles. Excludes situations where no fee is charged.

Addition to Use Table as:

USE	Rural Agricultural District	Residential District	Hamlet/ Mixed-Use District	Commercial District	Industrial District
Livery	SUP				SPR

Addition to Rural Agricultural District Area Requirements:

USE	Minimum Lot Size (acres)	Minimum Road Frontage (feet)	Minimum Front Yard Setback (feet)	Minimum Side Yard Setback (feet)	Minimum Rear Yard Setback (feet)	Maximum Height (feet)	Maximum Lot Coverage
Livery	3	300	50/75	50	50	50	20%

Addition to Industrial District Area Requirements

USE	Minimum Lot Size (acres)	Minimum Road Frontage (feet)	Minimum Front Yard Setback (feet)	Minimum Side Yard Setback (feet)	Minimum Rear Yard Setback (feet)	Maximum Height (feet)	Maximum Lot Coverage
Livery	1	None	50	35/50	15	60	60%

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(3) CURRENT DEFINITION: AGRICULTURAL STRUCTURE- Any barn, stable, shed, silo, garage, farm housing, farm stand less than 500 square feet, observation tower or other structure directly and customarily associated with agriculture or forest management activities.*

Change definition of Agricultural Structure in Article II, Definitions, Section 167-3:

AGRICULTURAL STRUCTURE- Any barn, stable, shed, silo, garage, farm housing, farm stand less than 500 square feet, observation tower or other structure directly and customarily associated with agriculture or forest management activities **and used in connection with an agricultural use.**

(4) AUCTION FACILITY:

AUCTION FACILITY: *Any building or lot, or part of a building or lot, primarily used for the public sale of goods, wares, merchandise or livestock to the highest bidder.*

Addition to the Use Table as:

USE	Rural Agricultural District	Residential District	Hamlet/ Mixed-Use District	Commercial District	Industrial District
Auction Facility	SUP				

Addition to Rural Agricultural District Area Requirements:

USE	Minimum Lot Size (acres)	Minimum Road Frontage (feet)	Minimum Front Yard Setback (feet)	Minimum Side Yard Setback (feet)	Minimum Rear Yard Setback (feet)	Maximum Height (feet)	Maximum Lot Coverage
Auction Facility	5	300	50/75	50	50	50	20%

(5) Signs:

Change – Article VIII Signs. D. (1) to read: An off-site commercial sign with a face in excess of 6 square feet.