

**Town of Greenwich  
Planning Board Meeting Minutes  
04/14/2011**

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

**Members Present:** Kyle Vandewater, John Mattison, Michelle Wright and Erika Sellar Ryan.

**Members Absent:** Jeff Duxbury and Dan Spigner.

**Also Present:** Clerk Kellie Blake and Planning Board Engineer John Hartnett.

**Members of the public who signed the attendance sheet:** Dave Gilchrest, John Carmody, Bud & Sandy Lacy, Bruce Agard and Carol Hopper.

**Correspondence:**

- Monthly Budget report received from Budget Officer Kellie Blake
- Washington County Development Corp – Notice of training on Thurs. May 5, 2011.
- Letter received from Bohler Engineering, designated agent for Schuyler Companies requesting an extension of the Board's action on the application until May 19, 2011.

**New Business:**

**04/14/2011**

**Informal Review – Mr. Gilchrest**, who lives in Granville, came before the Board to ask what he needed to do to have a mobile hotdog cart in the K-mart parking lot. The unit is self-sustained and is removed when he leaves for the day. He has spoken to the Manager of K-mart who gave him permission to set up the hotdog stand and further stated that he has the authority to allow the hotdog cart in the parking lot. It is a verbal agreement not a lease.

Chairman Tomkins stated that there were two ways the Board could treat this: as a new use requiring a Site Plan Review or it is considered part of the Shopping Center use. He asked the Board what they felt about it. It is not an intrusive use, but would this be setting a precedent. Chairman Tomkins asked if there was a minimum size alteration of a use that would get sent to the Board. There was not.

John Mattison asked if there was any power hooked up to the cart. Mr. Gilchrest stated that there was not.

Erika Sellar Ryan stated that she remembers reading about another hot dog vendor that wanted to place a cart in town and wondered what happened with that application.

Clerk Kellie Blake stated that he had wanted to set up at the beverage center with electricity, the owner of the building gave him permission but did not want to get involved with an application so he found another site.

Chairman Tomkins stated that the difference here is that it is in a shopping center which is allowed to change uses without a Site Plan Review. You could argue this is an enlargement of the shopping center.

Kyle Vandewater stated that this was not a permanent cart.

Chairman Tomkins stated that if the Board determines it is not covered because it is in a shopping center the same would apply for the Carmody property on Route 40 and the shopping center on Route 29.

Chairman Tomkins stated that he had no problem making that interpretation and asked what the other Board Members thought.

Kyle Vandewater wondered if the Board would treat this any differently if it was actually part of K-mart. They set up a cart and were selling hotdogs? And would that matter?

Chairman Tomkins stated that if they did, it would be clear that they wouldn't come to us.

Michelle Wright stated that if they were changing the footprint of the building they would need a Site Plan Review.

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Chairman Tomkins stated that he would like to put this on the agenda for the training with Stu Mesinger, what type of alteration should come to the Board for Site Plan Review.

John Mattison stated that K-mart sometimes had vendors selling items out front.

Michelle Wright stated that they were usually for non-profit type organizations. K-mart sells their gardening things outside, but they are their own items.

Chairman Tomkins stated that Stewarts sold items outside also.

Michelle Wright stated that Stewarts was not a shopping center.

John Mattison stated that this hot dog cart would be taken home every night, no electric or water.

Michelle Wright asked if there were any vendor permits required in town. Chairman Tomkins stated that there were not.

Kyle Vandewater stated a consideration for him is that at the end of the day we won't know that he was even there; this won't have an impact on traffic.

The Board was in agreement that this would be considered part of the use of the shopping center therefore not requiring a Site Plan Review.

Chairman Tomkins stated that the Board could tell Mr. Gilchrest this tonight but next week at the regular meeting a formal decision will be made and a letter can be sent to Mr. Gilchrest.

**New Business:**

**04/14/2011**

**Informal Review – John Carmody – 1111 State Route 29:**

Erika Sellar Ryan stated that she had to recuse herself from this application as her law firm does business with Mr. Carmody.

Mr. Carmody stated that what he would like to do is have a BBQ business out in front of the current building. The intent is to start off with an outdoor tent with picnic tables and a smoker. To start he would have this on the weekends, with the ultimate goal to renovate a portion of the current repair shop to be a sit down restaurant.

Chairman Tomkins asked if he would be adding any septic. Mr. Carmody stated that they would use the current septic system and restrooms already located in the dealership.

Chairman Tomkins stated that when Mr. Carmody makes a formal application he should apply for both phases of the restaurant, the tent and the alteration of the building so that he didn't have to come back to the Board for an amendment. Chairman Tomkins further stated that there would be no new septic, drainage issues or asphalt, the issue is how people come in and out of the site.

Mr. Carmody stated that most of the cars being showcased in front of the building now will be removed and parking will be available in that area. Customers will enter and exit the same way they do now, either from Route 29 or Route 40.

Kyle Vandewater and John Mattison asked that Mr. Carmody show them where the parking would be on a site map. How big is the tent, etc?

Chairman Tomkins stated that it seems straight forward; Mr. Carmody would need to submit a Site Plan Review Application for the full project. This is an additional use.

Mr. Agard asked if a modification to the existing site plan would be a possibility.

Chairman Tomkins stated that Mr. Carmody would still have to go through the same process and it wouldn't speed up the process at all.

Mr. Carmody asked if in the meantime, if he had a car promotion and had a BBQ as part of the promotion would that be allowed.

Michelle Wright stated to her that if he hired an outside person to come BBQ for a promotion that is acceptable. The rest of the Board agreed.

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Mr. Carmody had a question regarding his current approved Site Plan Review. The addition to the building was approved with the pilasters for the vertical break that is required by the Zoning Ordinance. He would like to change that break to something else and wondered what would be required.

Chairman Tomkins stated that he would have to look at the required distance for a vertical break and an amendment to the Site Plan would have to be submitted.

**New Business:**

**04/14/2011**

**Informal Review – Mr. Irving Lacy – Christie Road** – the following is an excerpt from the 03/17/2011 Minutes: ***Notice of illegal subdivision received from Washington County Real Property. Parcel is located on Christie Road. Clerk Kellie Blake supplied maps of the illegal subdivision. Without coming to the Planning Board for a Minor Subdivision Application and approval, Mr. Lacy filed a deed with the county dividing off a 49 ft by 48 ft section, which has a house on it, from a 79.7 Acre parcel located on Christie Road. The parcel in question does not meet the setback requirements for the Rural Agricultural District; in addition it is a “land locked” parcel.***

Mr. Lacy was served a “Notice of Violation” from Code Enforcement Officer Dan O’Connor.

Mr. Lacy stated that he owned the parcel and was deeding it to his wife. He wondered why he had to get a subdivision to do that when it was already one parcel. He had purchased the property from Mr. Cook who already had a subdivision on the property.

Chairman Tomkins asked the Clerk if she could get the Cook subdivision file. In the file the approval stated that a plat note must be filed making the parcel (49 ft. x 48 ft. parcel) part and parcel to Book 505 Page 370 Lands of Irving A. Lacy Jr. Apparently this was not done or not recorded with the County therefore the two parcels had separate deeds. So when Mr. Lacy filed the deed, with the County, conveying the property to his wife it was only part of the property. To correct the misunderstanding of an illegal subdivision, Mr. Lacy would need to have a new deed written which would include both parcel descriptions and file that with the County.

**New Business:**

**04/14/2011**

**Special Use Permit # 2011-02 – Carol Hopper, 102 Hill Street. Proposal for the conversion of the first floor of one of the buildings currently being used for storage to an apartment. There are currently two apartments on the second floor of the building. No additions to the footprint of the building. Parcel is located in the Residential Zoning District. Tax Map ID # 236.8-1-22.** Ms. Hopper stated that there are two buildings on the property. One building has two apartments upstairs, and the downstairs is a storage area. The other building is a single family with a total of three apartments in two buildings. She would like to add an additional apartment.

Chairman Tomkins asked about the parking. Ms. Hopper stated that there were 5 garages; each tenant had a garage and one extra tenant parked near the fence. There would be a garage available for the new apartment. Ms. Hopper stated that she has village water but not sewer. There is a cess pool for the septic; it was just checked by Mr. Snell who stated that it was in great shape. When possible she limits the apartments to one adult.

**The Board reviewed the application and the following item is needed:**

- **Copy of deed**

**Fees Received: \$75.00 Application Fee**

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**Old Business:**

**04/14/2011**

**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.**

Chairman Tomkins stated that a letter had been received asking for an extension of the Board's decision on this application until May 19, 2011.

Chairman Tomkins further stated that he doesn't normally speak with applicants on the phone, but he did speak with Mr. Larner. Chairman Tomkins reported to the Board that Mr. Larner had stated that the cost estimates had come in and he was trying to find ways to cut costs which may include changing the Site Plan. Chairman Tomkins told him that if he did that to make sure to get the changes to Planning Board Engineer John Hartnett so they could be reviewed in time for the meeting. Chairman Tomkins also told him that reducing the pavement and creating additional green space may be a cost saver. The Board discussed that there seemed to be too many parking spaces in that plan. Discussion ensued regarding the mature trees in front of Dr. Trachtman's Office now and if they were going to stay. Planning Board Engineer John Hartnett stated that possibly two of them could be saved but the other two would probably come out when they construct the storm water system.

A motion was made by Michelle Wright, Seconded by Kyle Vandewater that the meeting be adjourned at 8:25 pm.

Respectfully Submitted,

Kellie A. Blake  
Planning Board Clerk