

**Town of Greenwich
Planning Board Meeting Minutes
05/12/2011**

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

Members Present: Jeff Duxbury, Dan Spigner, Kyle Vandewater (8:15 pm), John Mattison, Michelle Wright and Erika Sellar Ryan.

Members Absent: Chairman William Tomkins

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

Members of the public who signed the attendance sheet: John Hedbring, Caryn & Brian Tindal, Mihai Buretea, Suzanne Shumway, William LaPan and Bruce Agard.

Correspondence:

- Letter received from Washington County Planning Board regarding SUP 2011-01. Motocross.

New Business:

05/12/2011

Minor Subdivision # 492 – Tymetal Corp, John Hedbring. Proposal for boundary line adjustment of two adjacent parcels. Parcel 228.-2-2.7 consisting of 3.07 +/- acres will be reduced to 2.20 +/- acres and Parcel 229.-2-2.12 consisting of 11.11 +/- acres will be increased to 11.98 +/- acres. Parcels are located in the Commercial Zoning District. Mr. Hedbring was in attendance and stated that they are going to lease the existing horse barn to J.C. Carmody who has a horse track behind the parcel. There are two parcels and a portion of one of the parcels will be joined to the larger parcel. The Board reviewed the application and the following items were discussed:

- Board may waive requirements for contours.
- Subdivision # 492 needs to be added to plat map.

Fees Received: \$ 100.00 Minor Subdivision Application Fee (ck # 2645)

New Business:

05/12/2011

Informal Review - Caryn & Brian Tindal, 18 Mill Road. Parcel located in the Hamlet Mixed Use Area. Tax Map ID # 198.20-1-19. Mr. & Mrs. Tindal were in attendance. Mrs. Tindal stated that they live in Cossayuna across from the Lakeville Baptist Church. There is an existing 110x90 fenced in enclosed arena where she used to train her horses. Ms. Tindal stated that she competes and trains dogs in agility tests. She began teaching classes last year. What she would like to do is open the arena for public “run through” or practice runs. People would come to her course to train their dogs in a different setting and on unfamiliar equipment. They would pay her to do this. She supplied the following information:

- There are four neighbors that actually join her property and a couple across the street. She went and spoke to her neighbors to let them know what she would like to do.
- Noise will be minimal, well trained dogs.
- Estimating 20-40 people would attend at any one time, parking in the pasture.
- Saturdays with rain dates on Sundays, twice a month, 1 – 5 pm, May – November, insured.
- Owners pick up their own dog’s waste.

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Vice Chairman Duxbury explained to Mrs. Tindal that this would be considered an Outdoor Recreational Use, because this is a business, which would require a Special Use Permit. Mrs. Tindal stated that it seemed as if the Special Use Permit was more for someone doing construction. Vice Chairman Duxbury stated that some of the permit would not apply, to fill it out the best she could and explained that the Board would need the run area as well as the proposed parking area delineated on a plat map. She was instructed to bring it back next week if she had the Special Use Permit complete.

New Business:

05/12/2011

Informal Review - Mihai Buretea was in attendance. He explained that he would like to set up a research lab in space leased to him by Ben Grieco on Fiddlers Elbow Road. Mr. Buretea asked the Board what they would like to know about him and his business and what types of materials would be needed from him for the application process. Vice Chairman Duxbury asked if he would explain his business to the Board. Mr. Buretea stated that:

- Contract research lab, by word of mouth, solving problems usually of a materials nature, for example: “can he make a glass like material to put on a semi conductor chip that has a certain resistance to electricity and this hardness, hasn’t been done before can it be done?”
- Starting materials supply; work as a transitional supplier, will solve a problem make a product for a period of time until the client can find a supplier.
- Difficult to describe, products and projects keep changing.
- Provided a preliminary list of the chemicals he uses, will provide a more complete list.
- Waste disposal – has been in contact with Washington County and DEC regarding the waste disposal, still working on that.
- No employees, has been involved in start up businesses including his own which he is moving from California.

Erika Sellar Ryan asked how he found Greenwich.

Mr. Buretea stated that he and his wife decided to move outside of San Francisco and looked on the West Coast but their family is on the East Coast. They then started looking for a community that was more rural but also had a strong interest in agriculture as they would like to set up a small farm. They purchased property on Ryan Road, like the Town and everyone they have met here.

Vice Chairman Duxbury suggested that Mr. Buretea speak with Supervisor Idleman regarding the waste disposal.

Mr. Buretea spoke with the County regarding the waste disposal and they don’t handle hazardous waste, he just found a contact with DEC today.

Mr. Buretea stated that all the heating is electric, on par with what is in a High School Chemistry Lab. Quantities are very small. Most chemicals he has are milligrams to tens of grams. Delivery is by Fed-Ex Haz-Mat. He has DOT certification to handle and transport hazardous materials also.

Michelle Wright asked if there were different levels of “hazardous” waste.

Mr. Buretea stated that the hazardous materials system is governed by DOT; anything can be transported except 8 classes of materials which include: explosives, poisonous and/or flammable gasses, flammable liquids, toxics, toxic by inhalation, etc. He works with some of those and receives them through either Fed-Ex, not sure about UPS, or he transports them himself. There are rules that have to be followed, some arrive on a regular truck some on designated trucks depending on what the material is. He primarily deals with flammables, toxics and compressed gases. For example nitrogen, because it is compressed, is considered hazardous.

Dan Spigner stated that he thought it depended on the quantity being shipped.

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Planning Board Engineer John Hartnett asked what size truck would be shipping the materials because the Board would be concerned with the traffic flow.

Mr. Buretea provided a map of the parcel for the Board to review. He further stated that he will have no employees and there are truck loading docks and any vehicle can easily be accommodated. A delivery a week would be a lot as they are very expensive.

John Mattison asked about spill containment in the shop itself, will DEC set the regulations for that?

Dan Spigner stated that DEC would be involved with that, there are very large fines for spills.

Vice Chairman Duxbury asked if, at his California facility, he had contacted the Fire Department regarding the chemicals?

Mr. Buretea stated that he has "fire cabinets" with self closing doors for the flammable chemicals. There are rules to follow for corrosive chemicals and require a secondary form of containment. Most of this, to his knowledge is not codified, but is good "trade practice" which he has learned on his jobs. In some areas the County and or Fire Companies like copies of the material sheets for the chemicals he uses.

Vice Chairman Duxbury asked if he had the Site Plan Review application and he did.

New Business:

05/12/2011

Informal Review – Suzanne Shumway, 249 Spraguetown Road. – Erika Sellar Ryan stated that she had a disclosure on this application, she was appointed by the court to sell this property as a referee, she was not involved and it is finished. She was not recusing herself.

Mrs. Shumway stated that she would like to park her buses that are used for her business, which is a "no walls" day hab, they pick clients up and bring them to various places. The business has been located on Langley Hill Road prior to Zoning. She will be living in the house but her business will remain on Langley Hill Road. This is not a bus service, they don't get paid to pick them up, we are paid to take adult people with developmental disabilities and teach them to be part of the community. She is here because Code Enforcement Officer Dan O'Connor stopped by to inform them that they needed a Special Use Permit.

CEO Dan O'Connor stated that this would be considered a "Livery" and requires a Special Use Permit. The Board explained what she would need, show where the busses and employees would be parked. Mrs. Shumway may return the completed application at the meeting next week.

New Business:

05/12/2011

Site Plan Review # 2011-03 – J.C. Carmody 1111 State Route 29. Proposal for the modification of a 1,300 sq ft existing retail automotive to a fast food restaurant. Tax Map ID # 228.-2-20.1. Parcel is located in the Commercial Zoning District. Erika Sellar Ryan recused herself from discussion and voting on this application.

Mr. LaPan stated that Mr. Carmody would like to put up a 30 x 30 outdoor tent with picnic tables to see how the operation would go before completing an application for the indoor restaurant. Items discussed:

- There will be a horizontal offset smoker outside the tent, which is contained on a 12 foot trailer.
- Will use existing dumpster for clean up at the end of the day.
- It will be a pick up or eat in (under the tent on picnic tables)restaurant.
- No grease trap, self contained in cooker.
- A water line will be run to the tent area for hand washing, etc. and be containerized and disposed of appropriately.
- Canned or bottled drinks.
- Regulated by Department of Health.

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- Board was concerned about traffic and parking. Some discussion ensued regarding the ingress and egress. Can't really change the way it is configured now.
- Hours of operation will be lunch through dinner during the summer months. No additional lighting is required.
- Parking requirements are 1 parking spot per 4 seats, plus 1 per 2 employees. ADA and pick up spaces will be included.

Items needed for next week:

- **Fresh water spigot location delineated on the plat map.**
- **Fire lane delineated.**
- **Pick up, ADA parking spaces delineated.**
- **Copy of DOH permit.**
- **Description of where gray water will be going.**

Vice Chairman Duxbury stated that he wanted to make it clear that the Board would be approving the outdoor tent portion of the restaurant at this time not the indoor sit down restaurant which would require another application.

Fees Received: \$100.00 Site Plan Review Application Fee – (check # 20861)

Old Business:

05/12/2011

Special Use Permit 2011-01: Steve Coffin 379 Anthony Road (designated agent: Michael Parker). Proposal for a closed course motocross recreational facility. No new buildings will be erected. Tax Map ID # 212.-1-4.

Vice Chairman Duxbury read the Washington County Planning Board Referral which stated:

"No Action Taken. After much discussion regarding the proposed project the board could not come to a general consensus and there was no motion gained. This is primarily because of the lack of representation for the project. The board would not be opposed if there was sufficient information. The local board should address: 1) noise, 2) hours of operation, 3) dust control, 4) stormwater management (retention on site is the goal), 5) parking, 6) fuel management."

Vice Chairman Duxbury stated that the issue with the Board going out to listen is one thing but having something more quantitative would be better. The applicant would have to pay for an independent noise (decibel) reading but by whom?

Planning Board Engineer John Hartnett stated that he does not have access to that type of equipment but C.T. Male may.

Vice Chairman Duxbury stated that Chairman Tomkins had found someone that rented a decibel reader, but then the question becomes, who can use it and if they do how do we know the readings are correct?

John Mattison stated then the issue would be: what level is acceptable.

Erika Sellar Ryan stated that what is acceptable to her may be different to someone else.

John Mattison stated that there would be a baseline for when there weren't any vehicles running and what the difference was when there were many vehicles.

Vice Chairman Duxbury stated that the Special Use Permit is renewable. Kyle Vandewater stated that if the motocross track turns out to be more intrusive on other property owners the Board will address the issues when Mr. Parker returns for a renewal application.

Dan Spigner stated that Mr. Parker stated that he was thinking about purchasing a decibel meter personally.

Erika Sellar Ryan stated that she represented a person who purchased his own meter and the neighbors would not accept the data.

Vice Chairman Duxbury stated that is why this Board accepts information from an engineer.

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Other discussion: Parking in the area he indicated may be an issue after a hard rain but confident that the applicant will address the issue.

Vice Chairman Duxbury stated that if the Board felt they needed to address the concerns voiced at the public hearing the Board could go out and go to those places so we have an idea about what they are hearing. Keep in mind we are having a late spring, may want to wait a few weeks. That would also show the times he may be operating...will he wait until June 1st until the leaves fall off in the autumn?

More discussion ensued regarding this and the Clerk was instructed to phone Mr. Parker and let him know that the Board would like him to hire an independent person to conduct a noise level study. Special Use and Site Plan regulations dictate that the applicant pay for consultation fees. The Board could suggest points where readings would be taken.

Planning Board Engineer John Hartnett stated that someone who knew what they were doing would know to take various readings. He also stated that he would be happy to work with this person.

A motion was made by Michelle Wright, Seconded by Dan Spigner that the meeting be adjourned at 9:15 pm.

Respectfully Submitted,

Kellie A. Blake
Planning Board Clerk