

**Town of Greenwich
Planning Board Workshop Meeting Minutes
05/13/2010**

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

Members Present: William Tomkins, Jeff Duxbury, John Mattison and Michelle Wright.

Members Absent: Dan Spigner, Carl Thygesen and Kyle Vandewater.

Also Present: Clerk Kellie Blake, Town Supervisor Sara Idleman and Code Enforcement Officer Dan O'Connor (8:30).

Members of the public who signed the attendance sheet: Carmita & Brent Patten, Dale Geisler, Kelley & Jude Goldman, Ralph Jameson, Rick Harris and Dorothy Yurschak.

Correspondence:

- Monthly Budget Report was received from Budget Officer, Kellie Blake.
- Public Notice received from NRP Associates, Inc. RE: Brownfield Cleanup Program for a site known formerly as Stevens & Thompson Paper Mill.

New Business:

05/13/2010

Informal Review: Brent & Carmita Patten, County Route 77. Mr. Patten stated that he has a parcel that has several deeds but is designated as one parcel for tax purposes. Jeff Duxbury questioned whether or not Mr. Patten needed to come before the Planning Board if separate deeds already existed. Chairman Tomkins stated that he thought that under the subdivision regulations that lots of record that are contiguous and have the same owner become one lot. The property has an existing house, well, septic and driveway. He would like to move the boundary line to divide off the house from the rest of the parcel. The Board reviewed the map provided and it was pointed out that the parcel in question actually crosses the road. The section of the parcel that has the existing house is the section where the parcel crosses the road. Chairman Tomkins stated that this would actually be a subdivision consisting of three lots. There is sufficient frontage for the two new lots to have driveways. Chairman Tomkins further stated that if Mr. Patten would like the other two parcels to be buildable lots then perc tests would have to be done on both lots as well as a proposed house, well and septic being delineated on the map. Otherwise anyone that purchased the properties would have to come before the Planning Board and apply to have it deemed buildable. Mr. Patten stated that he did not wish to have them deemed buildable lots at this time. The parcel containing the house will have to be surveyed and the plat map will have to delineate the location of the house, well, septic and driveway. Mr. Patten was instructed to have the application and maps to the Clerk by June 7, 2010 in order to be on the agenda for the June Meeting.

New Business:

05/13/2010

Informal Review: Kelley & Jude Goldman, State Route 4. Mr. Goldman stated that they are renting a building on State Route 4, with the option to buy. (Formerly Gus's Tavern and Kits Ice Cream) Mr. & Mrs. Goldman's proposal is to open a new business "Puckers Gourmet" where they will be making pickles (old world style made in barrels) and sauerkraut. They will be working with local farmers. Chairman Tomkins asked if they would be selling the pickles out of the building. Mr. Goldman stated not currently, they are going to focus on wholesaling the pickles. They would like to be open to the public during the week. The structure will remain the same and a walk in cooler will be placed on a slab in the back of the building. Chairman Tomkins asked if they would have employees. Mr. Goldman stated that they would like to hire people on a part time basis to help with packing. Mrs. Goldman stated that within two years they would like to have employees and a driver. Michelle Wright asked if there would be mail order. Mr. Goldman stated no, just trucks distributing the products. Chairman

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Tomkins stated that the former owner had a Special Use Permit approved but if the business has been discontinued for more than a year then a new Special Use Permit would be needed. It was determined that the business had been gone for more than one year, but this would be a change in use and require a Special Use Permit at any rate. The business is located in the Hamlet/Mixed Use District. The Board determined that this would best be described as a retail business and would require a Special Use Permit. The former business was granted an area variance because of the setback requirements for a restaurant in the Hamlet/Mixed Use District. The Board decided that if Mr. & Mrs. Goldman could have an application and site plan for next week's meeting that they would review it then. This application would require referral to the County Planning Board for review as well as a public hearing.

New Business:

05/13/2010

Informal Review: Ralph Jameson, County Route 49. Mr. Jameson and Mr. Harris were present. Mr. Jameson has a large parcel of land on County Route 49 which has an existing house, well, septic and driveway on it, as well as a barn. Mr. Jameson would like to subdivide the property into 4 lots. One of the lots driveways would be within 50 feet of a barn and Mr. Jameson asked if that would be a problem. The Board stated that he would have to apply for an area variance from the ZBA and if that was granted the Planning Board could review the subdivision. Two of the other parcels would have driveways right next to each other. Michelle Wright asked if the two driveways side by side would be acceptable to the Highway Superintendent. Mr. Harris thought that it was more a matter of site distance than distance apart. The parcels would be "flag" parcels. More discussion ensued with Mr. Jameson and Mr. Harris pointing out where the parcels might be on the small map provided. Mr. Jameson and Mr. Harris were instructed to speak with the ZBA at their next regular meeting to ask about the variance.

Old Business:

05/13/2010

Minor Subdivision # 481 – Richard & Sharon Badgley (designated agent: Dorothy Yurschak). Proposal for a 4 lot subdivision of a 189.60 +/- acre parcel located at 1 Dundon Lane. Tax Map ID # 212.-1-14. Lot 1 – 65.087 acres with an existing house, barn and garage. Lot 2 – 36.063 acres. Lot 3 – 75.821 acres and lot 4 – 12.631 acres. Parcel is located in the Rural Agricultural Zoning District. Designated agent Dorothy Yurschak was in attendance. The following items were needed previously:

- **5 copies of an updated map – in the process**
- **Perc test results on the map – in the process, perc tests were done, not on map yet**
- **SHPO approval – supplied see below**
- **Designated agent form - supplied**
- **Driveway location approval - supplied**
- **Proposed house, well, septic and driveways delineated on the map- in the process**

The following is an excerpt from the Jan. 21, 2010 meeting *"Chairman Tomkins stated that there are two restrictions on the deed. One regarding the house and barn and the other was on the land; being archeologically sensitive. If the land were to be used in a more intensive way SHPO would need to be contacted. Chairman Tomkins stated that the Board would need approval from SHPO before the subdivision could be approved".* Ms. Yurschak supplied a letter from SHPO which stated:

Dear Ms. Yurschak,

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966 and the restrictions emplaced by the U.S. Department of Agriculture, Farm Service Agency (FSA) on the Quitclaim Deed by which the property was conveyed to Richard L. and Sharon M. Badgley, registered December 3rd, 1998.

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It is the SHPO opinion that the subdivision of the Badgley property will have No Adverse Effect on historic resources provided that the deed restrictions are continued in the deeds of the resulting parcels. Please note that subsequent development of the subdivided parcels will continue to be subject to review by the FSA and the SHPO with regard to possible impacts to the historic buildings and archeological resources.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above. (10PR02170)

Sincerely, Ruth L. Pierpont, Director, Division for Historic Preservation

Chairman Tomkins stated that the letter from SHPO basically separates the subdivision process from the development process. If someone were to develop the land they might be required to do an archeological study. The Clerk stated that the application and Environmental Assessment Form on file were copies and that the originals were needed. The following is an excerpt from the Feb. 11, 2010 meeting "Kyle Vandewater stated that he had gone and looked at the property and he didn't see any issues with the location of the proposed property lines."

Jeff Duxbury asked if the reference from SHPO should be included in the plat notes. Chairman Tomkins stated yes, and composed the following: **Subject to restrictions noted on deed in book 816, page 47 filed with the Washington County Clerk, requiring consultation with an approval by the NYS Historic Preservation Office for actions affecting the historic structure and archeologically sensitive areas, all parcels are subject.**

Items still needed:

- **Original Application and Short Environmental Assessment Form**
- **Perc test sites, results and person who performed testing delineated on maps**
- **Proposed house sites, well, septic and driveways**
- **Subdivision # 481 delineated on map**
- **Plat note: Subject to restrictions noted on deed in book 816, page 47 filed with the Washington County Clerk, requiring consultation with an approval by the NYS Historic Preservation Office for actions affecting the historic structure and archeologically sensitive areas, all parcels are subject.**

Fees Paid: \$100.00 Application Fee (check # 8893)

New Business:

05/13/2010

Informal Review: John Mattison stated that Jamey Gibson had given him a copy of a tax map of property that Jamey owns on North Road. He is contemplating subdividing the property into three lots. Chairman Tomkins stated that he had no problem with three large parcels; they should naturally divide fields or land that can still be used for farming. Chairman Tomkins stated that right now there is a useful field on the property and the question is: When you get finished, how do you have the best chance for that to continue to be useful.

Discussion: Motor Cross

Supervisor Idleman stated that there have been many complaints about the Motor Cross located on John Robertson Road. Noise and dust seem to be the large issues. The Town Board, under the advisement of Attorney Alan Wrigley, is pursuing it. Supervisor Idleman and the Board were invited to the Dedeo's to witness the motor cross in action. The Dedeo's were advised to call DEC regarding the dust pollution and that the Town was going to contact DEC also. Michelle Wright stated that she has seen trucks and trailers on Spraguetown Road heading to or leaving John Robertson. More discussion ensued regarding other Motor Cross tracks that have been closed down by other Towns.

Discussion: Georgia Pacific Site – Hydro Application Status:

Chairman Tomkins stated that it would be good to figure out where the licensing process was for this hydro. He would like to know if something was going to happen. Chairman Tomkins stated he "googled" it and thought he

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found the site and FERC (Federal Energy Regulatory Commission) had denied the application. Clerk Kellie Blake stated she thought that a copy of the application was given to the Planning Board and she would try to locate it. Chairman Tomkins stated that there were issues with the existing dam.

Discussion: Sign Ordinance:

Clerk Kellie Blake stated that a question had arisen regarding the sign ordinance again. Political, temporary signs, are they regulated under the Zoning Ordinance. Chairman Tomkins stated that you can't prohibit political signs but you can regulate the size. Code Enforcement Officer Dan O'Connor stated that he has regulated all signs just like commercial signs in regards to size. Most of the signs he has seen have been for commercial businesses. Some discussion ensued and Chairman Tomkins read the definition of Commercial Sign which states: ***SIGN, COMMERCIAL AND OFF-SITE COMMERCIAL – Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out-of-doors, on the exterior of any building, or indoors as a window sign, displaying an advertisement, announcement, notice or name, and shall include any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interests of any person or business or cause when such is placed in view of the general public. A commercial sign is an off-site commercial sign when the purpose of the sign is to advertise or promote the interest of any person or business not located within the legal limits of the real property on which the sign is located.*** Chairman Tomkins stated that the definition includes political signs or non-commercial signs because it is a very broad definition. Michelle Wright asked about signs that were two boards with a changeable sign in the middle that were put up and taken down daily. Code Enforcement Officer Dan O'Connor stated that unless he received formal complaints he did not act on enforcement issues.

A motion to adjourn the meeting at 8:35 pm was made by Michelle Wright, 2nd by John Mattison.

Respectfully Submitted,

Kellie Blake
Planning Board Clerk