

**Town of Greenwich  
Planning Board Meeting Minutes  
05/19/2011**

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

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

**Members Absent:** Jeff Duxbury, Dan Spigner, Kyle Vandewater.

**Also Present:** Clerk Kellie Blake, Planning Board Attorney Tony Izzo and Supervisor Sara Idleman.

**Members of the public who signed the attendance sheet:** John Hedbring, Caryn & Brian Tindal, Carol Hopper, John Carmody, Bruce Agard, Steven Johnson, William LaPan and Mihai Buretea.

**Correspondence:**

- Letter received from Washington County Planning Board regarding SUP 2011-02. Carol Hopper, 102 Hill Street. Found to be a matter of local concern.

**Old Business:**

**05/19/2011**

**Minor Subdivision # 491 – Steven Johnson – Proposal for a four lot subdivision of two parcels located on Christie Road. Parcel ID # 214.-1-9.9 consisting of 10.48 Acres and Parcel ID # 214.-1-9.8 consisting of 6.81 Acres. Parcel is located in the Rural Agricultural Zoning District.** The public hearing on this application was held on April 21, 2011. There were comments made in regards to the cemetery being separated from the house and if access to the cemetery would still be available. The following is an excerpt from that meeting: “*It was decided that Planning Board Attorney Izzo and Erika Sellar Ryan would get together to write a plat note that could be added to the Subdivision Map.*” At the meeting tonight Planning Board Attorney Tony Izzo supplied the following plat note which will be added to the maps: “*This approval is not to be construed to eliminate or limit in any way the authority conferred upon the Town of Greenwich by Article 17 of the Town Law or Article 8 of the General Municipal Law or the authority conferred upon any other government entity relative to the cemetery indicated on this map.*”

Resolution # 21-2011  
Plat Note Addition Minor Subdivision # 491

Resolution by Michelle Wright  
Seconded by John Mattison

and passed unanimously by said Board;

RESOLVED, that the Planning Board requests that the following plat note be added to the Subdivision Map, “*This approval is not to be construed to eliminate or limit in any way the authority conferred upon the Town of Greenwich by Article 17 of the Town Law or Article 8 of the General Municipal Law or the authority conferred upon any other government entity relative to the cemetery indicated on this map.*”

Short EAF (SEQR Review) Part II – Impact Assessment:

Chairman Tomkins read the following:

- Does action exceed any Type I threshold in 6 NYCRR, Part 617.4? *NO*
- Will action receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6? *NO*
- Could action result in ANY adverse effects associated with the following:

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C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste disposal, potential for erosion, drainage or flooding problems? Explain briefly: *NO, FLOODPLAIN DELINEATED ON PLAT, FOLLOWING FLOOD PLAIN RULES.*

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: *POSSIBLE HISTORIC DUE TO CEMETERY, HOUSE AND PROPERTY AS WELL. FOLLOW TOWN LAW SECTION 291.*

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: *NO SIGNIFICANT IMPACT.*

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of land or other natural resources? Explain briefly: *NO SIGNIFICANT IMPACT.*

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: *NO SIGNIFICANT IMPACT.*

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: *NO SIGNIFICANT IMPACT.*

C7. Other impacts (including changes in use of either quantity or type of energy)? Briefly explain: *NONE.*

D. Will the project have an impact on the environmental characteristics that caused the establishment of a critical environmental area (CEA)? *NO.*

E. Is there, or is there likely to be, controversy related to potential adverse environmental impacts? *NO.*

Resolution # 22-2011  
Negative Declaration SEQR Minor Subdivision # 491

Resolution by Michelle Wright  
Seconded by John Mattison

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 # 491 be granted a negative declaration.

Resolution # 23-2011  
Conditional Approval of Minor Subdivision # 491

Resolution by Michelle Wright  
Seconded by John Mattison

and passed unanimously by said Board;

RESOLVED, that contingent on the above mentioned plat note regarding the cemetery be added to the map that Minor Subdivision # 491 be approved.

Mr. Johnson was instructed to have the plat maps corrected and he can bring them to Planning Board Clerk Kellie Blake to sign. At that time he will also supply the clerk with a check for two lot fees and two recreation fees.

Mr. Johnson stated that he had dealt with subdivisions in two towns and the Town of Greenwich's process had been the most straight forward and easiest to follow.

**Fees Received: \$100 Application Fee (ck. # 706) Certified Mailing Fees \$ 49.86 (ck. # 3917)**

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**New Business:**

**05/19/2011**

**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 on this application.**

**Items supplied by the applicant for this meeting were:**

- **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.**

Resolution # 24-2011

SPR 2011-03 Complete, referred to County and Public Hearing Set

Resolution by John Mattison

Seconded by Michelle Wright

Erika Sellar Ryan had recused herself from commenting on the application but her vote was needed to move the application forward as she made the quorum vote.

and passed unanimously by said Board;

RESOLVED, that Site Plan Review # 2011-03, which is the tented portion of the BBQ restaurant, be deemed complete, referred to the County Planning Board for review and a public hearing be set for Thursday June 16, 2011 at 7:15 pm.

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

**Old Business:**

**05/19/2011**

**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. The following letter was received from Daniel S. Clarey of Bohler Engineering: "Dear Mr. Tomkins: On behalf of the applicant, Greenwich Partners, LLP, I formally request an extension of the statutory approval date to June 16, 2011. This extension will continue to afford us time to work with our tenants, our contractor and the Town to insure we can create a quality, cost-effective project. Thank you for your on-going cooperation in this matter. Please contact me at 518-438-9900 with any questions. Sincerely, Daniel S. Clarey."**

Resolution # 25-2011

Extension of Statutory Board Approval Date

Resolution by Michelle Wright

Seconded by Erika Sellar Ryan

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Discussion: Chairman Tomkins stated that he was in favor of extending it but the applicant needed to get any new plans to Planning Board Engineer John Hartnett a week before the Workshop Meeting which would be June 2, 2011. Chairman Tomkins further stated that if the applicant is working on changes that will take place under the ground, such as the ground water, then the Board could accept that, but if items above the ground were changed, such as the placement of the building, a second public hearing would be needed.

and passed unanimously by said Board;

RESOLVED, that Planning Board agrees to the requested extension of the Planning Board's statutory approval date of Site Plan Review # 2011-01 until June 16, 2011.

**7:15 pm - Public Hearing:**

**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.** Chairman Tomkins opened the public hearing for Special Use Permit 2011-02 at 7:15 p.m. He called for all interested members of the public to step forward and examine the maps. Thirty out of thirty three of the adjoining owners had responded to the notice of the public hearing. Chairman Tomkins stated that the County found this to be a matter of local concern therefore the local Board may take action on the application. Chairman Tomkins read the statement from Snell Septic which stated that he had uncovered block drywell (seepage pit) with precast concrete cover with access hold in center.

- Approximately 6' to 8' diameter
- Liquid level 40" below inlet pipes
- Did not need to pump
- Flushed ok after repairing pipes near drywell
- This is an existing working system

With no comments or questions from the public Chairman Tomkins closed the public hearing for Special Use Permit # 2011-02 at 7:20 pm.

**Short EAF (SEQR Review) Part II – Impact Assessment:**

Michelle Wright read the following:

A. Does action exceed any Type I threshold in 6 NYCRR, Part 617.4? *NO*

B. Will action receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6? *NO*

C. Could action result in ANY adverse effects associated with the following:

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste disposal, potential for erosion, drainage or flooding problems? Explain briefly: *NO IMPACT TO GROUNDWATER, NOISE LEVELS, TRAFFIC PATTERN, EROSION, NO NEW SEPTIC IN DEVELOPED VILLAGE AREA.*

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: *NO CHANGE – RESIDENTIAL AREA TO CONTINUE AS RESIDENTIAL AREA.*

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: *NO EXTERIOR CONSTRUCTION.*

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of land or other natural resources? Explain briefly: *NO BECAUSE IT IS A SPECIAL USE PERMIT.*

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: *NOT LIKELY, NO MEASURABLE CHANGE.*

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C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: *NONE*.

C7. Other impacts (including changes in use of either quantity or type of energy)? Briefly explain: *NOT MEASURABLE*.

D. Will the project have an impact on the environmental characteristics that caused the establishment of a critical environmental area (CEA)? *NO*.

E. Is there, or is there likely to be, controversy related to potential adverse environmental impacts? *NO*.

Resolution # 26-2011  
Negative Declaration SEQR Special Use Permit # 2011-02

Resolution by Michelle Wright  
Seconded by John Mattison

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 Special Use Permit # 2011-02 be granted a negative declaration.

Resolution # 27-2011  
Approval of Special Use Permit # 2011-02

Resolution by John Mattison  
Seconded by Michelle Wright

and passed unanimously by said Board;

RESOLVED, that Special Use Permit # 2011-02 be approved.

**Fees Received: \$75.00 Application Fee and \$182.82 Certified Mailing Fees**

**Old Business:  
05/19/2011**

**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.** The Board reviewed the application at the meeting last week and may waive requirements for contours. Subdivision # 492 was delineated on the plat map.

Resolution # 28-2011  
Contours Waived

Resolution by John Mattison  
Seconded by Michelle Wright

and passed unanimously by said Board;

RESOLVED, that the required contours on the plat map are waived.

Resolution # 29-2011  
Minor Subdivision # 492 deemed complete and Public Hearing Set

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Resolution by Michelle Wright  
Seconded by John Mattison

and passed unanimously by said Board;

RESOLVED, that Minor Subdivision # 492 be deemed complete and a public hearing be set for Thursday, June 16, 2011 at 7:30 pm.

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

**Old Business:  
05/19/2011**

**Special Use Permit # 2011-03 - Caryn & Brian Tindal, 18 Mill Road. Proposal to hold dog agility runs in an existing fenced in area. Parcel located in the Hamlet Mixed Use Area. Tax Map ID # 198.20-1-19.**

The Board reviewed the Special Use Permit. Chairman Tomkins read the following excerpt from the minutes last week:

- *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.*

Mrs. Tindal further stated that there will be no seating and no grandstand and the dogs are well trained and the only noise they would make is if they are waiting in line and are excited to run. Sometimes Australian Shepherds tend to bark when they are out running. There are a few dogs in the neighborhood that bark continually.

Chairman Tomkins stated that parking will be in the field and it looked like there was plenty of space for that.

Mr. Tindal stated that there is approximately 1.47 acres in the area where people will be parking.

John Mattison stated that to him the biggest hurdle was the parking, parking on the Road is a problem, but the applicant has a large area in which people can park.

The Board reviewed the application which was complete and stated that the Special Use Permit Application being renewable did not seem to be a necessity with this application.

Resolution # 30-2011

Special Use Permit # 2011-03 deemed complete, refer to County and Public Hearing Set

Resolution by Michelle Wright  
Seconded by Erika Sellar Ryan

and passed unanimously by said Board;

RESOLVED, that Special Use Permit # 2011-03 be deemed complete, referred to the County for review and a public hearing be set for Thursday, June 16, 2011 at 7:45 pm.

**Fees Received: \$ 75.00 SUP Application Fee (ck # 3289)**

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**Old Business:**

**05/19/2011**

**Site Plan Review # 2011-04 - Mihai Buretea (designated agent for Ben Grieco) was in attendance. Application to use a portion (approx. 2000 sq. ft.) of an existing rental building located at 109 Fiddlers Elbow Road as an office and a Research and Development Lab. Parcel is located in the Industrial Zoning District. Tax Map ID # 228.-1-2.1.** Mr. Buretea explained that he is moving his business here from California where for the last 6 years he has been running a small research and development lab. He will be renting approximately 1/3 of an existing building owned by Mr. Grieco. There will be no employees; parking will not be an issue.

Chairman Tomkins asked if there would be chemical waste for the products.

Mr. Buretea stated that sometimes there is, the projects change based on the needs of the client. Mr. Buretea stated that he found the correct agency which is DEC and was told that his actions would be considered to be a "Conditionally Exempt Small Quantity Generator" (CESQG). Which would hold true as long as he generates less than 220 lbs. of hazardous (and less than 2.2 lbs of acutely hazardous waste) per calendar month, and store no more than 2,200 lbs. of hazardous (and less than 2.2 lbs of acutely hazardous waste) at any time. DEC also referenced a link to the complete regulations at <http://www.dec.ny.gov/regs/2491.html>. Mr. Buretea stated that he knew exactly what this was because that is what California calls it also. There is code as to how the materials can be stored, handled and disposed of. Nothing will be going into the ground or water. He can drive the waste himself as he has DOT certification or contract with a waste removal company.

Chairman Tomkins stated that his place of employment deals with ordinary hazardous waste. It is generally things that need to be properly stored and removed, nothing extremely dangerous. The Board should make sure that they are specific in which types of waste are being disposed of when approving this application as well as to know exactly what a "Conditionally Exempt Small Quantity Generator" (CESQG) is. Chairman Tomkins will research the definition and specific rules.

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

- **Deed**
- **North arrow**
- **Title**
- **Site location map**

Resolution # 31-2011

Site Plan Review # 2011-04 deemed complete and Public Hearing Set

Resolution by John Mattison

Seconded by Michelle Wright

and passed unanimously by said Board;

RESOLVED, that pending the addition of the above items being provided that Site Plan Review # 2011-04 be deemed complete and a public hearing be set for Thursday, June 16, 2011 at 8:00 pm.

**Fees Received: \$ 100.00 SPR Application Fee (ck # 1130)**

John Mattison stated that at the meeting last week it was discussed that the Fire Department should be notified of the chemicals in the building, how would that work in the approval process?

Chairman Tomkins stated that if the Board determines that this will be ordinary waste, just inform them what is there.

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John Mattison stated that Mr. Buretea could provide the MDS sheets to the Fire Department and felt that was important.

Chairman Tomkins stated that sounded reasonable and the Fire Department should know where the sheets are located in the building.

Erika Sellar Ryan stated that Mr. Buretea might like to let County Dispatch also know what chemicals were in the building so if 911 were called they could alert the Fire Department(s) as to what is in the building.

**Old Business:**

**05/19/2011**

**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.**

Chairman Tomkins asked where this application stood as he wasn't here last week.

John Mattison stated that the Board had asked Mr. Parker to get an independent noise level report done.

Chairman Tomkins stated that if we are asking the applicant to do some sort of analysis we should let them know exactly what we want done, where the sound is measured from, when, etc. Also before the study is done to show us what the plan is. The public hearing was held on April 21<sup>st</sup> and the Board has 62 days in which to act if the applicant does not ask for an extension.

John Mattison asked if the Board was still thinking about going out to listen. This study is good to have a basis in which to compare at a later date, take readings when the vehicles are not running and when they are running.

Chairman Tomkins stated that there is a standard of decibel levels which are acceptable in a series of different conditions. He thinks he can get a copy of the EPA standards.

Chairman Tomkins stated that the decibel meters can be rented, but then who can read it. Measurement should be witnessed by the Board, measured at the property line and at various spots. We have two engineering firms on retainer for the Town which we can use, John Hartnett and C.T. Male. More discussion ensued regarding where the measurements may be taken from. It shouldn't be an expensive undertaking.

Chairman Tomkins asked if the Clerk would contact John Hartnett to see if he felt comfortable reading a decibel meter or recommend someone who could.

Erika Sellar Ryan asked if the applicant was going to be notified before the next workshop meeting so that this could be accomplished in a timely manner.

Michelle Wright stated that it was important to remember there is ambient noise in the Town and that should be measured as well as the noise level when the vehicles are running.

A motion was made by Michelle Wright, Seconded by John Mattison that the meeting be adjourned at 8:15 pm.

Respectfully Submitted,

Kellie A. Blake  
Planning Board Clerk