

**Town of Greenwich  
Planning Board Meeting Minutes  
05/20/2010**

**Call to Order:** Vice Chairman Duxbury called the meeting to order at 7:00 pm. After Chairman Tomkins arrived he asked Jeff to continue to chair the meeting.

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

**Members Absent:** Dan Spigner and Carl Thygesen.

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

**Members of the public who signed the attendance sheet:** Carmita & Brent Patten, Rick Harris, Stan Matyka, Matthew Van Doren, Stephen Ruchinski, Gary Moore and Dorothy Yurschak.

**Correspondence:**

- Letter received from Washington County Planning Board: RE: Stephens Chrysler Jeep Dodge, Façade change was found to be a matter of essentially local concern; therefore, the referring body should proceed to take final action on the matter.

**Old Business:**

**05/20/2010**

**Informal Review: Brent & Carmita Patten, County Route 77** – Jeff Duxbury wanted to clarify that Mr. Patten did indeed need to have a subdivision for his parcel. The parcel in question has multiple deeds but is considered one lot for assessment purposes. Chairman Tomkins stated that he was sure there was something in the Zoning Ordinance that covered this point. Chairman Tomkins further stated that the Zoning Commission was concerned that owners with contiguous parcels could end up subdividing multiple times without having to apply for a Major Subdivision. Therefore, for subdivision purposes, contiguous parcels owned by the same person would be considered one parcel so that twenty subdivisions could not occur. Chairman Tomkins read from the Zoning Ordinance; **Section 190-71 Subdivision Standards. B – “Within the Rural Agricultural District, the three-hundred-foot frontage requirement in the Area Table does not apply, provided that no more than four lots are being subdivided and all of which have access to a public, Town, county or state highway, from a parcel from the date of enactment of this chapter. For purposes of this section, parcels that are contiguous and in the same ownership at the time of enactment of this chapter shall be considered to be a single parcel for all subsequent subdivisions.”**

Planning Board Attorney Izzo stated that the parcel would have to be subdivided per the town’s subdivision process.

Jeff Duxbury asked again, even though he has separate deeds, he has to go through the subdivision process? Tony Izzo stated yes.

Mr. Patten clarified that this would be a Minor Subdivision, and he would get separate deeds for something he already had separate deeds for? Tony stated yes, according to this statute.

More discussion ensued.

Kyle Vandewater asked, since Mr. Patten already had deeds for four parcels could the Planning Board waive the lot fees and recreation fees? Chairman Tomkins stated, yes, he is not creating any buildable lots, so the Board can waive both the lot and recreation fees.

Jeff Duxbury asked Tony Izzo: Does the Town Law supersede a deed? Tony stated that it didn’t supersede the deed but brings something into a subdivision process.

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**Public Hearing:  
05/20/2010**

**Minor Subdivision # 483 – Wendy Higgins (designated agents: Rick Harris and 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.** Mr. Harris was in attendance. Vice Chairman Duxbury opened the public hearing for Minor Subdivision # 483 at 7:15 pm. He called for all interested members of the public to step forward and examine the maps. Five out of five of the adjoining property owners responded to the certified mailings of the public hearing notices. Stanley Matyka, an adjoining owner had questions for Mr. Harris regarding one of the property lines, but said he could discuss this with Mr. Harris after the meeting. Vice Chairman Duxbury closed the public hearing at 7:22 pm.

Resolution # 22-2010  
Negative Declaration SEQR Minor Subdivision #483

Resolution by Jeff Duxbury  
Seconded by 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 Minor Subdivision # 483 be granted a negative declaration.

Resolution # 23-2010  
Approval of Minor # 483

Resolution by William Tomkins  
Seconded by Michelle Wright

and passed unanimously by said Board;

RESOLVED, that Minor Subdivision # 483 be approved.

**Fees Received: \$100 application fee (check # 338) Public Hearing Notice Fees - \$27.70 (check # 368) One Lot Fee \$125 and one Recreation Fee of \$100. (\$200 cash, \$25 Check)**

**Public Hearing:  
05/20/2010**

**Site Plan Review # 2010-01 Stephen's Chrysler – 2551 State Route 40. Proposal is to construct a new façade on the current building. No additional square footage to be added. Tax Map ID # 228.-2-5.** Mr. Ruchinski was in attendance. Vice Chairman Duxbury opened the public hearing for Site Plan Review # 2010-01 at 7:30 pm. He called for all interested members of the public to step forward and examine the maps. Nine out of nine of the adjoining property owners responded to the certified mailings of the public hearing notices. Vice Chairmen Duxbury read the letter from Washington County Planning Board which states: *“Found to be a matter of essentially local concern; therefore, the referring body should proceed to take final action on the matter. Local matter, however, we encourage the Local Board to consider modifying the façade to better fit with Washington County Heritage.”* Planning Board Attorney Tony Izzo asked the Board if there are guidelines for that. Chairman Tomkins stated that there is a measurable objective standard for facades and this meets the requirements. Tony Izzo stated that the word “heritage” is open to many different interpretations. With no other comments, Vice Chairman Duxbury closed the public hearing at 7:34 pm.

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Resolution # 24-2010  
Negative Declaration SEQR Site Plan Review 2010-01

Resolution by Jeff Duxbury  
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 Site Plan Review # 2010-01 be granted a negative declaration.

Resolution # 25-2010  
Approval of Site Plan Review # 2010-01

Resolution by William Tomkins  
Seconded by Kyle Vandewater

and passed unanimously by said Board;

RESOLVED, that the façade change proposed on Site Plan Review # 2010-01, not including any signage be approved.

**Fees Received: \$100 application fee (check #16015) Public Hearing Notice Fees - \$49.86 (check # 16017).**

**Public Hearing:  
05/20/2010**

**Minor Subdivision # 484 – Gary Moore, trustee for the Vincent M. Cristaldi Children’s Trust. Property located on Spraguetown Road, Tax Map ID # 213.-2-12. Proposal for a boundary line adjustment of an 133.32 +/- acre parcel, 1.824 +/- acres to be combined with Robert and Barbara Fish’s parcel across the street, Tax Map ID # 213.-2-12.1. Remaining 131.50 +/- acres to be retained.** Vice Chairman Duxbury opened the public hearing for Minor Subdivision # 484 at 7:45 pm. He called for all interested members of the public to step forward and examine the maps. Eleven out of twelve of the adjoining property owners responded to the certified mailings of the public hearing notices. With no comments from the public, Vice Chairman Duxbury closed the public hearing at 7:47 pm.

Resolution # 26-2010  
Negative Declaration SEQR Minor Subdivision #484

Resolution by Jeff Duxbury  
Seconded by William Tomkins

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 # 484 be granted a negative declaration.

Resolution # 27-2010  
Approval of Minor # 484

Resolution by William Tomkins  
Seconded by Michelle Wright

and passed unanimously by said Board;

RESOLVED, that Minor Subdivision # 484 be approved.

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**Discussion: Georgia Pacific Site – Hydro Application Status:** The following is an excerpt from last week's workshop meeting: *"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 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. "* Clerk Kellie Blake looked on the FERC website and found that the licensing process was still ongoing and that an updated study report will be completed by June 19, 2010 and a preliminary licensing proposal or draft license application by November 1, 2010. FERC project no. 12741, Thomson. Web address is: <http://elibrary.ferc.gov/idmws/search/fercgensearch.asp>. Enter docket # p-12741.

**Old Business:  
05/20/2010**

**Informal Review: Kelley & Jude Goldman, State Route 4.** The following is an excerpt from last week's meeting: *"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. "... "Chairman 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."* The Goldman's were not in attendance. Clerk Kellie Blake asked: Because this was a change in use from "restaurant" to "retail" and the area requirements for a restaurant is 1 acre and needed an area variance would the "retail" use require an area variance also. Planning Board Attorney stated that an area variance stays with the building as long as the new use's area requirements are the same as the previous permitted use. The Board looked up the area requirement for retail and it is 1 acre which is the same as the previous permitted use of restaurant.

**Old Business:  
05/20/2010**

**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:

- **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.**

The items needed were supplied for the Board to review. Jeff Duxbury reviewed the SEQR and noted on Part II, C.2 – **Could action result in any adverse effects associated with the following: Aesthetic, agricultural,**

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**archaeological, historic, or other natural or cultural resources; or community or neighborhood character?**  
*Reference to Plat Note # 7 w/SHPO.*

Resolution # 28-2010  
Application Complete/Public Hearing Set

Resolution by William Tomkins  
Seconded by Michelle Wright

and passed unanimously by said Board;

RESOLVED, that Minor Subdivision # 481 be deemed complete and a public hearing be set for 7:15 pm on Thursday, June 17, 2010.

**Fees Paid: \$100.00 Application Fee (check # 8893), Certified Mailing Fees - \$77.56 (check # 8926)**

A motion to adjourn the meeting at 8:08 pm was made by Michelle Wright, 2<sup>nd</sup> by Kyle Vandewater.

Respectfully Submitted,

Kellie Blake  
Planning Board Clerk