

**Town of Greenwich
Planning Board Meeting Minutes
06/09/2011**

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

Members Present: William Tomkins, Jeff Duxbury, Dan Spigner, Kyle Vandewater, John Mattison and Erika Sellar Ryan.

Members Absent: Michelle Wright.

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

Members of the public who signed the attendance sheet: Dan Clarey (Bohler Eng.), Charles Jesman and John Carr (Schuyler Companies), Lillian Hakala, Diane Kelley and Dorothy Yurschak.

New Business:

06/09/2011

Informal Review – Lillian Hakala – property on Sloan Drive. Diane Kelley stated that her parents owned property on Sloan drive. One parcel was purchased and a few years later a second parcel (with a separate deed) was purchased. The assessor, at the time, put the properties together as one parcel and now that they are trying to sell one of the parcels they are being told that they have to do a subdivision. Chairman Tomkins stated that this happened quite often and the parcels are treated as one parcel and require a subdivision. Mrs. Kelley stated that there are two separate deeds and doesn't see the need for a subdivision.

The clerk provided Chairman Tomkins with the original subdivision on Sloan Drive. There are 13 lots designated on the subdivision with the lot in question having no subdivision number.

Mrs. Kelley stated that it was never given a number and her parents bought it as a separate lot. Ms. Yurschak stated that the minutes of that subdivision stated that this lot may be used for recreational purposes. Chairman Tomkins explained that the Board at the time did not require this lot to have perc tests done nor was there a proposed house or driveway designated on the parcel therefore, it was not being deemed a developable lot. Chairman Tomkins explained that Mrs. Hakala would need to go through the subdivision process.

Mrs. Kelley stated that in the Village a similar thing happened and the Village Planning Board only required a letter from the assessor stating that it was a separate lot.

Chairman Tomkins stated that the Town differs from the Village and a subdivision would be required.

At this time Mrs. Kelley thought that Attorney Jordan would be coming and asked if they could discuss this further when he came.

Old Business:

06/09/2011

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. Updated site plans, SWPP plan and response to Planning Board Engineer John Hartnett's comments dated 3/14/2011 were received. Mr. Clarey stated that In the last few months they have been getting their tenants approval to the changes that were made to the plan and have put the project out for a preliminary bid and it was more expensive than anticipated. The underground retention system was not what the tenant would like and was an expensive proposal. They went back and re-evaluated and are now proposing to place the septic behind the CVS plaza (which would have to

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be pumped) instead of in the front of the property; this system meets the requirements of DEC. A standard surface detention area will be constructed in the front of the property where the septic would have been. The third change is the retaining wall along the back of the property; the wall was 3 – 5 feet now it is smaller. Chairman Tomkins asked what the retention area in the front would be like.

Mr. Clarey stated that from the top of the basin to the bottom is a drop of approximately six feet. They are not proposing a fence.

Chairman Tomkins stated that fences can be ugly and make the area hard to maintain.

Mr. Clarey stated that they prefer not to put a fence in as this is not a “wet” pond like the one in front of Hannaford. Planning Board Engineer John Hartnett stated that this would be more like the ones at the mall in Wilton.

Jeff Duxbury asked if there would be any plantings in the bottom. Mr. Clarey stated no, the soil probably wouldn’t support it; he wasn’t sure about the top of the basin and would check into it.

Chairman Tomkins stated that in the front of the property there are currently three trees. The one in the middle will be removed during construction; he asked if another tree could be planted in its place? Mr. Clarey stated that he would ask Mr. Larner, but the budget was very tight and wasn’t sure if it could be done.

Chairman Tomkins asked Planning Board Engineer John Hartnett to comment on the changes.

Planning Board Engineer John Hartnett stated:

- Septic was completely different as it is now in the back. Size is much better with an expansion area. He stated that as far as he was concerned the issues have been resolved and would be comfortable passing it on to DEC for permitting.
- Bohler Engineering had responded to his comments in a letter dated 06/02/2011. A full copy of the letter is in the file for the project.
- Talked about the number of parking spaces and the Board made a decision. The following is an excerpt from the March 17, 2011 minutes: *Resolution # 14-2011 – Parking Requirement Waived*

Resolution by Michelle Wright

Seconded by Jeff Duxbury

and passed unanimously by said Board; RESOLVED, that pursuant to Section 190-42 B. that the Planning Board finds that the combined parking requirements for the two uses are more than adequately met.

- Green space within the parking lot. – Mr. Clarey showed a map delineating the “green space” and the percentage in the code was met. The code is not specific as to how this is done.
- Dumpster locations were provided as well as snow storage areas.
- Bulk propane shown on page C-5. Mr. Clarey stated that was the proposed location for filling tanks similar to the area at Aubuchon this was not an exchange like the “Blue Rhino”. The client is not sure if they are going to have it but would like the option that is why it is on the map. It would have to meet fire code and receive a permit.
- Erosion sediment control on page C-8. Discussion ensued regarding the “stabilized construction entrance” and Mr. Clarey stated that cones would be placed on site to make sure the construction vehicles drive over this upon exiting the site.
- John Hartnett asked, regarding the storm water control, when the area of disturbance was updated was the new septic system included? Mr. Clarey stated that someone else did that plan and he would have him contact John with the specifics.

Planning Board Engineer John Hartnett stated that the applicant had pretty much addressed the comments he had and was ok with the septic going to DEC for their comments and permit.

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Jeff Duxbury asked about the septic system being 15 feet from the property line and what would happen if the lot next to this one was developed. Is there enough distance for future development?

Chairman Tomkins stated that the lot is over 2 acres and there would be enough area in which to add a well and septic away from the one that this applicant is proposing.

Discussion ensued regarding the proposed sidewalk and could it be made longer to go to the end of the property line so future development of the adjoining parcel could connect to it. Mr. Clarey stated that he would speak with Mr. Lerner regarding this and it was stated that a plat note stating that an easement allowing an extension of the sidewalk would be sufficient.

Chairman Tomkins stated that these changes aren't the type to require an additional public hearing, the building is the same and the changes are underground. The Board may make a final determination on this application at the Regular Planning Board Meeting next week.

New Business: continued from above...

06/09/2011

Informal Review – Lillian Hakala – property on Sloan Drive. Attorney Jordan would not be attending the meeting. Mrs. Kelley asked if the fees could be waived in this instance because it was already a separate deeded parcel. Chairman Tomkins stated that the Board could waive the lot fee and recreation fee but not the application fee. Chairman Tomkins stated that his opinion was that the lot was not approved as a buildable lot; therefore, it would require a subdivision. Jeff Duxbury, Kyle Vandewater and Dan Spigner indicated that they agreed with Chairman Tomkins.

Ms. Yurschak asked if she was able to have maps produced in time for the meeting next week would the Board set a public hearing for the following month. Chairman Tomkins stated that if the application was complete, then yes.

Chairman Tomkins asked if it was possible to declare the application complete based on the deed description they already have without having a formal survey map, this was a big stretch as far as what the Board usually does.

Jeff Duxbury stated that the perc tests need to be on the map, with the building envelope, he wasn't sure.

Dan Spigner stated that he would be willing to accept what is in the deed.

Kyle Vandewater stated that the Board would have to decide that at the Regular Meeting next week.

Chairman Tomkins stated that if Mrs. Yurschak could show that she has a surveyor lined up and could produce the document the week before the public hearing, he was open to it.

Jeff Duxbury stated that he was against this, this would be setting a precedent, and we would be going backwards in time. The law decides this is a more formal route, but the Board should decide next week. It would be better if they have it all next week.

Kyle Vandewater stated that worst case scenario would be that the Board schedules a public hearing and there are no maps to look at.

Chairman Tomkins instructed Mrs. Yurschak to have the application in and who would be doing the survey to the Board for next week, but that he couldn't promise anything as it was a Board decision.

Old Business:

06/06/2011

Site Plan Review # 2011-04 – Mihai Buretea (designated agent for Ben Grieco). Proposal to use a portion (approx. 2000 sq. ft.) of an existing 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. Chairman Tomkins stated that he went on the DEC website to look at the category of the "Conditionally Exempt Small Quantity Generator" and basically it is small quantities of waste are stored on site and then removed. As long

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as the Board specifies that nothing goes into the ground and that the applicant follows the DEC rules then it is pretty straight forward. Chairman Tomkins had printed out the rules which Jeff Duxbury asked to look at. Mr. Buretea can transport small quantities of waste by himself or he has to get a certified waste removal company.

Kyle Vandewater stated that it sounds like this is what Stu Mesinger was talking about with the company as possible spin offs of the Global Foundaries in Malta.

Chairman Tomkins stated that this kind of business was what the Economic Development Committee was speaking about.

Jeff Duxbury asked how DEC regulated this. And it was stated that it was probably after an incident occurred that DEC would step in.

A motion was made by Dan Spigner, Seconded by Jeff Duxbury that the meeting be adjourned at 8:00 pm.

Respectfully Submitted,

Kellie A. Blake
Planning Board Clerk