

**Town of Greenwich  
Planning Board Meeting Minutes  
06/18/2009**

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

**Members Present:** William Tomkins, Jeff Duxbury, Dan Spigner, Carl Thygesen, Kyle Vandewater (7:09), John Mattison and Michelle Wright.

**Also Present:** Clerk Kellie Blake, Attorney Anthony Izzo, Code Enforcement Officer Dan O'Connor and Engineer John Hartnett.

**Members of the public who signed the attendance sheet:** Rachel Tucker and Glens Falls National Bank representatives: Curtis Dybas, Rich Norman and Steve Miller.

Correspondence:

- Letter received from Washington County Planning Board –updated list of exempt items from County Planning Board Review.
- Letter received from Washington County Planning Board – referral notice regarding Glens Falls National Bank.
- Letter received from Town of Greenwich ZBA – RE: Zoning Board of Appeals meeting dates have been changed from the third Tuesday of every month to the first Thursday of every month due to scheduling conflicts with some of the Board Members.

Discussion:

Chairman Tomkins stated that a letter was received from the County Planning Board with an updated list of “Exemption of Matters of Local Concern from County Planning Board Review”. Chairman Tomkins stated that he had looked at it and it seemed like nothing much had changed. Under Actions of Local Concern - #11 Home occupations has changed. It used to just say Home occupations were exempt. It now reads “11. Home occupations that do not require significant alteration to the building, expansion of water or wastewater facilities, or increased parking”. And under “The following considerations shall apply to exempted actions under this agreement: # 3. The County Planning Board shall be sent a copy of any public hearing notice required for any project, which would normally be subject to County Planning Board review pursuant to GML 239 at least ten (10) days prior to the date of such hearing.” It used to be five (5) days.

Resolution # 23  
Exemption of Matters of Local Concern from County Planning Review

Resolution by Michelle Wright  
Seconded by Carl Thygesen

Discussion: Chairman Tomkins stated that he would like to thank the County Planning Board and ask them to consider the same kind of exemptions for other commercial activities that meet the same standards as the home occupations. We had an application for the ice cream shop by the Hudson River that was not altering anything or increasing traffic. Chairman Tomkins stated that the County has a category that is: Not of County Concern and he would ask that they look at expanding the list.

And passed unanimously by said Board;

Resolved that; Chairman Tomkins is authorized to sign the agreement with the County Planning Board entitled Exemption of Matters of Local Concern from County Planning Review Agreement and be it further;

Resolved that;

WHEREAS, the Washington County Planning Board was created by the Washington County Board of Supervisors as provided by Article 12 B of the General Municipal Law; and

WHEREAS, the provisions of General Municipal Law Article B, Section 239 l and m (GML 239) require local municipal bodies in Washington County to submit certain planning and zoning actions to the Washington County Planning Board for said Board's review and recommendation unless excepted by an agreement approved by the municipal body; and the County Planning Board that such matter is of a local rather than an inter-municipal or county-wide concern; and

WHEREAS, it is in the interest of the County and local municipal bodies for a local municipal body to be able to take action on matters of local concern without being bound by the referral requirements of GML 239; and

WHEREAS, having such an agreement for exception of matters which are not of inter-municipal or county-wide concern is not detrimental to the County or the Town of Greenwich; and

WHEREAS, the Washington County Planning Board has established a process for exempting matters and actions of local concern from the referral requirements of GML 239; now, therefore, be it

RESOLVED, that the attached agreement entitled "*Exemption of Matters of Local Concern from County Planning Review Agreement*" shall exempt actions of local concern under this agreement from the referral requirements of GML 239 shall exist between the County Planning Board and the Planning Board of the Town of Greenwich; and be it further

RESOLVED, that said agreement shall apply to zoning reviews and actions of the Planning Board of the Town of Greenwich; and be it further

RESOLVED, that a copy of this resolution with the attached agreement shall be provided to the Washington County Planning Board; and be it further

RESOLVED, that this agreement shall take effect immediately.

Minutes: The minutes of May 14<sup>th</sup> and May 21, 2009 were previously submitted to the Board for review.

Resolution # 24  
Approval of Minutes

Resolution by Jeff Duxbury  
Seconded by John Mattison

And passed unanimously by said Board,

That the minutes of the May 14<sup>th</sup> and May 21<sup>st</sup> meetings be approved as submitted.

## Correspondence:

A letter was received from the Zoning Board of Appeals. The meeting dates have been changed from the third Tuesday of every month to the first Thursday of every month due to scheduling conflicts with some of the Board Members. Chairman Tomkins stated that the date change would not allow the Planning Board to refer someone to the ZBA in-between the Planning Board meetings which allowed a quicker application process.

## Discussion:

The Clerk had supplied the Board with minutes from August 14, 2008 meeting. The following is an excerpt: *"MaryAnn Keehan stated that she would like to open a seasonal hot dog stand located at 3159 State Route 29 where she will be living. She wasn't sure if it would be housed in a trailer or an Amish shed. Ms. Keehan stated that there would be no sit down eating, only take out. The Board discussed which Zoning Use this might fall under. This particular hot dog stand could possibly fall under Home Occupation Type 2 or Restaurant. Either use requires a Special Use Permit. Ms. Keehan was given a permit and the Board informed her that she would need to have Department of Health approval before the Board could approve an application. Chairman Tomkins instructed the Board to think about what use this would fall under because this could set a precedent for the future."* Chairman Tomkins stated that he remained comfortable with what was discussed at the last meeting with the Hot Dog vendor located in the parking lot at the Thruway Beverage Center, the Board was consistent. Chairman Tomkins further stated that he believes that looking back at the minutes of the Zoning Commission would reveal that this type of business was discussed and the Commission decided not to prohibit them, but to regulate them because in the wrong spot they might create traffic hazards. The farm stand run by B.J.'s farm at Green Acres is grandfathered. Dan Spigner stated that Green Acres is not renewing his lease so he is looking for a spot. Dan told him he would need to get a Site Plan Application if he found a spot in Greenwich.

Chairman Tomkins stated that one of the things he is still not comfortable with is there is no threshold of size of an expansion that requires a Site Plan Review. In the old Site Plan Ordinance there was a threshold, a certain size did not have to come before the Planning Board for review and he would like to discuss that at the next zoning amendment meeting.

Carl Thygesen asked Attorney Tony Izzo if the Town of Saratoga had a vendor's license. Tony Izzo stated that he wasn't familiar with the Town of Saratoga's permits but he knew that the City of Saratoga had a vendor's license. If the property owner has a lawful business and states that the outdoor vendor is their operation, sometimes no vending license is required. In Saratoga Springs there is a 1915 30" rule. It states that within 30 inches of a store front, goods, wares and merchandise can be put up as long as pedestrian traffic is not being blocked.

Chairman Tomkins asked if a vendor set up in a parking lot of the business; was that regulated? Tony Izzo stated that they would have to get a vendor's license. The vendor licensing law has a provision stating all applicants can not violate the Zoning Ordinance. Tony further stated that there were Fire and Building Codes that would have to be met which limits cooking within certain distances of buildings.

## Public Hearing:

**06/18/2009**

**Minor Subdivision # 475 – Alfred & Linda Tucker - Proposal for a 2 lot subdivision of a 6.13 acre parcel located on Spraguetown Road. One lot of 3.04 acres and one lot of 3.90 acres. Tax Map ID # 214.-1-27.** Chairman Tomkins opened the public hearing for Minor Subdivision # 475 at 7:30 pm. He called for all interested members of the public to step forward

and examine the maps. Four out of the four adjoining property owners responded to the certified mailings of the public hearing notices. No one from the public had any comments or concerns. Chairman Tomkins closed the public hearing at 7:32 pm.

Discussion on the driveway: Dan Spigner had taken a look at the driveway and stated that the grade of the driveway would need to be addressed.

Chairman Tomkins stated that the Zoning Regulations had standards for driveways. In section 190-72 Driveway Standards state: "The following standards shall apply to all private driveways in the Town of Greenwich."

- A. Private driveway grades shall not exceed 12%.
- B. Private driveway grades shall not exceed 3% within 100 feet of the intersection with a public roadway.

Resolution # 25  
Negative Declaration SEQR Minor Subdivision #475

Resolution by Jeff Duxbury  
Seconded by Kyle Vandewater

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 # 475 be granted a negative declaration.

Resolution # 26  
Approval of Minor # 475

Resolution by Michelle Wright  
Seconded by Dan Spigner

and passed unanimously by said Board;

RESOLVED, that Minor Subdivision # 475 be approved with the following stipulation; prior to a Certificate of Occupancy being granted by the Code Enforcement Officer that the driveway on Lot # 2 meet the Town of Greenwich's Driveway Standards under Section 190-72 of the Zoning Ordinance.

The applicant did not have the Mylar to sign. Chairman Tomkins instructed the Clerk to sign the Mylar when the applicant brought it in. One Lot Fee and one Recreation Fee are needed for a total of \$225.00.

**Fees Paid: \$100.00 application fee (check # 2197) and certified mailing fees of \$ 22.16 (cash) for 4 adjoining owners.**

**Public Hearing:  
06/18/2009**

**Site Plan Review # 2009-01 – Glens Falls National Bank – proposal for an addition to an existing commercial building located at 1153 State Route 29. Tax Map ID # 228.-3-9.15. Two drive thru lanes and a drive up ATM machine.** Chairman Tomkins opened the public hearing for Site Plan Review Application 2009-01 at 7:45 pm. He called for all interested members of the public to step forward and examine the maps. Two out of the three adjoining

property owners responded to the certified mailings of the public hearing notices. Chairman Tomkins explained that this application had been referred to the Washington County Planning Board for review. The County's review stated that the application was approved with the following comments:

1. The local board should encourage an ingress/egress connection to the Hannaford parking lot with one possible location of the egress lane being the western edge of the GFNB parcel.
2. The applicant should reconsider the location of on-site wastewater treatment system and consider construction of an entirely new distribution field.

Chairman Tomkins stated that these were comments not conditions. If it was approved with conditions it would require the Town Planning Board to approve with a "super majority" vote. Comments do not require this.

Chairman Tomkins asked if Glens Falls National had contacted Hannaford regarding the possible ingress/egress connection. Mr. Norman stated that they have not committed to it, but they were willing to discuss it. Chairman Tomkins stated that he thought the Planning Board should send a letter as well, letting them know that the Planning Board had requested this. Mr. Norman stated that the local manager of Hannaford was not in favor of the connection.

Discussion ensued regarding the ingress/egress and where it might be best located. Glens Falls National Bank representatives were concerned with traffic flow. (The Board discussed various ideas, pointing things out on the map, which were difficult to translate to minutes)

No one from the public had any comments or concerns. Chairman Tomkins closed the public hearing at 8:05 pm.

Discussion:

This will be a drive through bank only for now. The original sign permit was amended and now consisted of one sign with both businesses located on the same sign. Lighting schedule was included and all lights will be downward pointing. There are certain lighting requirements for banks.

Engineer John Hartnett stated that in regards to the County comment on the septic system: what they were probably referring to was that once the old septic was dug up the bank will probably find it impossible to reconnect the laterals. It would most likely be easier to install new ones.

Jeff Duxbury reviewed the SEQR and made the following comments under Part II – Impact Assessment:

**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, etc. ?** Traffic would be changed due to more trips per day – Low to Moderate impact . Traffic will be reduced at another branch in the village) Ingress and egress option to Hannaford parking lot. There is a middle turning lane on Route 29 for the type of business as the applicant.

**C2. – C7. No adverse effects.**

Resolution # 27

Resolution by Jeff Duxbury  
Seconded by Kyle Vandewater

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 # 2009-01 be granted a negative declaration.

Resolution # 28  
Approval of SPR # 2009-01

Resolution by William Tomkins  
Seconded by Dan Spigner

Discussion: Documentation is given to the Planning Board if Hannaford agrees to the ingress/egress connection.

and passed unanimously by said Board;

RESOLVED, that Site Plan Review application 2009-01 be approved with the stipulation; that Glens Falls National Bank continue to pursue ingress and possible egress to the Hannaford property at the approximate location designated on the Site Plan and if an in-building bank is established and ingress/egress is granted that a sidewalk is constructed connecting the front sidewalk to the Hannaford parking lot.

**Fees Paid: \$100.00 application fee (check # 113488)**

A motion to adjourn the meeting at 8:40 pm was made by Dan Spigner, 2<sup>nd</sup> by Jeff Duxbury.

Respectfully Submitted,

Kellie Blake Planning Board Clerk