

**Town of Greenwich  
Planning Board Meeting Minutes  
08/11/2011**

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

**Members Present:** William Tomkins, Kyle Vandewater, John Mattison, Michelle Wright and Erika Sellar Ryan.

**Members Absent:** Jeff Duxbury and Dan Spigner.

**Also Present:** Clerk Kellie Blake and Code Enforcement Officer Dan O'Connor.

**Members of the public who signed the attendance sheet:** None.

**Correspondence:**

- Monthly Budget Report received from Budget Officer Kellie Blake
- Invoice received from John Hartnett for review of the Tractor Supply Project
- NYS DEC – Notice of Draft Remedial Investigation Work Plan for Brownfield Site RE: Former Stevens and Thompson Paper Mill

**Old Business:**

**08/11/2011**

**Special Use Permit # 2011-04 – Suzanne Shumway, 249 Spraguetown Road. Proposal to park 1 to 4 business vehicles on property. Driver's personal vehicles will occupy the space where the business vehicles were located. Parcel ID # 221.-2-1.7. Rural Agricultural District.** Ms. Shumway was not in attendance. Code Enforcement Officer Dan O'Connor stated that he had issued a Notice of Violation on July 28, 2011 instructing Ms. Shumway to remove the buses from this location until a Special Use Permit was obtained. The buses were moved for a short period of time.

Michelle Wright had a newspaper article showing the clients coming out of the house located at 249 Spraguetown Road and stated that Ms. Shumway is not trying to cooperate with the Board at all. Michelle lives on the road and passes the location every day and the buses are still being parked there.

Chairman Tomkins asked Code Enforcement Officer Dan O'Connor what the consequences were now that Ms. Shumway has not removed the buses from this location. Dan stated that the next step would be to issue an appearance ticket before the Town Court. He further stated that he will wait until the Town Attorney Alan Wrigley is back from vacation to consult with him.

Chairman Tomkins stated that he had driven by the location before the meeting and there was a bus there.

Michelle Wright stated that there is still construction going on at this location.

John Mattison asked if someone from the Planning Board would go to the Town Court in regards to this violation.

Chairman Tomkins stated that Alan Wrigley the Town's Attorney would go.

John Mattison stated that Alan Wrigley should have a good understanding as to what is going on before the court date.

Chairman Tomkins asked Code Enforcement Officer Dan O'Connor to let him know when the court date would be that way someone from the Planning Board could be there as well.

John Mattison stated that he did not have an issue with Ms. Shumway's business but the way she is going about it. There needs to be rules, certain areas in which the client's cross the road, it is dangerous. If she is going to utilize the house as a day hab there are regulations to meet.

Michelle Wright stated that the issue is that Ms. Shumway needs to come to the Board for a Special Use Permit.

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Chairman Tomkins stated that he had researched the regulations and if you are going to have a day care facility, other than residential, you have to have a two hour fire separation between where the people are and the residential area.

John Mattison stated that with all the property she has the busses do not have to be right on the road. Things can be done differently.

More discussion ensued and the Board is in agreement that she is offering a good service that is needed but it needs to be done in a safely and she needs to come to the Board for a Special Use Permit and discuss what exactly she is proposing. The Board can't review an application they have not received.

**Correspondence:**

**NYS DEC – Notice of Draft Remedial Investigation Work Plan for Brownfield Site RE: Former Stevens and Thompson Paper Mill.** Chairman Tomkins stated that Moses Glick, from PA has been dismantling the facility and does have a proposed work plan to do Phase II Remediation. Chairman Tomkins stated that the document is at the Greenwich Library for review and he had looked at it before the meeting tonight. Mr. Glick stated that his intent is to develop the site with residential/commercial buildings even though the district is zoned industrial but he is going to petition the Town to change the zoning district. Mr. Glick further states that his proposal is in conformance with the Town's Comprehensive plan, which it is not. The document is open for public comment and Chairman Tomkins thinks the Planning Board should comment that 1) it is not in conformance with the Town's Comprehensive Plan and 2) that he has not approached the Town in any way.

**New Business:**

**08/11/2011**

**Suburban Propane – 2004 Site Plan Review:**

Clerk Kellie Blake reported that the Town has been holding \$500 in a non-interest bearing escrow for this Site Plan since 2004. At the time the Chazen Companies was the Engineering firm that reviewed the projects. From looking in the minutes the project was reviewed but there is no invoice. During this period the Town was designing the Comprehensive Plan and there were many invoices from Chazen for this so it is possible that one was billed incorrectly. Kellie's question to the Board was: Does this \$500 get returned to Suburban Propane as no invoices were found.

Chairman Tomkins stated that Suburban should get their money back as no invoice was received.

Erika Sellar Ryan asked if it was policy to return the money.

Chairman Tomkins stated yes, any unused funds were always returned to the applicant.

The general consensus of the Board was to return the money to Suburban Propane.

**Old Business:**

**08/11/2011**

**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.**

Code Enforcement Officer Dan O'Connor stated that this applicant had submitted a variance to the Zoning Board of Appeals for the sign on the building. The ZBA asked to see the construction plans for this project and Dan asked Clerk Kellie Blake for them. The approved Site Plan for this application does not include construction plans for the building. A photo of the building with the proposed materials was submitted.

Chairman Tomkins stated that he thinks the Planning Board made a mistake.

Dan O'Connor stated that the dilemma is that in the ZBA Meeting it came out that Tractor Supply is planning to use concrete block for the exterior of the building and that is not allowed in the Zoning Ordinance.

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Chairman Tomkins stated that the Site Plan was approved so we can't undo it.

Dan O'Connor stated that he has asked the applicant to come back to the Planning Board with the proposed construction plan before he signs the building permit.

Chairman Tomkins stated that the photo lists the material as "CMU" Concrete Masonry Unit and is that what they are using? That is what they showed us and that is what was approved.

Michelle Wright stated that the applicant stated they would put different materials on the front and side of the building.

The section in the Zoning Ordinance that Dan was referring to is 190:50 Architectural Design Guidelines D. 5 – which states *"Exterior Materials. Exterior Materials shall be wood, stone, brick, clapboard or other material as approved by the Planning Board. Concrete block exteriors are prohibited."*

Kyle Vandewater stated that he is going to argue that Hannaford has some split faced block in their façade. A plain split faced block is different than a textured block. He thinks we are splitting hairs here and the proposal was for architectural masonry not cinder blocks.

Chairman Tomkins stated that the problem he has is this: If they build what they showed us, we approved it. We can't undo it.

Dan O'Connor stated that you approved this photo, then you approved the sign.

Erika Sellar Ryan stated that the Board doesn't have the authority to approve the sign.

Dan O'Connor stated that in the future the Board should get a construction plan included in the Site Plan Review which can be signed by the Planning Board.

Chairman Tomkins agreed that this photo should have been a page included in the Site Plan and approved by the Planning Board.

A motion was made by Michelle Wright, Seconded by John Mattison that the meeting be adjourned at 7:45 pm.

Respectfully Submitted,

Kellie A. Blake  
Planning Board Clerk