

**Town of Greenwich  
Planning Board Meeting Minutes  
08/18/2011**

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

**Members Present:** William Tomkins, Jeff Duxbury, Dan Spigner, John Mattison, Michelle Wright and Erika Sellar Ryan.

**Members Absent:** Kyle Vandewater.

**Also Present:** Clerk Kellie Blake, Planning Board Attorney Tony Izzo, Supervisor Sara Idleman and Code Enforcement Officer Dan O'Connor.

**Members of the public who signed the attendance sheet:** Dianne Kelly, Lillian Hakala and Dorothy Yurschak.

**Minutes:** Minutes from the July 14, 2011 and July 21, 2011 Meetings were previously submitted to the Board for review.

Resolution # 51-2011  
Approval of Minutes

Resolution by Michelle Wright  
Seconded by Jeff Duxbury

RESOLVED, that the minutes of the July 14, 2011 and July 21, 2011 Planning Board Meetings be approved as submitted.

**New Business:**

**08/18/2011**

**Draft Remedial Investigation Work Plan for Brownfield Site Available for Public Comment: Former Stevens and Thompson Paper Mill located at 192 Mill Road in Greenwich.** Chairman Tomkins stated that this came up at the meeting last week and he had looked into it in more depth and provided copies of Section II. Property Description Narrative and Section VI. Project Description of the Remedial Investigation Work Plan. Chairman Tomkins stated that he has issues with the plan. The property is in the Industrial Zone, they are basically tearing the mill down. The proposal is to have mixed use commercial development there. In the application they say it is not in conformance with the Zoning Ordinance but it is in conformance with the Comprehensive Plan. Chairman Tomkins read part of Section VI. Purpose and Description of the Project which states *"Although the project site is currently zoned Industrial and we understand a zoning change or variance will be needed to complete this project, we anticipate this issue can be easily resolved based on the Town Comprehensive Plan's Vision and proposed Land Use plans (See section IX. 1. And 3.) for project locale."* Chairman Tomkins further stated that what they do is say here is the hamlet, here is the Industrial area. When they describe what is in conformance (with the Comprehensive Plan) with mixed use development they are describing the hamlet and this is not in the hamlet it is in the Industrial Zone. The problem is that the Town has very little Industrial land and we don't want to take away from that. Chairman Tomkins takes issue with the statement that this would be easy to change. He is not sure how this would affect the Brownfield application. Section IX. Land Use Factors, 3. 1. States: *"The mill is listed as a historic resource within the Town. The mills restoration will also serve to meet the Town's vision to "protect, promote and preserve the Town's historic resources."* Chairman Tomkins thought this was an ironic statement as they are tearing down the mill. Michelle Wright asked if it was a historic resource.

Chairman Tomkins stated that he thinks the Town has a list and the mills were on it but he would have to look that up.

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Erika Sellar Ryan stated that she had seen many of these Brownfield applications and this one looked like they were trying to make it an easy sell to developers. It would be easy to change it from Industrial to mixed use. Chairman Tomkins stated that he would like to respond to it and he will have a letter by the middle of next week and send it to everyone for comments and send it out by the deadline.

Resolution # 52-2011  
Brownfield Application-former S & T Mill Response

Resolution by Michelle Wright  
Seconded by Dan Spigner

Discussion:

Chairman Tomkins asked if Supervisor Idleman wanted to add anything. Supervisor Idleman thanked Chairman Tomkins for following up on this issue. She stated that she was not aware of what was happening at this site until January of 2011. She was approached by Bill McCarty at Washington County Real Property and he wanted to know if Greenwich wanted to put the S & T property back on the tax rolls and at that time she didn't fully understand what he was referring to. The parcel was sold to United Fibers and they didn't pay the taxes owed and lost the property to the County. The County didn't want to assume ownership because of the potential contamination issues on the property. The property was off of the tax rolls and it was sold to Moses Glick (Bullrush) for \$100,000. Sale of the property did not trigger the property being put back on the tax roll the County Board of Supervisors has to place it back on the tax roll. It came up in January and it had to be done by March 1, 2011 and it didn't get done in time. Since then Town Assessor Colleen and herself have visited the site. The mill is being taken down piece by piece, the bricks are being sold to a house and garden show, there is old wood flooring being sold, etc. Supervisor Idleman stated that her intention is to recommend that it be placed back on the tax roll but this can't be done until January 2012. It is a beautiful piece of property and should be developed industrially.

Erika Sellar Ryan stated that the way the Brownfield program works, he can go in and strip whatever he wants, the application makes him in conformance enough to get it in the door enough to enable a developer to benefit from the tax breaks.

Supervisor Idleman stated that she will bring this up to the Town Board just so they all know what is going on and to get it out in the public.

Jeff Duxbury stated that in Section IX. Land Use Factors 2. Last line states *"Preliminary discussion with the municipal Attorney indicated that the Town would likely be receptive to the project and that a zoning change was feasible."* Who would that be? Sara stated that Mr. Glick purchased the property in 2009. Would that have been Alan Wrigley?

Erika Sellar Ryan stated that Moses Glick and Tory Riley met with Don Wilbur and herself.

Jeff Duxbury stated that it concerns him that someone representing the Town would say something like that.

Erika Sellar Ryan stated that it didn't seem likely to her that Alan would have said something like that and Planning Board Attorney Izzo stated the same.

Chairman Tomkins stated that the Board could ask Alan if he recalls any conversation. This is one of the reasons he doesn't like to take calls at home but asks people with questions to come to a Board Meeting. Answering questions on the phone leaves no record and someone could say so and so said I could do this...even though they didn't.

RESOLVED, that Chairman Tomkins compose a letter to DEC on behalf of the Town Planning Board in response to the Draft Remedial Investigation Work Plan for Brownfield Site for the former Stevens and Thompson Paper Mill that points out the contradictions in the report filed by HRP Associates, Inc.

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**Public Hearing:**

**08/18/2011**

**7:15 PM - Minor Subdivision # 493 - Lillian Hakala, 13 Sloan Drive. Designated Agents: Diane Kelley and Dorothy Yurschak. Parcel currently has one tax map ID number and tax bill but two separate deeds. Parcel ID # 229.-1-10.9. Proposal for the creation of a buildable lot consisting of 1.25 acres which is a separate deed.** Erika Sellar Ryan recused herself from this application. The following items were supplied.

- Deed for the 229.-1-10.9 parcel.
- Location of perc tests delineated on the plat map
- Minor # 493 added to plat map.

Chairman Tomkins opened the public hearing for Minor Subdivision # 493 at 7:15 p.m. He called for all interested members of the public to step forward and examine the maps. Seven out of eight of the adjoining owners had responded to the certified mailing notice of the public hearing. With no comments or questions from the public Chairman Tomkins closed the public hearing for Minor Subdivision # 493 at 7:17 pm.

Resolution # 54-2011  
Negative Declaration SEQR Minor Subdivision # 493

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 Minor Subdivision # 493 be granted a negative declaration.

At the June 16, 2011 Planning Board Meeting the Board discussed waiving the lot fee and recreation fee for this parcel as it was already a separately deeded lot.

Resolution # 55-2011  
Minor Subdivision # 493 Lot & Recreation Fees Waived and Approval of Minor Subdivision 3 493

Resolution by Michelle Wright  
Seconded by John Mattison

and passed unanimously by said Board;

RESOLVED, that the Lot Fee and Recreation Fee be waived for Minor Subdivision # 493 as it is already a separately deeded parcel and that Minor Subdivision # 493 be approved.

**Fees Received: \$100.00 Minor Subdivision Application Fee (ck # 519) and certified mailing fees of \$44.72 (ck # 518).**

**Old Business:**

**08/18/2011**

**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**

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**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.** Chairman Tomkins stated that Mr. Lerner from Schuyler Companies had stopped in the office yesterday asking for the Planning Board or Town Supervisor to write a letter on their behalf. He stated that NYS requires sprinkler systems in commercial buildings and that as Tractor Supply would be on a well and it would cost upwards of \$500,000 to connect to the Village water system that a sprinkler system would be impossible. Therefore, they are asking NYS for a waiver so they don't need to install the system and asking for any letters of support they can obtain. Clerk Kellie Blake had emailed a copy of the requested letter of support to the Planning Board prior to the meeting tonight. Kyle Vandewater, who was not at the meeting tonight, emailed Kellie and stated that he was not in favor of a letter of support this is not our area of expertise.

Erika Sellar Ryan stated that in her opinion this has nothing to do with the Planning Board, this is not our roll and this would open us up to problems.

Michelle Wright stated that there are a number of fallacies in the letter they sent to us, they list six fire companies and three don't exist. They make it sound like asking for a variance in installing sprinklers is a reasonable request and it isn't. Even though there is a fire house within a mile they are volunteer firemen and the response won't be immediate. Hannaford has a sprinkler system. The applicant can drill a new well. Michelle feels that the Board should let NYS Code Enforcement know we strongly object to this variance for safety reasons. They asked us to send a letter in support and she feels that we should reply stating our objections and why.

Planning Board Attorney Tony Izzo stated that the Board has their own rules and regulations. That is what you make decisions based upon; if it is not in there what you say means nothing, really. What does it mean to make a determination about something that you have no authority to make determinations about?

Erika Sellar Ryan stated, to her, this is something we have no authority or jurisdiction over, don't respond. She believes it is an issue, just not the Planning Board's issue.

Jeff Duxbury stated that if there are fallacies in the letter someone should address it, shouldn't code enforcement? As a Planning Board we shouldn't be involved.

Code Enforcement Officer Dan O'Connor stated that they asked him for a letter also and he wouldn't do it. The building was designed without a sprinkler system. They were told they needed one and they have to put in a large holding tank to support the system and it has to be insulated so it doesn't freeze in the winter and this is x amount of dollars that they prefer not to expend.

Erika Sellar Ryan stated that if Michelle has personal concerns, which she agrees are warranted, that it would be worth sending a letter, but she doesn't think the Planning Board has the authority.

Dan Spigner thinks the Board should ignore the request, to stay neutral.

Supervisor Idleman asked if there was a chance they might get the variance?

Chairman Tomkins stated that they would have to argue that it was safe without one, and he thinks it would be hard to argue that with the merchandise they sell.

The general consensus of the Board was to not write a letter in support of the sprinkler system variance request.

**New Business:**

**08/18/2011**

**Zoning Ordinance Update:** Clerk Kellie Blake reported that the Town Board had signed a contract with the Chazen Companies, Stu Mesinger, to update the Zoning Ordinance. The Town Board stated that they thought three Planning Board Members, three ZBA Members and a Town Councilman would be a good number for the committee with Kellie Blake as Clerk.

Chairman Tomkins asked who would be interested in being on the Zoning Update Committee. He stated that he didn't want to be on the committee for a couple of reasons. 1. The sign ordinance is a very detailed thing

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and he doesn't think he would be good at it. 2. He has sort of been the "face" of the Comprehensive Plan and Zoning Ordinance and feels that it would be a good thing for the regulation process to be impersonal. There are good people on the Planning Board and Zoning Board of Appeals. The commitment will be six meetings beginning October 27, 2011.

Michelle Wright stated that she would be on the committee.

John Mattison stated that he was too busy.

Jeff Duxbury stated that he was done with the committee thing for a while.

Kyle Vandewater was not in attendance so if he did not want to be on the committee than Dan Spigner stated that he would and if Dan couldn't Erika stated that she would.

Supervisor Idleman stated that at least two from the Planning and Zoning Boards and two members of the community would be good.

**Old Business:**

**08/18/2011**

**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.**

Chairman Tomkins asked Code Enforcement Officer where we were with this. Dan O'Connor stated that he saw buses there the other day. Chairman Tomkins stated that the Board didn't have the authority to tell Dan to issue a ticket but would like to request that he do so.

Code Enforcement Officer Dan O'Connor stated that as soon as Attorney Alan Wrigley returned from vacation he would consult with him and issue an appearance ticket to Ms. Shumway which will be August 29<sup>th</sup> at 6:00 pm at the Town Court.

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