

**Town of Greenwich  
Planning Board Meeting Minutes  
09/08/2011**

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

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

**Members Absent:** William Tomkins, Dan Spigner and Erika Sellar Ryan.

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

**Members of the public who signed the attendance sheet:** Suzanne Shumway, Laura and Harold Petty, Eric Lerner, John Carr and Mark Flory.

**Correspondence:**

- Monthly Budget Report and 2012 Budget Request Worksheet received from Budget Office Kellie Blake

**Old Business:**

**09/08/2011**

**Special Use Permit # 2011-04 – Suzanne Shumway, 249 Spraguetown Road. Proposal to park 1 to 4 business vehicles on property. Drivers personal vehicles will occupy the space where the business vehicles were located. Parcel ID # 221.-2-1.7. Rural Agricultural District. Background:** Ms. Shumway came before the Board on May 12, 2011 and spoke with the Board regarding the above referenced Special Use Permit. Since that time Ms. Shumway has not submitted a complete application nor attended any additional meetings. With safety concerns regarding the business vehicles (buses) being parked close to the road and seeing clients at the property on several instances, the Planning Board requested that Code Enforcement Officer Dan O'Connor issue Ms. Shumway a Notice of Violation, which he did. Upon no further contact from Ms. Shumway the Planning Board requested that Code Enforcement Officer Dan O'Connor issue her an appearance ticket which he did. Chairman Tomkins, who was not in attendance tonight, emailed the Clerk the following which Vice Chairman Duxbury read into the minutes. *"I will not be at the workshop meeting, I will be in Cape Cod. I went to the court appearance for Shumway this Monday. I was surprised that neither Dan nor Alan Wrigley were present. The Judge has no idea of what this was about. I stepped forward and spoke. She (Ms. Shumway) acted as though this all had to do with one bus. I explained that it was a long standing issue. (I had all of the minutes since May as they related to this). I pointed out that what we really wanted was for her to come before the board and talk about her land use. She seemed to be saying that she moved everything back to her other property except for the bus that she drove home. I suggested that the Judge hold off any decision until she came to the 8<sup>th</sup> meeting. I would also note that she said that she did not own the business, that it was a not-for-profit. A question that needs to be asked is whether or not she has the authority to speak for the corporation. From our point of view she is the property owner and therefore the applicant. Just a question."*

Ms. Shumway stated that she was confused because Mark said he put in the application and they don't understand the paperwork. When Dan came by I moved the buses, there are animals and construction vehicles on the property. She was not sure what the Board needed from them as they had moved all the buses, except for the one bus she drives. She pulls the bus onto the property loads up a bus with some animals that go to PVI for the day and then returns the animals and if she is picking up clients the next morning the bus is there because she is going to drive it.

Code Enforcement Officer Dan O'Connor went through the sequence of events for the benefit of the Board and explained that if Ms. Shumway had communicated with the Board there wouldn't have been an issue.

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Ms. Shumway stated that she was out of state and didn't communicate that she couldn't be at the meeting until September.

John Mattison stated that there needed to be a few things clarified. John stated that the Board knows that the service provided is a good service and is needed. The Board needs to know if she is or would like to operate out of the Spraguetown Road location. If she does there are rules and regulations that need to be gone through with the Board. There was concern because there were clients seen loading and unloading and that is the type of things the Planning Board would like to discuss. A full application will be needed and attendance at the meetings.

Ms. Shumway stated that she will not be operating out of that address, which is going to be her house. Other than getting animals in and out of the bus clients won't be there. She would like to park the buses on the side of the road opposite of the house. She owns both parcels.

John Mattison stated that the Planning Board has a concern with safety and we want to speak about the loading and unloading of the clients etc.

Michelle Wright asked what the name of the business was.

Ms. Shumway stated that it was Battenkill Community Services and the business owns the buses. She is the executive director of the not-for profit organization.

Michelle Wright asked who is authorized to speak for the organization. Ms. Shumway stated that there is a Board of Directors who hired her as executive director and gave her permission to apply for the permit.

Ms. Shumway asked what was needed. Clerk Kellie Blake stated that she had sent Ms. Shumway a packet of information outlining what was needed. Ms. Shumway stated that she had not received it but would look again.

Vice Chairman Duxbury stated that the Board could write a letter to Judge Bowen to let him know that she had begun the process of the application.

Ms. Shumway was instructed to get her application together and come to the next meeting or if she could not attend to send a designated agent.

**New Business:**

**09/08/2011**

**Minor Subdivision # 494 – Harold & Laura Petty, County Route 49. Proposal for a two lot subdivision of a 7.40 +/- acre parcel. One lot to be unbuildable and one lot of 1.63 +/- acres with a proposed house, well, septic and driveway. Tax Map ID # 215.-1-22. Parcel is located in the Rural Agricultural District.** Clerk Kellie Blake read the minutes of the 07/17/2011 meeting for the benefit of the Board Members that were not in attendance at that meeting. *“Mr. & Mrs. Petty were in attendance. Mr. Petty stated that he owns a parcel on County Route 49 and would like to subdivide a lot to gift to his Granddaughter. His question was that there is a private road that the parcel could use as a driveway and wondered if that would be sufficient access to the property. Chairman Tomkins explained that his Granddaughter could use the right of way as her driveway but there must be sufficient road frontage for a driveway just in case something happened and the right of way was no longer accessible. The Planning Board can not approve a landlocked parcel. The Board suggested allowing a 25 foot road frontage that led to the parcel which would create a “key “shaped lot. Mr. Petty was instructed to fill out a Minor Subdivision Application form and have the lot surveyed which would include the proposed locations of the house, well, septic and driveway as well as the locations of the perc tests.”* The Board reviewed the maps and the following information is needed:

- Driveway approval form from Washington County.
- Contours may be waived at the Regular Meeting next week.
- Additional language for the Right of Way.

Planning Board Engineer John Hartnett pointed out that the Northeast corner of the proposed lot ended in the middle of a deeded access easement. Mr. Lapan stated that all the parcels have a deeded right of way to their

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parcels.

Vice Chairman Duxbury asked if additional language should be added to the plat map. Mr. LaPan stated that he could add additional language regarding the Right of way to the Plat Map.

It was also noted that part of the subdivision would be joined to the parcel that the Petty's house is located on. Parcel ID # 215.-1-23. Discussion ensued regarding the need for a separate application for the Boundary Line Adjustment.

Kyle Vandewater stated that a Boundary Line Adjustment was the same as a Minor Subdivision and if a separate application is required he moved that the fee be waived.

Vice Chairman Duxbury asked the Board if Mr. Petty could change his application to include the Boundary Line Adjustment so a separate application would not be needed and the Board was in agreement.

**Fees Received: \$100 Minor Subdivision Application Fee (cash).**

**Old Business:**

**09/08/2011**

**Site Plan Review # 2011-01: Greenwich Partners, LLP (designated agent: Bohler Engineering, LLC). Tax Map ID #'s 228.-3-9.12 & 9.10.** Eric Larner of Schuyler Companies was in attendance. He submitted elevation plans of the building for the Board to review.

Vice Chairman Duxbury asked Mr. Larner why he had come back to the Planning Board; the Board understood that they had gone to the ZBA for a variance on the sign that will be on the building.

Mr. Larner stated that they thought they needed a variance for the sign but now thought that if the Planning Board was ok with the size of the sign they didn't need a variance. Tractor Supply came down to 88 sq. ft. for the sign but the ordinance only allows for a 40 sq. ft. sign.

Kyle Vandewater stated that the Planning Board can't ok the sign that is a Code Enforcement issue. Kyle further stated that the existing monument sign was discussed and would stay with a new placard added for Tractor Supply.

Dan O'Connor stated that he asked the applicant to come to the Planning Board because the Zoning Ordinance prohibits concrete block exteriors. An actual elevation plan was not submitted just pictures.

Michelle Wright stated that the size of the sign was mentioned and Mr. Larner had stated that Tractor Supply would comply with the regulations.

Mr. Larner stated that he got Tractor Supply to sign off on the 88 sq. ft. sign which is very small for the size of the building.

John Mattison stated that this discussion should be in the minutes.

Vice Chairman Duxbury read the minutes from February 10, 2011 which stated: *"Code Enforcement Officer Dan O'Connor asked what the square footage of the sign (on the building) was. Mr. Clarey stated that he had not calculated it as of yet. Mr. Larner stated that they were aware of the requirements and would meet them. Mr. Larner further stated that the current pylon sign would remain and that Tractor Supply would just be added to it."*

Dan O'Connor stated that the Planning Board approved the Site Plan.

Kyle Vandewater stated that the façade was approved based on a drawing.

Jeff Duxbury stated that the façade was approved but the Board knew the sign was too large and that the applicant would need a variance if that was they sign the wanted. The front of the building and the side facing the road will be split faced architectural block.

Mr. Larner stated that he will take the sign issue to the Zoning Board of Appeals. He wanted to make sure that the façade they agreed to would be fine and the building permit would be signed by Dan O'Connor.

Jeff Duxbury stated that the façade color was slightly different. The consensus of the Board present was that the gray was better than the red.

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John Mattison asked about the concrete block.

Dan O'Connor stated that the picture that the Planning Board approved had concrete block as the exterior material which contradicts the Zoning Ordinance.

Kyle Vandewater stated that in his mind plain concrete block was not acceptable but that split faced architectural block was acceptable. The Planning Board made a mistake by not getting the elevation as part of the Site Plan Review pages.

Dan O'Connor stated that the ZBA brought up the issue of the block when the application for the variance was submitted.

Kyle Vandewater stated that if the ZBA had issue with the façade that the Planning Board approved they should have come to the Planning Board not taken it up with the applicant. Kyle further stated that the only issue left was the sign, even if the Board made errors the Site Plan was approved and they can submit a building permit to the Code Enforcement Officer.

Discussion: The Board thought it would be a good idea, when the Zoning Ordinance was updated, that the definition of concrete block be spelled out.

**New Business:**

**09/08/2011**

**Site Plan Review Application # 2011-06 – Carmody Ford, LLC, 1111 Route 29. Proposal for the conversion of 1,300 sq. ft. of commercial building to serving area for restaurant. Parcel is located in the Commercial Zoning District. Tax Map ID # 228.-2-20.1.** Mr. Lapan was in attendance. He stated that Mr. Carmody would like to convert this space into a sit down eating area for the BBQ. The food preparation will be done across the street at the building that formerly housed CURVES. A vehicle will be used to deliver the product to the sit down restaurant and a parking space will be delineated for deliveries. **The Board reviewed the application and the following items are needed:**

- **Application signed by applicant**
- **Health Department Approval**
- **Dumpster delineated on map**
- **Hours of operation**
- **Lighting**
- **Designated spot for take out**
- **Pedestrian access parking to entrance**
- **Quantity of water and where it will come from**
- **Permission from DOT for parking area extended into NYS DOT right of way**

**Fees Received: \$100.00 application fee (ck. # 2685 – Agard & LaPan)**

**New Business:**

**09/08/2011**

**Caryn Tindal – Dog Agility – Mill Road:**

Michelle Wright stated that a phone call had been received by Clerk Kellie Blake regarding dog training going on at this address during the morning. The person complaining stated that Ms. Tindal had a client at her house at 8:30 in the morning and it was disruptive, she asked what the permit was that Mrs. Tindal had applied for. Clerk Kellie Blake had emailed the Board informing them of the complaint and that the person complaining stated that she would speak with Mrs. Tindal before coming to the Board.

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Mrs. Tindal called Clerk Kellie Blake and stated that she had been doing training for three years. She has one or two people who come in the mornings with the rest of the clients coming in the evenings. She stated that she would move the session from 8:30 am to 9:00 am and keep the dogs in her barn rather than the clients car to see if that would help with the noise.

Michelle Wright stated that Ms. Tindal has been doing dog training which is different from dog agility runs and did not include this in her application for the dog agility training.

Kyle Vandewater didn't see the difference.

Michelle Wright stated that Ms. Tindal informed her neighbors that she was seeking a permit for dog agility runs not training and the hours stated are different.

Kyle Vandewater stated that the application would go over the same factors as far as parking, hours of operation, traffic, how many clients, etc.

Michelle Wright stated that Mrs. Tindal stated that she was having people come once or twice a month and in reality it's 5 days a week which is different. A Special Use Permit creates parameters. The neighbors that thought that the once or twice a month was ok and didn't come to the public hearing expected it to be less demanding than it is. This is also taking place in a hamlet where the houses are closer together.

Dan O'Connor asked if the Special Use Permit granted had a time limit on it to revisit it.

Michelle Wright stated that it was good for a year.

Dan O'Connor stated that if the hours of operation were not what she was doing she should have to come back to the Planning Board.

Planning Board Engineer John Hartnett stated that she isn't in violation of the SUP for the agility runs but she is in violation of the Zoning Ordinance in regards to the dog training classes which she didn't get a permit for. In all fairness, in her mind she has been doing the dog training and probably didn't think she needed a permit for something she was already doing just for the new program she was starting.

Jeff Duxbury asked the Board if they should send her a letter.

Michelle Wright stated that she thinks the Board has a responsibility to act on a complaint.

The Planning Board requested that Clerk Kellie Blake send Mrs. Tindal a letter asking her to attend a meeting to discuss her permit.

A motion was made by Michelle Wright, Seconded by John Mattison that the meeting be adjourned at 9:20 pm.

Respectfully Submitted,

Kellie A. Blake  
Planning Board Clerk