

**Town of Greenwich
Planning Board Meeting Minutes
09/15/2011**

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

Members Present: William Tomkins, Jeff Duxbury (7:03), Kyle Vandewater, John Mattison and Michelle Wright.

Members Absent: Dan Spigner and Erika Sellar Ryan.

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

Members of the public who signed the attendance sheet: William LaPan and Laura and Harold Petty.

Correspondence:

- 2012 Budget Request Worksheet received from Budget Office Kellie Blake

Discussion on Architectural Design Guidelines:

Chairman Tomkins stated that he was not in attendance last week but that he had read the minutes. He stated that he agreed with Kyle Vandewater regarding the Tractor Supply Application. If the Zoning Board of Appeals disagrees with an action of the Planning Board they should discuss it with us not the applicant.

Kyle Vandewater stated that he felt the applicant was being "bounced" back and forth between Boards. Chairman Tomkins stated that the Planning Board looks at the facts and does the best we can at that time.

Kyle Vandewater stated that there was debate as to what was a "concrete block".

Chairman Tomkins stated that he recalls that there was a distinction made at the time the Zoning Ordinance was being written on what the difference was.

Kyle Vandewater stated that he remembers the committee not wanting buildings to look like Whalen's Body Shop with the plain concrete block. That was what we didn't want and that split faced architectural block was fine. Chairman Tomkins stated that Planning Board Clerk Kellie Blake will look at the Zoning Committee minutes to see if she could find that conversation.

Michelle Wright stated that she remembers the conversation and wanted a clarification on it. You can do a lot with concrete to make it look like something else. She wanted to know if it was the material itself that was being banned, which didn't make any sense, or is it a particular texture or type.

Chairman Tomkins ended by stating that if one Board approves an application and another Board disagrees and sends the applicant back to the first Board it looks amateurish and gives applicants the sense that there is no end. The Planning Board decides our "piece" the best we can. He feels this conversation should take place with the Zoning Board of Appeals.

Old Business:

09/17/2011

Minor Subdivision # 494 – Harold & Laura Petty, County Route 49. Proposal for a two lot subdivision and a boundary line adjustment of a 7.40 +/- acre parcel. A 65 ft. by 200 ft. area to be joined to Tax Map ID # 215.-1-23 owned by the Mr. & Mrs. Petty. 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.

The Board reviewed the application and the following information was supplied:

- Driveway approval form from Washington County.

Additional language for the Right of Way is still needed.

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Resolution # 56-2011

Minor Subdivision # 494 Contours Waived, Deem Complete, Set Public Hearing Date

Resolution by Michelle Wright
Seconded by John Mattison

and passed unanimously by said Board;

RESOLVED, that Minor Subdivision # 494 contours be waived, be deemed complete pending the addition of the plat note regarding the right of way be added to the plat map and the public hearing be set for Thursday, October 20, 2011 at 7:15 pm.

Fees Received: \$100 Minor Subdivision Application Fee (cash), \$ 33.54 Public Hearing Mailing Fees (ck # 1700).

**Old Business:
09/17/2011**

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. The dumpster was delineated on the map; the hours of operation were added to the application. The Department of Health approval will be supplied as soon as they receive it. There may be some sale cars parked on either side of the tent.

Mr. LaPan stated that the main kitchen operation will be across the road at the former CURVES location. He further stated that they were thinking about putting in a drive thru window at that location to cut down on the congestion at the car dealership. The Board reminded Mr. LaPan that such a use would require an additional Site Plan Review application. The water, for the sit down restaurant, will be taken from the new well that was drilled and would also be part of the Department of Health permit.

The Board reviewed the application and the following items are needed:

- **2 additional Lights added to plat map.**
- **Designated spaces # 13 & 14 for take out**
- **Pedestrian crosswalk - parking to entrance of building**
- **Permission from DOT for parking area extended into NYS DOT right of way – once property line is determined this may be needed and will be supplied.**

Resolution # 57-2011

Site Plan Review # 2011-06: Deem Complete, Set Public Hearing Date

Resolution by Jeff Duxbury
Seconded by Kyle Vandewater

and passed unanimously by said Board;

RESOLVED, that Site Plan Review Application # 2011-06 be deemed complete pending the addition of the issues discussed above, be referred to the County for review and the Public Hearing be set for Thursday, October 20, 2011 at 7:30 pm.

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

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Old Business:

09/15/2011

Caryn Tindal – Dog Agility – Mill Road:

A letter was received from Laurie Gagne concerning approved Special Use Permit # 2011-03. Ms. Gagne's complaint was that Ms. Tindal received a Special Use Permit for dog agility runs which were to take place once or twice a month from the hours of 1pm – 5 pm and there are lessons being given at 8am-9am in the mornings. She also cited loud music being played.

Jeff Duxbury stated that Ms. Tindal came to the Board for a permit for the dog agility runs and was approved. The question is if part of the operation is being regulated should all of the operation be regulated.

John Mattison asked how do you control private lessons with one person with one dog,. He thinks Ms. Tindal should come in and the Board should discuss this with her.

Michelle Wright stated that if she is being paid to do this it is a commercial business.

Chairman Tomkins asked when this would be a home occupation.

Planning Board Clerk Kellie Blake stated that the property is in the Hamlet/mixed Use District and that a home occupation requires a Special Use Permit.

Jeff Duxbury pointed out that a home occupation takes place solely within the residence.

Michelle Wright felt that Ms. Tindal was not upfront with the Board regarding her whole business and that since she is in a hamlet this needs to be looked at closely.

Kyle Vandewater stated that he hasn't met the applicant but it seems that the Board should have her come in and discuss the business.

Planning Board Attorney Izzo stated that charging or not charging is only one aspect of the application. The complaint letter states several time frames where instances are taking place and the application was approved for a certain time frame.

Chairman Tomkins stated that the Board should invite her back but he suggested Code Enforcement Officer Dan O'Connor drive by a few times to see if activity was taking places at times other than the times listed on the approved application.

Old Business:

09/15/2011

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. The following is an excerpt from the 09/08/2011 minutes: *“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.” At the meeting last week Ms. Shumway stated that she had removed all but one bus from the premises. The one bus remaining is the one she personally drives.

Chairman Tomkins stated that he had gone to the court appearance and that he was surprised that Code Enforcement Officer Dan O'Connor wasn't there or Attorney Alan Wrigley. Code Enforcement Officer Dan O'Connor stated that it is not his or the Attorney's practice to attend the court hearings.

The Clerk was instructed to write Judge Bowen a letter stating that Ms. Shumway did not show up to the meeting tonight but there does not appear to be a business in operation at this time. A copy of the letter is to be sent to Ms. Shumway and to Code Enforcement Officer Dan O'Connor also.

Jeff Duxbury stated that he had a friend who stated that Ms. Shumway has some folks that she cares for in her home and she doesn't require a permit for it. His question was if she is renting rooms is that a boarding house or a Home Occupation?

Michelle Wright stated that if you look at Ms. Shumway's website she offers many different services.

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Chairman Tomkins stated that there is a something called “home care” which is basically someone with a disability lives with you as a “family” member and it would be difficult to say they weren’t a family member.

Discussion on Signs:

Michelle Wright stated that yet another sign had gone up at Mr. Carmody’s establishment on State Route 40 and wondered if any progress was being made to consolidate the signs. Clerk Kellie Blake stated that Code Enforcement Officer Dan O’Connor had issued Mr. Carmody a Notice of Violation.

New Business:

09/15/2011

2012 Budget Request – the 2012 Budget Request was received from Budget Officer Kellie Blake. The Budget for 2011 was discussed and is shown below with the changes for 2012:

2011	2012	
B8020.101 Attorney - \$2000	B8020.101 Attorney - \$2500	\$500 more
B8020.102 Clerk - \$4400	B8020.102 Clerk - \$3900	\$500 less
B8020.2 Equipment – 0	B8020.2 Equipment – 0	same
B8020.4 Contractual - \$2500	B8020.4 Contractual - \$3500	more for Zoning Ordinance Update

*Zoning Update expense is estimated at \$6000. We are going to pay for \$3000 this year and \$3000 for 2012.

Old Business:

09/15/2011

Special Use Permit 2011-01: Steve Coffin 379 Anthony Road (designated agent: Michael Parker). Proposal for a closed course motocross recreational facility. No new buildings will be erected. Tax Map ID # 212.-1-4. The following is an excerpt from the July 21, 2011 meeting: *“RESOLVED, that contingent on the submission of the proposed schedule of operation as discussed above; what kind of dust control watering system will be used; the detail of kind of fence and where it will be placed to separate the track from other activities; a statement from Mr. Parker stating that he will inspect bikes for appropriate exhaust systems prior to patrons using the track that Special Use Permit 2011-01 be approved for a one year term.”* Clerk Kellie Blake asked the Board how long was the Board to wait for this information. The Clerk was instructed to write Mr. Parker a letter to remind him that this information is pending and to submit it by October 13, 2011 Meeting.

New Business:

09/15/2011

Fee Schedule – The Clerk had provided the Board with the current fees that are collected for Subdivision, Site Plan Review and Special Use Permits. The Board discussed the fees and Chairman Tomkins stated that the only one he thought was different was the Special Use Permit Fee. He was under the impression that the \$75 fee for a Special Use Permit Application was in addition to the Fee for a Site Plan Review as the Special Use Permit can be more involved than a Site Plan Review.

Jeff Duxbury agreed that was the way he thought it was also.

New Business:

09/15/2011

Zoning Ordinance Update: Code Enforcement Officer Dan O’Connor stated that he felt he shouldn’t be part of the Zoning Ordinance update committee so he had spoken to Supervisor Idleman regarding the following items that he would like discussed:

1. Fencing – currently there is nothing in the zoning ordinance regarding fencing.

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2. Junk cars – handled by the County at this point but there isn't anything in the Zoning for junk cars. Chairman Tomkins stated that he thought that this was covered under junkyards in the ordinance. Chairman Tomkins read Section 190-5. Junkyard definition which states: *"Junkyard – Buildings, structures, or premises where junk, waste, or discarded or salvaged materials are bought or sold, exchanged or stored, baled, packed, disassembled or handled, including automobile wrecking yards, but not including premises for the purchase and/or storage of used furniture and household equipment in operable condition or used cars in operable condition."* Junk cars on a property would be considered a Junkyard. Dan asked how many? This issue will be discussed when the Zoning Ordinance is updated.
3. Building Permit – if someone does not get a building permit the Town has no recourse except to report this to the County and the County issues them a fee for not obtaining a permit. Dan feels that if there was a fee from the Town for not getting a building permit it would make people more accountable. More discussion ensued and the Planning Board felt this would be a Town Board decision.

Resolution # 58-2011
Approval of Minutes

Resolution by Michelle Wright
Seconded by John Mattison

RESOLVED, that the minutes of the August 11, 2011 and August 18, 2011 Planning Board Meetings be approved as submitted.

A motion was made by Michelle Wright, Seconded by Kyle Vandewater that the meeting be adjourned at 8:30 pm.

Respectfully Submitted,

Kellie A. Blake
Planning Board Clerk