

**Town of Greenwich
Planning Board Workshop Meeting Minutes
12/10/2009**

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

In the absence of the Clerk, the roll call was completed by Chairman Tomkins.

Members Present: William Tomkins, Carl Thygesen, John Mattison and Michelle Wright.

Members Absent: Jeff Duxbury, Dan Spigner & Kyle Vandewater.

Members of the public who signed the attendance sheet: Linden Witherell, Mike Hayes, Nick Vooris and Frank Shaw.

Correspondence:

- Zoning Board of Appeals – approved George Polchowski’s area variance.
- Saratoga County Planning & Zoning Conference to be held on January 25, 2010.
- Zoning Board of Appeals would like to have a joint meeting with the Planning Board.

12/10/2009

Informal Review

Linden Witherell – Mr. Witherell stated that he owned property located at 42 Bypass Road, Center Falls consisting of 4.85 acres. There is a house on the Battenkill side of the road and a barn on the Bypass side of the Road. Mr. Witherell stated that he would like to subdivide the property. Originally he thought of two lots but now is considering more. He thought that he needed 5,000 sq. ft. per parcel. The Zoning Ordinance states: *Section 167-17 Lots. A. Lots to be Buildable. (2) a lot intended for use for single-family residential purposes must contain a buildable area of 5,000 sq. ft. The buildable area shall exclude areas of excessive slope and on which state or federal environmental regulations shall preclude development...* Chairman Tomkins explained that a parcel contains a certain amount of square feet. After determining the setbacks (areas you can’t be in) there has to be at least 5,000 sq. ft. left. The parcel is located in the Rural Agricultural District which has setback requirements but no minimum lot size and also 100 ft. setback from the Battenkill River. A question came up regarding setbacks from the stream. There are regulations in the design standard section of the Zoning Ordinance but not under subdivisions. Chairman Tomkins looked at the flood plain maps and determined that there is a flood plain on the property and he made a copy of the map for Mr. Witherell. Chairman Tomkins stated that Mr. Witherell would need to determine where the flood plains were definitely located. He also suggested that Mr. Witherell contact Alton Knapp, because he didn’t know of anyone else who did this, to help determine the location of the flood plain. The existing house is grandfathered but the parcel may not be able to be subdivided because of the flooding issues with the river and stream.

12/10/2009

Informal Review

Michael Hayes – Robertson Road. Mr. Hayes stated that he owns the old bus garage in Schuylerville where he has a construction business. He desires to move the business to his parcel on Robertson Road. There is an existing home and building on the parcel. The parcel is located in the Rural Agricultural District. He would like to build a four car garage connected to the house by a breeze way. All his construction work is done off-site. Chairman Tomkins read the Zoning Ordinance definition of Contractors Yard which states: *A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor.* This would require a Special Use Permit in the Rural Agricultural District. Mr. Hayes stated that when he built his house the setbacks were only 15 feet from the side and now they are 50 ft from the side. The proposed location of the garage is 30.8 +/- feet from the side. Chairman Tomkins stated that Mr. Hayes would need to apply for an area variance from the Zoning Board of

Appeals. Chairman Tomkins stated that Mr. Hayes would need to state why the garage could not be built in a different location. Mr. Hayes stated that part is wooded and uphill, and the lower field gets wet from drainage of other properties. The septic is located on the other side of the house. Chairman Tomkins stated that the Planning Board would refer him to the ZBA for an area variance before they could entertain an application for a Special Use Permit.

Old Business:

12/10/2009

Minor Subdivision # 476 – Rosalie Cristaldi (designated agent: Nick Vooris). Proposal for a two lot subdivision of a 36.43+/- acre parcel located on Fiddlers Elbow Road. One lot of 9.62 +/- acres with an existing house, garage and driveway. One lot of 26.81 +/- acres with an existing barn & driveway and proposed house, septic and well site. Hamlet/Mixed Use Zoning District. Tax Map ID # 228.-2-2.6. Chairman Tomkins stated that if Mr. Vooris would like a written response to his request for clarification of what type of horse operation is permitted, then the Board would need a written request from Mr. Vooris.

The Board reviewed the application and maps for Minor Subdivision # 476. Items needed are:

- Subdivision number 476 delineated on the map.
- Percolation test results and test areas delineated on the map.
- Which agricultural district if any the parcel is located in.
- Driveway permit from Town of Greenwich.

Fees Submitted: \$100.00 application fee (check # 1490)

New Business:

12/10/2009

Minor Subdivision # 479 – Donald & Thelma Rymph (designated agent: Frank Shaw). Proposal for a two lot subdivision of a 102 +/- acre parcel. One lot of 8.137 +/- acres to be conveyed and one lot of 93.863 +/- acres to be retained. Lot is located in the Rural Agricultural District. Tax Map ID # 219.-1-8.2. Mr. Shaw submitted an application and maps for the Board to review. He also provided a letter from the Battenkill Railroad granting a right of way for a driveway access to the new parcel as well as his daughter's parcel. His daughter's parcel does not seem to have road frontage but has a right of way from the railroad for access. This is an existing parcel and is not part of this subdivision. Mr. Shaw stated that the newly created parcel will be combined with the parcel he already owns and will be on one deed.

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

- Entire parcel to be subdivided needs to be delineated on the map with the adjoining parcel owners identified along with the 911 addresses.
- Subdivision # 479 delineated on the map.
- Percolation test results need to be on the map, place, who performed and when.

Fees Submitted: \$100.00 application fee (check # 3225)

Discussion:

Chairman Tomkins stated that the Zoning Board of Appeals would like to meet with the Planning Board and he had invited them to attend the Planning Board Workshop Meeting on January 14, 2010.

Respectfully Submitted,

Kellie Blake
Planning Board Clerk