

## March 24, 2011

A Special Meeting of the Greenwich Town Board, the Planning Board and the Zoning Board of Appeals was held at the Greenwich High School Media Center, Gray Ave., Greenwich, New York on Thursday March 24, 2011 at 7:00 p.m. This meeting was to discuss the Town's Zoning Ordinance as well as any other business that may come before the Board.

PRESENT:	Sara Idleman	Supervisor
	Bob Jeffords	Councilman
	Steven Patrick	Councilman
	George Perkins	Councilman
	Eric Whitehouse	Councilman

Planning Board members present: Chairman Bill Tomkins, Jeff Duxbury, Kyle Vandewater, Michelle Wright, John Mattison, Dan Spigner and Erika Sellar Ryan.

Zoning Board of Appeals members present: Chairman John Farndell, Tammara Van Ryn, Roland Mann, Greg Smith and Dawn Sharts.

Others Present: Town Clerk Elaine Kelly, Planning Board Clerk Kellie Blake, Zoning Board Clerk Amanda Willetts and Kyle McPhail.

Dispensing with formalities, Supervisor Idleman called the meeting to order.

According to the Zoning Regulations any Board may propose changes to the ordinance which are referred to the PB for review. After review the PB then submits their recommended changes to the Town Board for possible adoption. Supervisor Idleman stated that she had received items for the agenda from the various Board Members and would go through them as outlined.

### **New Business:**

#### **1) ZBA Chairman Farndell – Economic Development:**

ZBA Chairman Farndell stated that when he spoke with Supervisor Idleman regarding the agenda he was under the impression that this meeting was about economic development issues and what we need to do to increase the economic development within the Town. We have a Commercial Zoning District, but what do we have there? Is there water, sewer, gas or enough electricity? What do we have to offer so businesses want to come to Greenwich?

Supervisor Idleman stated that the purpose of this meeting is to look at the Zoning Ordinance and to consider items that need to be changed. There is an Economic Development Committee that has been meeting for a year now and those are the things they are looking at. At some point there will be a public presentation on what has been discussed.

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ZBA Chairman Farndell stated that he thought maybe the Commercial and Industrial Zones could be increased in size. Is that something that would be considered?

Planning Board (PB) Chairman Tomkins stated that in his opinion we need to see if the Industrial Zone can be increased. He thought how there could be a way to expand the zone in Middle Falls. When you enter the zone in Middle Falls toward the Stevens & Thompson mill there is an area out near the Morehouse property that is flat and has potential. It was difficult to determine areas for Industrial property when the ordinance was being created and it may be difficult now to increase it. In terms of the Commercial Zoning District, the whole point of the district was to have an area where there was intensive development. PB Chairman Tomkins read an excerpt from the Comprehensive Plan Chapter 5 which states: *“Intensive commercial areas along Route 40 North from the intersection with Route 29 and along Route 29 west of the intersection with Route 40. The plan envisions an intensive commercial area in the Routes 29/40 corridor area.”*

There is a higher percentage of lot coverage in the Commercial Zoning District. If Tractor Supply had the choice of being higher up on Route 40 and spread out more they probably would have done it. That isn't as good for the Town as having it where it is. He would like to see the Commercial Zone fill in more before extending the zone. There are properties now that over time will be converted to commercial uses. Further, he would like to see the Kmart property more intensively used. This property used to have buildings in the front. This is the one of the only parcels in the Commercial Zone that has water which potentially increases the intensity of use.

ZBA Chairman Farndell stated that was part of his point, can we extend the water further or the Town have its own water and sewer systems.

PB Member Vandewater stated that in his opinion the K-mart plaza is ready for redevelopment. It will take the right amount of demand and more vacancies before it is changed. Given the location and that particular type of building, he feels that it is at the end of its useful life.

Supervisor Idleman stated that Department of Transportation statistics maintain that 70% of traffic travels east to west, only 30% goes north. She is not in favor of extending the Commercial Zone north any more than it is; there are still parcels within the zone that can be filled.

PB Member Vandewater stated that he feels the trigger for the Town to increase the Commercial Zone would be a lot of people coming in looking for variances and that is not happening yet.

Councilman Jeffords stated that he agrees with PB Chairman Tomkins that we need to encourage the infill first before we look to extend the borders of the Commercial Zone. He doesn't necessarily think extending north is the way to go. There haven't been people complaining that they can't find property.

PB Chairman Tomkins stated that there are three parcels around the CVS plaza that are vacant.

PB Member Duxbury stated that the Facin's property on Route 40 was in the Commercial Zone also.

PB Chairman Tomkins stated that he had asked PB Clerk Kellie Blake to look up the assessment on that property, the parcel is 70 acres in the Commercial District and is assessed as rural residential. It isn't costing a lot in taxes.

Councilman Jeffords stated the assessments are based on use not on the zone they are in.

PB Chairman Tomkins stated that the assessment is also based on the land, which is commercial and in his opinion should be valued higher.

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PB Member Duxbury stated that it would be hard on the few residential homes in the commercial district to be assessed that way.

Town Councilman Jeffords stated that the Assessor should be consulted to see what the State requirements were as to how the assessments were done.

PB Chairman Tomkins asked if anyone else had ideas on where there would be more land that had industrial use potential.

PB Member Duxbury stated that there was one spot on Route 29 – H & V property which when the Zoning Ordinance was being created was originally put in the Industrial Zone. There were protests from neighbors who didn't want the parcel to be industrial so it wasn't included in the Industrial Zone. He thinks there are enough rules and regulations in the Zoning Ordinance and NYS to ensure that it remain a safe place.

ZBA Member Sharts stated that she did not agree, it should remain an agricultural piece of land as opposed to Industrial.

ZBA Member VanRyn wondered what we want our "gateways" into town looking like. If most traffic is east-west, H & V isn't the most scenic gateway. Expanded industrial might not be what we want the first look at Greenwich to be. Entering through the traffic circle into Greenwich isn't the best gateway either.

PB Member Duxbury stated that industrial uses typically need a major route for access.

Supervisor Idleman stated that the Economic Development Committee had talked about encouraging light industry possibly spin-offs from Global Foundries, not paper mills. Do we need more industrial space now?

PB Chairman Tomkins stated that it is a matter of intensive use. The Rural Agricultural Zoning District allows light industry by permit. A perfect example of that is Phantom Labs. Our definition of light industry pretty much includes anything anyone would want to do in Greenwich. Not sure if the Heavy Industry definition needs to be refined or not.

ZB Member VanRyn read both definitions from the Zoning Ordinance as follows:

*Industry, Heavy – The manufacture, assembly or processing of products which involves the large-scale transformation of raw materials into finished products and which may involve the exterior storage of raw materials or finished products. Retail sales of finished products are allowed.*

*Industry, Light – The manufacture or assembly of any article, substance or commodity but which does not involve the exterior storage of raw materials and which does not involve the large-scale transformation of raw materials into finished products. Retail sales of finished products are allowed.*

PB Member Duxbury stated, for the Economic Development Committee, potential businesses need to look at our rules and let us know if they are friendly or not. I imagine most of those types of businesses are looking for industrial parks not rural agricultural areas which may have more restrictions.

PB Chairman Tomkins stated that if you are looking for people outside the area to come in and establish a business then having it zoned correctly is important. There is a large parcel on the corner of Routes 29 and 49 that is in the Industrial Zone.

Councilman Perkins stated that there is industrial land in the Village. The question in his mind is that we talked about not enlarging the Commercial Zoning District because we would like it to fill in. We have existing land in the Industrial Zoning District that isn't filled in either, why create more?

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PB Member Vandewater stated that some of the existing Industrial Zoned parcels may have environmental issues.

PB Chairman Tomkins stated that he wasn't sure any of the sites were contaminated; he would be interested in finding out. He further stated that would be something to follow up on.

PB Member Ryan stated that there is a parcel in Town that has an EPA Lien on it. When the sites along the Battenkill were contaminated the EPA reviewed them, the EPA doesn't review anything in the ground only surface items. She further stated that DEC and the EPA websites are searchable for contaminated sites.

Supervisor Idleman spoke with Jim Beesha, who works for Albany Engineering. He is going to give a short presentation at the May Town Board Meeting regarding the Hydro Project at the Georgia Pacific Site.

### **2) ZBA Member VanRyn – Junkyards, building permits within subdivisions:**

#### **A. Junkyards**

ZBA Member VanRyn stated wondered what the status was of Stu Maguire's junkyard.

PB Chairman Tomkins stated that it would be helpful if Code Enforcement Officer (CEO) Dan O'Connor were here tonight.

Supervisor Idleman stated that Mr. Maguire had been issued an appearance ticket and his lawyer had asked for an extension on the hearing.

PB Chairman Tomkins stated that there were some Mobile Homes in violation of the ordinance also. Supervisor Idleman stated that CEO O'Connor had issued them both Notice of Violation forms. The trailer on Thomson Rd was given a removal date of May 1, 2011 due to the snow. The other one is in the process of getting a building permit to place the trailer, though the trailer should never have been placed on the property without one.

As far as junkyards, Supervisor Idleman has talked to the Dave Armando (County Code Enforcement) and to CEO O'Connor and it is hard to tell who has jurisdiction on junk cars.

PB Chairman Tomkins stated that F & D Auto has always asserted that they are an active business. The cars that are there are being repaired and are not junk. There is a parcel adjacent to his that has junk cars on it.

Supervisor Idleman stated that she had looked at the map and the parcel next to it is very small and the cars are on the F & D property.

ZBA Clerk Willetts stated that the F & D parcel is almost up to the adjoining parcels house.

PB Chairman Tomkins stated that F & D is an established business. Any other issues would be complaint driven and then the CEO would look at them.

Supervisor Idleman stated that she is trying to have CEO O'Connor fill out the required paperwork so there is a "paper trail" for the complaints, notice of violations, etc.

ZBA Member Sharts asked if that is what CEO O'Connor has stated. That the complaint has to be in writing.

Councilman Jeffords stated that CEO O'Connor stated that he has to have a formal complaint, which I don't agree with. If he drives by and witnesses a violation, he can act on that.

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PB Member Duxbury stated that he agrees with Councilman Jeffords. The PB has had similar discussions with CEO O'Connor about that. He of all of us here would know if there was a violation. How many things have we driven by assuming they are ok when actually they are in violation? He isn't here; maybe we should save this for another time.

PB Chairman Tomkins stated that he doesn't blame Dan, it is a very part time job and every time you drive somewhere you're checking up on people and possibly making enemies.

ZBA Member VanRyn stated that maybe there was a way that he could run things by the Supervisor before taking action so he doesn't feel like he's out there alone.

### **B. Subdivisions:**

ZBA Member VanRyn stated that there is a 300 ft. frontage requirement on a Major Subdivision but no frontage requirement on a Minor Subdivision. Potentially a large four lot subdivision could again subdivide those four lots into smaller lots. The Town of Easton's subdivision ordinance states that the ability to subdivide goes with the lot not the owner.

PB Chairman Tomkins stated that from the adoption of the Subdivision Regulations you are allowed to subdivide into four parcels without it being considered a Major Subdivision. Under these regulations, if you come back within three years, to subdivide further, it is considered a Major Subdivision. After three years it is not, over time you could create more lots. If you recall, when we were developing the Zoning Ordinance, the idea was that it would not be impossible for someone to do that, but it wasn't all that likely. The "professional developer" is looking to get in and out much quicker than that. PB Chairman Tomkins further stated that the PB has the authority to determine that any subdivision is a Major Subdivision. A major subdivision as defined in the Subdivision Regulation is as follows:

*"MAJOR SUBDIVISION – A. Any subdivision not classified as a minor subdivision, including, but not limited to, subdivisions of a parcel into a total of five or more lots, or any size subdivision requiring any new street or extension of municipal facilities. B. Any subdivision of a parcel of land within three years of the final approval of a previous subdivision or all or portion of the same parcel. Application for a further subdivision of any portion of a minor subdivision within a period of three years from the approval date of the original subdivision shall constitute application for a major subdivision, regardless of ownership of any portion of the minor subdivision."*

PB Chairman Tomkins further stated that contiguous parcels are considered one parcel for subdivision purposes. Zoning Ordinance Section 190-71 B. states: *"...for purposes of this section, parcels that are contiguous and in the same ownership at the time of enactment of this chapter shall be considered to be a single parcel for all subsequent subdivisions."*

ZBA Member VanRyn stated that her other question would be how building permits within a Major Subdivision have been or would be tracked. Zoning Ordinance Section 190-71 A. states: *"In order to limit impacts to schools and community services, no more than five building permits may be issued per year for any individual subdivision. The Planning Board may, at the time of final approval, designate a mechanism for assignment of building permits within a subdivision."*

PB Chairman Tomkins stated that we have not had a major subdivision yet.

### **3) ZBA Member Greg Smith – Signs:**

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Supervisor Idleman stated that she has a problem with many of the signs in Town.

PB Chairman Tomkins stated that to him the question is: is the sign ordinance too weak or too strong? His instinct is that it is too rigid. Maybe there is a way to have the size of the sign relate to the size of the building.

ZBA Member VanRyn stated that when the Zoning Ordinance was being created there was a lengthy sign ordinance proposed. She wonders if that is an area to explore at the training session with Stu Mesinger.

ZBA Chairman Farndell stated that the ordinance works well for new signs but there are issues with the existing signs. He would like to have the option for the ZBA to make exceptions to the rules.

PB Member Duxbury asked if there had been a decision made regarding a business with an existing non-compliant monument type sign that wanted to replace a panel in the sign. Is that considered an alteration and would require a permit to install a new conforming sign?

PB Chairman Tomkins stated that a permit shouldn't be required. To replace the name of a vacated business with a new one shouldn't trigger a new sign. CEO O'Connor could go before the ZBA for an interpretation of that.

PB Member Vandewater stated that he thought with the CVS sign CEO O'Connor was hesitant in saying it wasn't an alteration because the existing sign is non-conforming, can he say go ahead it's just a replacement of a panel or should it go to the ZBA for an interpretation.

ZBA Member Sharts asked about the Chrysler dealership.

ZBA Chairman Farndell stated that they stayed within their existing "footprint".

ZBA Chairman Farndell stated that this issue came up with Capital Tractor; they wanted to replace their existing sign with a new one, not of the same footprint. We couldn't let that happen because of the wording in the ordinance. It doesn't allow for exceptions. Capital Tractor wanted to replace their existing freestanding sign with a newer New Holland sign; it was a full replacement not just replacing a panel. The existing sign is a non-conforming sign and the new replacement would have been non-conforming also.

PB Chairman Tomkins asked if they could have found that it was non-conforming but to a lesser degree, reducing the non-conformance.

ZBA Chairman Farndell stated that the ZBA felt that they were not allowed to do that with the way the ordinance is written. He further stated that for new signs, he feels the ordinance works very well, but for existing non-conforming signs it doesn't.

ZBA Member VanRyn read Section 190-61 C. 5. Which states: *"...any off-site commercial sign with a sign face greater than 65 sq. ft. that is in existence in the Town of Greenwich as of the effective date of this article shall be entitled to remain in place in the Town of Greenwich; provided, however, that other than normal maintenance, no alterations to such existing sign shall be permitted, and should such sign be removed...then no sign prohibited by this article shall be permitted at that site."*

PB Member Kyle Vandewater stated that as he recalls he remembers Stu Mesinger telling the Zoning Commission that they were making a mistake they may not want to edit so much of the 12 page Sign Regulation he gave them to consider.

PB Member Mattison, also of Capital Tractor, stated that the ordinance needs to take into consideration the type of sign they are allowing. He further stated that they have a monument sign on

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order which is going in between the raised area and the sidewalk. He is a little concerned, is it going to be a problem for people entering or exiting Dunkin Donuts. Suddenly there is a little area that will be blocked. Where the sign they were proposing would not block the site distance at all. There are times when you need to look at that, do we really want a monument sign or would a freestanding sign be better in this instance.

ZBA Chairman Farndell stated that CEO O'Connor would have to look at the placement of a sign in regards to sight distance when the permit was submitted.

ZBA Member VanRyn asked about the banners that businesses are putting up, are they regulated?

Supervisor Idleman stated that she didn't think they should be allowed.

ZBA Member VanRyn stated that K-mart Plaza had installed a monument sign for all the businesses but there were still a few single signs for the individual businesses.

ZBA Chairman Farndell stated that they were grandfathered in. He stated that as far as the banners were concerned, the Town Board could change the ordinance to state that they could be up for 30 days but after that they had to go through the process and get a sign permit.

Councilman Jeffords stated that the Village had an ordinance that deals with several issues.

PB Chairman Tomkins stated that it is a slippery slope, there are more what if's for signs than anything else, it becomes a full time business trying to enforce it.

Supervisor Idleman stated that this issue should be brought up at the training session with Stu Mesinger.

ZBA Member Sharts asked when Dunkin Donuts had changed their sign was it before or after the ordinance and if it was after why didn't they have to comply?

PB Member Duxbury stated that there was an explanation for that one but he didn't recall what it was, he thinks they came in for the façade change but because the footprint wasn't changing they didn't require a permit.

PB Member Mattison stated that he thinks it is important that the Town recognize dealer standards. There are standards and if the dealers don't meet those standards it is thousands of dollars, it's 20% on our parts, and maybe an extra 15% on the labor on warranties, it is huge.

ZBA Member VanRyn wondered how dealers handle Towns that have higher zoning ordinances. Vermont, for instance, has much more stringent criteria. She assumes, somewhere in those dealer standards they have to respect zoning. From the zoning side, she would be curious to hear from the dealers legal departments about why they would penalize people trying to comply with zoning.

PB Member Mattison stated that Capital Tractor is a "Service Excellence Dealer" and with that they have to have proper signage to represent New Holland the way they want to be represented. It is a battle; he would like the Town to approach it differently with the number of signs and the placement on the buildings.

PB Chairman Tomkins stated that this was a debate that has gone on throughout the country with franchises in general. McDonald's M had to be a certain size, it changes over time. He would be interested in what Stu would have to say about that.

ZBA Member VanRyn stated that she would be interested to see if Stu had any case law regarding that.

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### 4) PB Chairman Tomkins – Commercial Zone:

PB Chairman Tomkins stated that in the Commercial Zone most commercial uses are required to apply for a Site Plan Review or Special Use Permit. None of the basic uses in a commercial zone are permitted by right. Any time anyone proposed a commercial use in the zone it takes two months because they have to be referred to the County. That was not the intent of zoning light. At some point the Planning Board can look at the history of Site Plan Review, but there have been many applications where the applicant is not altering the building or increasing parking. He doesn't know why some commercial uses in the commercial zone can't be permitted by right.

ZBA Chairman Farndell asked if it was a change of occupancy. You could do that by stating a change in occupancy of a similar use is permitted.

PB Chairman Tomkins stated that he spoke with Stu this week and there are ways to do that. PB Chairman Tomkins stated that he has seen, in other ordinances, where the use is permitted by right but there is an asterisk that says if you are adding space or parking or a more intensive use this requires Site Plan Review. There have been many applications that had to be referred to the County, which takes a month, and they come back with the County stating that "the application is of local concern", which means they didn't feel they needed to review it. We want the little things to go through the net and catch the bigger things.

Councilman Patrick stated that he knows some of the applications Chairman Tomkins was speaking about but two months doesn't seem like a long time for a commercial business.

PB Clerk Blake used the example of the establishment on Route 4, it was a tavern, was sold and became an ice cream shop and is now being used by Puckers Pickles in each instance requiring a Special Use Permit.

PB Chairman Tomkins stated that the parking didn't change, the building remained the same but they had to be referred to the County.

Councilman Patrick asked if he was looking for a way to remove the requirement to refer these applications to the County.

PB Chairman Tomkins stated that the only way to remove that requirement would be to make them permitted by right; the law says Site Plan Review is referred to the County. Certain things that don't have an affect on the site, if there is no change in the configuration of the site, why do we need to have Site Plan Review?

ZBA Chairman Farndell asked who would make that decision.

PB Chairman Tomkins stated that it would be a matter of having language in the ordinance that establishes criteria. Not increasing the parking, not changing configuration of building or egress/ingress.

ZBA Chairman Farndell stated for instance; the pool place, what if they put up some pools now?

PB Chairman Tomkins stated that would be a change on the site, therefore requiring review.

ZBA Member Smith asked is it a change in site when it went from a restaurant to pool sales, that didn't change the building or ingress/egress.

PB Member Duxbury stated that he also proposed putting out a pool and constructing a storage building.

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ZBA Member Smith asked if it was simply going from a restaurant to a retail sales and nothing else changed, then a permit would not be needed.

PB Chairman Tomkins stated that would be permitted by right. The analogy we are using, if you went from a restaurant to retail sales, probably not, but if you went from retail to a restaurant, yes, there would be more traffic, etc.

ZBA Member VanRyn asked how the sign requirements would change.

PB Chairman Tomkins stated that the sign permit is independent of a Site Plan Review or Special Use Permit now, a change in signage could require getting a sign permit.

PB Member Wright stated in theory, if K-mart wanted a tax service and a bank in their store that would not require a permit. It would be difficult to control how many of these types of services go in or when they leave and additional uses in one building could change the parking and traffic.

PB Chairman Tomkins stated that in a shopping center businesses can come in and out without a permit. Only if they actually added square footage would they need a permit. There is the risk that something could happen that wasn't thought about.

PB Member Vandewater stated he thought about this issue and on the surface this should work, but in the instance of the pool place, things got complicated. If this were Clifton Park or a bigger municipality he would have been shut down. We are too big to be little and too little to be big.

ZBA Member VanRyn stated that rather than making uses permitted by right can the Planning Board make exceptions if the use is actually a change in use that doesn't change ingress/egress, structure, etc. Can the Board determine that a Site Plan is not necessary? That way things could be triggered that needed Site Plan Review. Otherwise items may not be reviewed at all and she would like to make sure that someone looked at the use and determined if it needed a Site Plan Review or not.

PB Chairman Tomkins stated that Stu promised that there is language out there and will send it to him. You could leave the SPR in there and put an asterisks saying if none of these things are happening you don't need a SPR. Chairman Tomkins stated again that many of the applications the Planning Board had received didn't have an effect on anything.

ZBA Member VanRyn asked if he would have preferred not seeing them or did he prefer the mechanism that was in place.

PB Chairman Tomkins stated that if someone came in and wanted to start a business and they weren't having any effect on the environment or their neighbors why not let them be permitted by right.

PB Member Spigner stated that in many Site Plan Reviews that had come before the Board that the Board has picked up on something the applicant didn't think about. You are talking about smaller uses that may not be as business savvy and they don't think of certain things. It is a process, but we made them think about things they missed.

PB Member Duxbury stated that before Zoning there used to be a list of uses of equal or lesser degrees that didn't need Site Plan Review.

Councilman Perkins stated that if there is a way to remove road blocks he is all for it. We are trying to think of ways to bring business into the Town.

ZBA Member VanRyn stated that there has to be a middle ground between giving them (the applicant) a green light to go ahead and applying for a Site Plan Review. There needs to be a checklist or some way to review the business to determine if a Site Plan Review is needed or not.

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PB Member Ryan stated that within this County and other Counties she has dealt with two months is not a long time. Yes you want to go forward and show everyone you are friendly, but if an applicant is met with courteous people and reviews the process is not too difficult. Frankly, she has been in places where a simple subdivision takes eight months. Two months isn't a long time, even if it is a meeting to go through a check list to say they don't need a permit.

### **5) Supervisor Idleman – Green space, mobile home ordinance.**

#### **A. Green Space:**

Supervisor Idleman stated the trigger for her look at green space, especially in parking lots was looking at a bird's eye view of Greenwich. When you look at it the K-mart parking lot is a mess. One of the things she would like to see happen is more green space in parking lots. The Ordinance says parking lots with over 20 spaces require 5% green space. In looking at the Tractor Supply Site Plan there were small areas at the end of the parking lanes and that didn't seem like enough. She has seen parking lots with wider medians and green space. She would like to see if somehow the required percentage of green space could be increased in parking lots.

ZBA Member VanRyn asked if it was the green space or the placement.

ZBA Chairman Farndell stated that a lot of it is the placement they don't want the trees and brush in front of the buildings.

Supervisor Idleman stated that another issue is snow removal. The K-mart plaza needs some greenery though.

PB Member Duxbury stated that they spoke to Gilbralter when they changed the ownership of Grand Union to the Furniture store and they worked with the Planning Board with redoing the façade of the building. They seem to be cooperative.

PB Chairman Tomkins stated that he would like to see less parking and more buildings at the K-mart plaza. If you look at the Tractor Supply application, they met the required parking but there is a provision in the ordinance for cumulative uses. We were not as expansive for parking requirements as other ordinances but he feels that the required parking spaces may be too many. K-mart parking lot is never full, even at Christmas.

One way to gain green space is to require fewer parking spaces.

ZBA Member VanRyn stated that multi-use parking would help, if you can walk from Hannaford to CVS safely.

Supervisor Idleman stated that another issue is the sidewalks. The county suggested the proposed sidewalk for the Tractor Supply be extended towards Hannaford. We could also designate certain parking spots for compact cars.

ZBA Member VanRyn pointed out that the Planning Board can require frontage planting.

#### **B. Mobile Home Ordinance:**

Supervisor Idleman stated that our Mobile Home Ordinance, Zoning Ordinance and what Ag & Markets interprets differ in respect to Farm Worker Housing.

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**Zoning Ordinance:** Definition of *Farm Worker Housing* - Dwelling units located on an active farm which are accessory to the agricultural use and are occupied by employees of the farm or members of the farm household and their guests. Farm worker housing may consist of single or multifamily dwellings or buildings, including single or double wide trailers and mobile homes, and/or apartments. Farm worker housing shall be located on the same parcel as the agricultural use and may not be subdivided from the agricultural use. Farm worker housing may not be rented to persons not primarily employed on the farm on which it is located.

**Mobile Home Ordinance:** Section 140-20. Exceptions, D.

*D. Any farmer seeking to provide housing for full-time, part-time or seasonal employees working on his or her farm may place a new manufactured home on his or her property in a suitable location, provided that the manufactured home has never before been used as a residence, and provided the manufactured home was built within the five years preceding its placement on the land. Any such manufactured home which is not occupied by an employee of the farm for a period of more than nine months shall be removed within 30 days of the expiration of such nine-month period. Prior to placement of any such manufactured home, the farmer shall apply for a building permit for such manufactured home and shall comply with all the requirements of the NYS Building Code as enforced by the County of Washington.*

**Ag & Markets Interpretation:**

*According to Ag & Market it is unreasonable for a town to restrict mobile homes because of age. According to their interpretation manufactured homes as part of a farm operation should be allowed to meet either the HUD standards or pass inspection as provided in Residential Code, AE 102.6. However, requirements for local building permits and certificates of occupancy to ensure that health and safety requirements are met are not unreasonably restrictive.*

PB Chairman Tomkins stated that Ag & Markets was an interpretation not law. The bigger problem is the Mobile Home Ordinance and the Zoning Ordinance not being consistent.

ZBA Member Sharts stated that she had spoken to Mr. Mead at the division of Ag Protection about this. He stated that the only way they are exempt is if the mobile home is for farm workers. She asked how they proved that and he stated that they have to have Workers Compensation. ZBA Member Sharts wondered how that would be enforced.

PB Chairman Tomkins stated that at the time the application is made under the farm worker provision you would have to demonstrate that the person living there is a farm worker and this has to be their primary source of income. The ordinance also says that if the trailer is empty for a certain amount of time it has to be removed. Then there would have to be a new application to put a trailer back on the site and proof of being a farm worker would be required again.

PB Member Mattison stated that proof of income is a hard area, because he knows farmers that have family working in the morning and evening but have a day time job.

PB Chairman Tomkins stated that the burden should be on the applicant that they meet the criteria in whatever way possible, a W-2 or a series of checks to the worker, something. It's not possible to have one standard.

ZBA Member Sharts asked how many trailers are allowed for farm worker housing.

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PB Chairman Tomkins stated that there would be no limit. The laws were intended to give people the ability to provide housing on site for their employees. Larger farms may build a building with 8 units in it.

ZBA Member VanRyn asked if the feeling of the Boards was that the mobile home had to be new. Many answered no. The Ag & Market interpretation states that it should meet HUD standards or pass inspection as provided in Residential Code, AE 102.6.

Supervisor Idleman stated that the Boards need to get together and correct the inconsistencies.

PB Chairman Tomkins asked why the Mobile Home Ordinance was not incorporated into the Zoning Ordinance.

No one was sure why it wasn't. There were other ordinances that were incorporated into the Zoning Ordinance. Do we want to rescind the Mobile Home Ordinance and keep the pieces we want and include them into the Zoning Ordinance? The Mobile Home park sections didn't need to be changed.

PB Member Duxbury wondered if we should ask Stu Mesinger his thoughts on it.

Supervisor Idleman asked if there were any other items any of the various Board Members would like to discuss.

PB Member Mattison stated that there had been discussion about attracting new businesses into the community. He sees a need for affordable housing and he doesn't think Greenwich is proactive enough in designating areas for new housing to make it attractive and to cut down on subdivisions in the country side. Farms are being cut up. He was at a meeting in Albany, we aren't big enough for this, but one town set aside an area and the developer had to in turn purchase farm land for protection. No one likes developments and he isn't suggesting that. Right around the Village maybe we should be looking at areas for development.

ZBA Member VanRyn pointed out that there was a Residential Zoning District (highlighted in yellow) around the Village.

PB Member Mattison stated that there are still only 4 lots allowed by the subdivision rules.

PB Chairman Tomkins stated that the 300 foot road frontage rule does not apply in the Residential Zoning District. There could be more lots it would be a Major Subdivision. A major is more onerous in the Rural Agricultural District because of the 300 foot road frontage rule.

ZBA Member Sharts stated that keeping the density in certain spots instead of all over is better.

PB Member Vandewater stated that on the other side, I felt we said that was the kind of growth we routinely see, so many subdivisions per year. Larger landowners subdividing for family or to sell. As I recall that is the kind of thing we wanted to encourage.

PB Member Duxbury stated that he felt it was not to discourage that type of subdivision but also not necessarily encourage it. That is why the Residential Zones were created to encourage development right outside of the Village. How much actual space is available for these zones?

PB Member Mattison stated that maybe there are ways this can be done, something to look into.

Supervisor Idleman stated that this brings up a good point that the Town really needs affordable Senior Housing also.

ZBA Chairman Farndell stated that the issue with Senior Housing is that they are drawing in seniors from NYC and other places and they are becoming a burden on the Counties Medicare costs.

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PB Member Mattison stated that he has young guys working for him that live in other towns and wish there was more housing, rental properties in Greenwich.

ZBA Chairman Farndell stated that he had spoken to a developer and she said that she would like to speak with Supervisor Idleman regarding this issue.

PB Chairman Tomkins stated that currently Multi-Family Housing is allowed in all districts except the Rural Agricultural District and Industrial District.

Supervisor Idleman stated that the County is offering training which we could take advantage of or still schedule our own training with Stu Mesinger. The Boards would like to have the training with Stu on a Thursday Evening. Supervisor Idleman will set it up and inform the Boards when the training will be held.

Supervisor Idleman listed the items discussed tonight:

- Commercial/Industrial Zone – let it fill in before any expansion of the districts is discussed
- Look at Junkyards
- Explore sign ordinance with Stu, look at whole sign issue
- Talk with Stu about dealer standards and how they work with zoning ordinances
- Commercial Uses permitted by Right – discuss with Stu
- More green space, less parking
- Mobile Home Ordinance, Zoning Ordinance bring into conformity
- Look at housing issue over time

Supervisor Idleman adjourned the meeting at 9:15 pm.

Respectfully submitted,

Kellie Blake  
Planning Board Clerk